



MADISON, Wis. – An order from Wisconsin Gov. Tony Evers, made March 24, will shut nonessential businesses for a month. The order goes into effect at 8 a.m. March 25 and continue through 8 a.m. April 24, shuttering many businesses across the state. Exempt from the order are farms, farm businesses and agricultural supply-chain businesses.

Schools will now be closed until at least April 24. The schools as well as nail salons, spas, and sit-in services at bars and restaurants already had been closed down due to the respiratory disease, which has infected more than 400 people across the state.

“Each and every one of us has to do our part to help slow the spread of COVID-19 so we can flatten the curve to ensure our doctors, nurses and health-care workers have the opportunity to do their important work,” Evers said. “Let’s all do our part and work together.”

The new order is similar to “stay-at-home” or “shelter-in-place” directives already issued in other states including California, Ohio and Illinois. It has many exemptions for businesses deemed essential.

One of those important exceptions is for the continued operation of farms, food production and food distribution, and all related food-production supply chain and workers.

According to attorney Jordan Lamb of Madison for the Wisconsin Pork Association:

The order allows individuals to leave their residence to work for several agricultural-related businesses.

Animal health – Health-care and public-health operations includes veterinary care and all health-care services provided to animals.

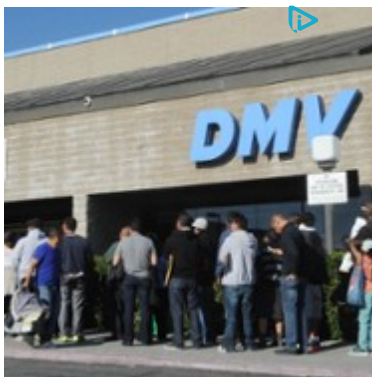
Food production and distribution – Essential infrastructure is defined to include food production and distribution. That includes, “Food and beverage production, transport, and agriculture. Food and beverage manufacturing, production, processing, transportation, and cultivation; farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, boarding, rescues, kennels, and adopting facilities; farm and agriculture equipment, supplies, and repair services.”

Food- and agriculture-production businesses and workers – Essential business operations include “any business or worker identified in the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, updated March 23, 2020. “Essential businesses and operations” also specifically includes “food and beverage production, transport and agriculture.”

Supplies and supply-chain for food and agriculture businesses – “Essential businesses and operations” also specifically includes “supplies for essential businesses and operations and essential government functions” and “manufacture, distribution, and supply chain for critical products and industries.” Agriculture as well as food and beverage is specifically listed.

Important note about social distancing and remote work for essential businesses and operations – Although agriculture and agribusiness is clearly designated an essential business as described, note that all essential businesses and operations described in the order “... shall meet Social Distancing Requirements between all individuals on the premises to the extent possible. Essential Businesses and Operations shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference and remote work (i.e., work from home).”

The directive will be enforced by local law enforcement. But that doesn't mean law enforcement will be pulling people over to check whether travel is essential, said Tim Gruenke, La Crosse County district attorney.



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“I think it's safe to say that this doesn't give police the right to stop a vehicle,” he said. “People could be going to any one of the excepted locations.”

The order says that violation or obstruction of the order is punishable by as many as 30 days imprisonment or as much as a \$250 fine. The order instructs everyone in Wisconsin to stay at home or at their place of residence except when doing those activities defined as “essential.” Those who can’t stay at home are required to maintain a distance of at least 6 feet from others, consistent with social-distancing requirements.

Residents will still be able to make essential trips to the doctor, to obtain medications at a pharmacy, go shopping for necessary items, care for a family member in another household, and care for adults, minors or dependents. Everyone is reminded to avoid social gatherings, wash hands frequently, cover sneezes and coughs, avoid touching their faces and stay at home as much as possible.

Just because a business is not explicitly listed in the order doesn’t mean it’s deemed non-essential, states legal firm RuderWare. Employees may leave their residence to work for manufacturing companies, distributors and supply-chain companies producing and supplying essential products and services in and for industries such as agriculture, food and beverage, pharmaceutical, health care, defense, transportation and energy as well as products used by other essential businesses and operations. Companies should assess customer bases to determine to what extent they may be providing essential products and services to essential businesses. Some companies are sending notices to vendors and suppliers that they deem essential. But it should be noted that, even if some operations of a business are essential, that doesn’t mean all its operations are essential.

Non-essential businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences, RuderWare continues. And employees of non-essential businesses may leave their residences for work if the employee is engaging in minimum basic operations of the business. Those types of activities are limited to the minimum necessary activities to maintain the value of the business inventory, preserve the condition of the business physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions. In other words those employees are carrying out the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

Businesses that are not certain whether they qualify as an essential business or operation can request a designation from the Wisconsin Economic Development Corporation. Visit www.wedc.org/essentialbusiness to do so.

The Wisconsin Agri-Business Association has compiled a list of essential ag-related businesses. The following is a list of all “Food and Agriculture” businesses that are designated as essential in the State of Wisconsin by Evers and Wisconsin Department of Health Services Secretary Andrea Palm, according to the association.

- Workers supporting groceries, pharmacies, convenience stores and other retail that sells human food, animal or pet food, and beverage products
- Restaurant carry-out and quick-serve food operations, carry-out and delivery food employees
- Food-manufacturer employees and their supplier employees to include those employed in food-processing facilities – packers, meat processing, cheese plants, milk plants, produce, etc. – livestock-, poultry-, seafood-slaughter facilities; pet - and animal-feed-processing facilities; human-food facilities producing by-products for animal food; beverage-production facilities; and the production of food packaging
- Farm workers to include those employed in animal-food, -feed and -ingredient production, packaging and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically
- Farm workers and support-service workers to include those who field crops; commodity inspection; fuel-ethanol facilities; storage facilities; and other agricultural inputs
- Employees and firms supporting food, feed and beverage distribution, including warehouse workers, vendor-managed inventory controllers and block-chain managers
- Workers supporting the sanitation of all food-manufacturing processes and operations from wholesale to retail

- Company cafeterias – in-plant cafeterias used to feed employees
- Workers in food-testing labs in private industries and in institutions of higher education
- Workers essential for assistance programs and government payments
- Employees of companies engaged in the production, storage, transport and distribution of chemicals, medicines, vaccines and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments and other agricultural-production aids
- Animal-agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal-medical materials, animal vaccines, animal drugs, feed ingredients, feed and bedding, etc.; transportation of live animals, animal-medical materials; transportation of deceased animals for disposal; raising of animals for food; animal-production operations; slaughter and packing plants, renderers, and associated regulatory and government workforce
- Workers who support the manufacture and distribution of forest products, including but not limited to timber, paper and other wood products
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution

Each business will need to evaluate the products and services provided to determine if that business is essential and can continue to operate.

While playground equipment was closed by the order, people can still visit open public parks to do things such as walk or bike. But group sports such as basketball, soccer and football are prohibited. People who are homeless are exempt from the order but are strongly encouraged to find shelter as soon as possible. People whose homes or residences aren't safe, including victims of domestic violence, are permitted to leave home to find a safe alternative location.

The Wisconsin Department of Health Services reported 416 cases of COVID-19 as of March 23. Five deaths have been reported in the state, in Fond du Lac, Ozaukee and Milwaukee counties.