

Life-Sustaining Business Frequently Asked Questions

1. How can I determine whether my business is considered a life-sustaining business and is allowed to continue in-person, physical operations?

Businesses should first refer to the [Governor's Order](#) and the list of life-sustaining businesses which is available [here](#). This list has been updated to conform with guidance on [Essential Critical Infrastructure](#) issued by the [Department of Homeland Security Cybersecurity and Infrastructure Security Agency advisory](#).

After examining the Order and consulting the [Department of Homeland Security Cybersecurity and Infrastructure Security Agency advisory](#), if the answer remains unclear, businesses may email the Department of Community and Economic Development (DCED) for further assistance at the following email account. Inquiries will be answered as promptly as possible: ra-dcedcs@pa.gov.

2. Who needs a waiver?

Any business not authorized to maintain physical operations according to the list and the [Department of Homeland Security Cybersecurity and Infrastructure Security Agency advisory](#) should [apply for a waiver](#).

3. Are businesses allowed to continue in-person, physical operations while applying for a waiver?

Businesses seeking a waiver should comply with the Governor's Order and suspend in-person, physical operations until a waiver is approved and provided.

4. How does a business apply for a waiver?

The easiest and quickest way to submit a waiver is to [fill out DCED's waiver form](#) and submit it to RA-dcexemption@pa.gov.

5. What should be included in the waiver request?

The waiver request form [available here](#) contains further detail on the information to be submitted in the waiver request.

6. How long will it take to get a decision on a submitted waiver?

DCED has received a high volume of waiver requests and is processing waivers as rapidly as possible.

7. If a business is classified as non-life-sustaining, but has the ability to operate remotely, must the business close down?

No. Non-life-sustaining businesses may continue to operate remotely by telework, and in doing so must follow the social distancing and other COVID-19 mitigation guidance provided by the Pennsylvania Department of Health and CDC.

8. If a manufacturing business is in a classification that is not to maintain physical operations, but is in the process of converting to a manufacturing process that is authorized to maintain physical operations in order to address COVID-19, what should they do?

Businesses not clearly in a category authorized to maintain physical operations according to the list and [Department of Homeland Security Cybersecurity and Infrastructure Security Agency advisory](#) should apply for a waiver. In this particular circumstance, please note in the waiver request that the facility is transferring operations to a life-sustaining function and the Department of Community and Economic Development will communicate with you about next steps.

9. May businesses which are required to suspend physical operations maintain limited in-person essential personnel for security, processing of essential functions, or to maintain compliance with federal, state or local regulatory requirements?

Businesses suspending physical operations must limit on-site personnel to maintain critical functions, and in all cases follow social distancing and COVID-19 mitigation guidance provided by the PA Department of Health and CDC.

10. Should hotels suspend in-person, physical operations?

Hotels and motels are not required to suspend in-person, physical operations. However, like all businesses they must follow social distancing and COVID-19 mitigation guidance provided by the PA Department of Health and CDC and ensure the hotel does not have gatherings larger than 10 people as recommended by the CDC. The hotel may not operate any dine-in food services; all food services must be a takeout-only option.

11. Local political units were absent from the list. Should municipalities close down?

Local political units are not required to suspend in-person physical operations but should curtail in-person operations to the extent practicable and follow COVID-19 mitigation guidance provided by the Pennsylvania Department of Health and the CDC. All decisions should appropriately balance public safety while ensuring the continued delivery of critical infrastructure services and functions.

12. How should municipalities and local governments exercise their enforcement authority in supporting the Governor's order?

The identified sectors in the list of life-sustaining businesses is not intended to be an authoritative or exhaustive list of critical infrastructure sectors and functions that should continue during the COVID-19 response. State and local officials should use best judgment in exercising their authorities and issuing implementation directives and guidance. Similarly, critical infrastructure industry partners must use best judgment, informed by the list and DHS Guidance, to ensure continued operations of critical infrastructure services and functions. All such decisions should appropriately balance public health and safety while ensuring the continued delivery of critical infrastructure services and functions.

13. Construction was classified as non-life-sustaining. Should all construction companies suspend in-person physical operations? Can a construction company continue projects related to road repair, road completion, flood mitigation, etc.?

Construction activities not clearly authorized under the DHS Guidance should suspend general operations, but may maintain specific limited operations necessary to ensure compliance with federal, state, or local regulatory requirements.

14. If a business has been granted a waiver, how can the business demonstrate that to an enforcement agency?

Businesses approved for a waiver will receive written confirmation, which they may share with an enforcement agency to confirm authorization to maintain operations.

15. How will this order be enforced? Will there be warnings before fines or other enforcement actions?

The closure of non-life sustaining businesses is a measure that has been taken to control the spread of a communicable disease, COVID-19, and has been ordered by the Governor and the Secretary of Health. The closures are enforceable through criminal penalties, under the Disease Control and Prevention Law of 1955 and the Administrative Code of 1929.

While other criminal penalties in those laws, as well as under the Crimes Code and the Liquor Code, may apply, the following are the most directly applicable provision for enforcement of the Orders: 71 P. S. § 1409 and 35 P.S. § 521.20(a).

We strive to ensure enforcement of the orders will be consistent throughout the Commonwealth. We also expect that any discipline for violation of the orders will be progressive discipline that begins with a warning to any suspected violator. Furthermore, enforcement should be prioritized to focus on businesses where people congregate.