

[SRRA]: SUBJECT: COVID-19 Update



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In light of the dangers posed by COVID-19 and to mitigate community spread of the disease, New Jersey Governor Phil Murphy issued Executive Order 107 on March 20, 2020 (EO 107; <https://nj.gov/infobank/eo/056murphy/pdf/EO-107.pdf>), requiring all business and non-profits to accommodate their workforce to work-from-home wherever practicable, and to make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue.

The Department of Environmental Protection (DEP) has received inquiries from regulated entities and stakeholders questioning whether their operations are restricted by EO 107 and whether their organizations should be designated as essential. Every organization operating in New Jersey should review EO 107 and other COVID-19 executive orders ([https://nj.gov/infobank/eo/056murphy/approved/eo\\_archive.html](https://nj.gov/infobank/eo/056murphy/approved/eo_archive.html)) carefully. EO 107 specifically restricts the physical (brick-and-mortar) operations of non-essential retail, recreation, entertainment and dining businesses. Under EO 107, other businesses and non-profit organizations, whether closed or open to the public, may continue operating at this time consistent with the requirements of EO 107 for ensuring social distancing, reducing on-site staff to the minimum persons necessary, and accommodating as much remote work as practicable.

DEP acknowledges that many regulated entities and environmental service providers perform critical functions that support public health and safety, and that some of their functions cannot be achieved remotely. Sectors that have made inquiry of DEP seeking clarity on the applicability of EO 107 include:

- Public works and infrastructure, including energy-generating facilities
- Drinking water, wastewater, and distribution/conveyance systems
- Managers of solid waste, regulated medical waste, hazardous waste, and recyclables
- Providers of environmental services, including licensed professionals (e.g., LSRPs), subcontractors and staff persons whose primary functions are to conduct, monitor, maintain, or support activities for the protection of public health, safety and the environment, including the provision of supplies necessary for these protective purposes
- Laboratories
- Pesticide applicators
- Recreational and commercial fisherman

Insofar as businesses and non-profits not specifically restricted by EO 107 may continue operations, including regulated entities and environmental service providers who perform critical functions that support public health and safety, no formal designation as essential of any of the sectors or organizations that have contacted DEP is necessary or expected at this time. However, all organizations are directed by EO 107 to practice social distancing by reducing on-site staff and accommodating remote work to the maximum extent practicable. The number of on-site staff necessary to ensure an organization's essential operations is a matter of professional judgment on the part of every organization. DEP acknowledges that essential on-site staffing determinations will differ by sector and operational circumstances. In adapting operations during this time, every organization must consider arrangements that further the social distancing requirements and objectives of EO 107 to the greatest extent practicable.

For more information and guidance on New Jersey's response to the COVID-19 pandemic, please visit the COVID-19 Information Hub (<https://covid19.nj.gov/>).