



Friday, March 27, 2020

TO: WLCA Members

RE: Friday Afternoon COVID-19 Update

Good Afternoon:

We know it's been a long week, but we have one last informational email for you before we kick off the weekend!

Following is an update from NALP along with information offered by Greenius and Aspire Software – who are both WLCA members.

We will continue to share updates and information as they become available.

Stay safe and healthy!

Have a great weekend!

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[Greenius COVID-19 Information & Resources](#)

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[Aspire Software COVID-19 Webinar – Kevin Kehoe](#)

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The Advocate is a weekly publication about federal, state, and local public policy issues that is free to NALP members.

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### Update on Essential Services & the Landscape Industry

It has been a frenetic week for the landscape industry advocating to assure State and Local officials that landscape services are indeed “essential” and must be performed under any state order to “lockdown” or “shelter in place.” This time last week only a handful of states had issued such orders in response to the COVID-19 pandemic, but as of writing this today virtually every state in the United States, including D.C., have taken some form of action.

### Interpreting the Orders

The majority of states have relied on guidance provided by the Department of Homeland Security, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response in determining which industries are “essential” and can therefore remain in operation. The critical portion of this guidance that references landscape services by inference is:

*Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences*

Several states that we have communicated with concerning this provision have given further guidance that explicitly indicates that landscape services are essential and must therefore continue to be in operation to maintain the safety and sanitation of essential operations, businesses and homes.

Other states have relied on specific language most commonly found under a heading of “critical trades.” In some of these provisions ‘landscape services’ have been explicitly enumerated. In other instances, we have been able to rely on BLS and NAICS codes of other referenced industries that serve as an umbrella to include landscape services. Finally, there is language that consistently appears in all of these provisions that closely resembles the language from the DHS guidance document which again includes the landscape industry by inference.

There also continues to be strong inference that landscape services may also be covered under portions of the Agriculture provisions found in the DHS guidance and other various state orders. In both Georgia and North Carolina the Agriculture Departments have strongly endorsed the inclusion of landscape services as essential. NALP and AmericanHort are continuing to work closely with the National Association of State Departments of Agriculture (NASDA) to encourage more State Departments of Agriculture to vocally support our industry.

We are tracking all developments in all 50 states on this [webpage](#), which we are updating as soon as we have confirmed information.

In the vast majority of states landscape services have been deemed essential and are continuing to be performed. In the few states that have not clearly deemed landscaping services essential we are working at getting further clarification. We strongly believe that even in those states landscape

services must still be performed in very specific instances to support other critical and essential industries and protect people and businesses from imminent safety hazards.

### **Landscape Services are Essential**

It is the [position of the National Association of Landscape Professionals](#) that our services are essential and unless explicitly told otherwise that landscape services should remain in operation. That being said if a state or local official has provided a different opinion in a press conference or a written statement NALP strongly encourages all members to always comply with all federal, state and local laws and orders. There are likely still things we can do to assist you if you encounter this problem and we do not want any landscape company to jeopardize their company or reputation.

### **Enforcement**

Complicating some of this further is enforcement. Whether it's a state order or a local order the reality is that in such hectic times local law enforcement officials are interpreting some of the mandates subjectively. We are working with our partner state associations to work through these problems and are providing them with assistance to arm you with appropriate documentation. If your state association has not already provided you with these resources, please contact Andrew Bray and we can provide a customizable template for your company and your specific ordinance. Because each state and locality is different we want to be able to handle your situation uniquely and assure alignment with your state.

### **Safety**

Lastly, and most importantly, all of the orders mandated by the states or localities are being enacted to reduce the transmission of COVID-19 and protect you. This means that SAFETY comes first! In every order there are specific safety measures that must be complied with in order to continue conducting landscape services. NALP has resources available to assist you in this area if you have questions and NALP strongly encourages all of you to enact COVID-19 safety policies immediately. Remember, your customers and the general public are watching what we as an industry are doing, irresponsible behavior could have serious consequences for your company and the landscape industry as a whole.

### **Thank you**

After writing the longest article we've ever placed in the Advocate, NALP wanted to just say thank you. The amount of energy and activity at the grassroots level with individual companies, state associations and other allied industries and associations has been unprecedented for the landscape industry. I am confident that even in these chaotic times that we will get through this by working together. There will continue to be obstacles and will not stop advocating on your behalf. Thank you, stay safe and hopefully you can enjoy some restful time this weekend!

Andrew Bray & Bob Mann

### **Congress Passes \$2 Trillion Stimulus Package**

Today, the House passed a 3rd economic stimulus bill, the "Coronavirus Aid, Relief, and Economic Security (CARES) Act". Last night the senate passed the measure by a vote of 96-0. The \$2 trillion economic relief package is expected to promptly signed by President Trump who has promised to swiftly sign the measure into law.

The bill includes a package of tax relief provisions, corporate and small business loan programs and a taxpayer rebate program. It includes funding for various nutrition programs and a \$9.5

billion assistance program for livestock operations, specialty crop producers, and farmers who sell directly to farmers markets, schools and restaurants. The bill provides funding to EPA for the expedited review of pesticides that are effective against the novel coronavirus that causes COVID-19. In addition, the bill extends the Department of Homeland Security's Chemical Facility Anti-Terrorism Standards program through July 23, 2020. The bill also includes a host of funding for federal agencies and programs. Finally, the bill provides an additional \$600 per week for those receiving unemployment benefits.

Some of the most important provisions are detailed below. NALP will be further analyzing the text and will provide detailed information on how to access these programs in the very near future. It is VERY important to note that to be eligible for some of the most helpful loans and grants that you must also keep your employees on payroll. These incentives are designed to help employers while they keep their employees on payroll.

[Please click here for a comprehensive summary of the Stimulus packages written by NALP lobbying firm DCLRS.](#)

[Click here for a small business guide to the CARES act written by the Senate.](#)

Highlighted provisions include:

### **Rebates to Individuals**

- U.S. residents with adjusted gross income up to \$75,000 (\$150,000 married) will receive a \$1,200 (\$2,400 married) rebate, plus an additional \$500 per child. (limits apply based on your 2018 or 2019 taxes)

### **Employee Retention Credit**

- An eligible employer receives a refundable credit for up to 50 percent of qualified wages for each calendar quarter.

### **Deferral of Certain Payroll Taxes**

- An employer's share of social security taxes (and Railroad Retirement Act taxes) from the effective date through the remainder of 2020 is deferred and is due 50% on December 31, 2021 and 50% on December 31, 2022.

### **Paycheck Protection Program (PPP)**

- Includes nearly \$350 billion to create a PPP that will provide small businesses and other entities with zero-fee loans of up to \$10 million.
- Up to 8 weeks of average payroll and other costs will be forgiven if the business retains its employees and their salary levels.
- Principal and interest is deferred for up to a year and all borrower fees are waived.
- The bill requires the SBA Administrator to set a cap on how much a bank can earn to process loan applications and prioritize underserved borrowers, including those in rural communities, minorities, women and veterans.

### **Emergency Economic Injury Grants (Small Businesses)**

- \$10 billion in funding to provide advances of \$10,000 to small businesses and nonprofits that apply for an SBA economic injury disaster loan (EIDL) within three days of applying for the loan

### **Treasury Department Corporate Loans**

- There's a specific provision in the program for direct loans to mid-sized businesses, defined as between 500 and 10,000 employees, as well as non-profit organizations, where no payments will be due for the first six months after the loan is issued.

Stay tuned for how to access these funds early next week.

### **In the States**

Consistent with last week, legislation across the nation that is not related to the coronavirus crisis has largely ground to a halt. As of March, 25th the following legislatures have gone into recess as a result of the Coronavirus:

AL, AZ, CA, CO, CT, DE, GA, HI, IA, IL, KS, KY, LA, MN, MO, MS, NE, NH, NJ, OK, RI, SC, SD, TN, WI

### **MASSACHUSETTS | Recertification Credit Deadline Extended, On-line Training Limit Waved**

MDAR announced on Friday that the department was extending the end of the recertification cycle from July 1, 2020 to December 31, 2020 and will wave the limit on how many recertification credits can be earned on line for the 2020 calendar year. Further, the department is actively pursuing changes to how credits are submitted to the department, utilizing the new ePLACE portal that is now being used for license and product registration renewals. This feature is expected to be in place mid-summer. You can [review the bulletin here](#).

### **VERMONT | Chlorpyrifos Bill Undergoes Major Revisions**

Until March 12th, Senate Bill 180 was solely aimed at prohibiting the use of the insecticide glyphosate. However, once amendments were adopted on the Senate floor, the bill took on sweeping changes to how pesticides are regulated in Vermont. In the original bill, the use of chlorpyrifos was to be gradually phased out over the course of two years. In the new version, use is prohibited upon passage of the bill.

The revised bill inserts a definition of integrated pest management and the revision of the Pesticide Advisory Council to expand the number of members and change from where these members are drawn. Changes also include a charge to reduce the overall use of pesticides in the state. Further, the bill directs the Secretary of Agriculture to establish best management practices for the use of herbicides in field corn, ostensibly to modify the use of glyphosate.

The bill has been assigned to the House Committee on Agriculture and Forestry. You can read the [full text of the bill here](#).