

MMTA - COVID 19 – E-news sent to members 3/23/20 – RE: Governor Baker’s Executive Order

From MMTA Government Relations & Legal Counsel Representative Jamy B. Madeja, Esq

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BREAKING NEWS

GOVERNOR BAKER’S NON-ESSENTIAL BUSINESS CLOSURE ORDER AND WHAT IS AN ESSENTIAL BUSINESS

Hours ago, Governor Baker issued an “Essential Services and Revised Gatherings Order” which will requires all non-essential businesses to close starting tomorrow, March 24th, at Noon and remain closed until April 7th. It tracks a federal guidance document on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response”

Under the Massachusetts order, certain MMTA businesses may remain open if they provide the following services, listed by the Order’s categorized criteria:

Transportation and Logistics:

- Maritime transportation workers - port workers, mariners, equipment operators
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers

Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them

It is my professional opinion that certain marinas and marine servicing and manufacturers may remain open during this shutdown period, as the Governor’s Order makes no differentiation between maritime transportation that is private or recreational in nature and that which is public or commercial in nature.

It is also my personal opinion that the most critical decisions are how to establish worker and community safety protocols in the absence of widely available virus tests. The legal exemptions are not sufficient without simultaneous deeply cautious safety protocols. You have access to what is published by the Boards of Health, state and federal agencies. All guidelines look for no touching contact among people, sanitation of surfaces and equipment, and imposing stringent quarantining of any worker who is ill or has an ill family member. Sadly, we have no other published protocols for how to house and feed workers in shifts or otherwise keep them and their families and their community safe.

The final decision for every MMTA facility on what is safe or legal given individual facts is up to each business in these unprecedented times.

The full list of “Essential Services,” by industry: can be found here: <https://www.mass.gov/doc/covid-19-essential-services/download>

If you have any comments or questions on how recent legislative and executive mandates may affect your business, or any other compliance questions, please contact Jamy Madeja at 617-227-8410 or jmadeja@Buchananassociates.com. All MMTA members are also entitled to a free consultation on any topic.