From President Wills to ESWWDA Members

We have been classified as an essential service per Mark Glaser's email earlier in the week. However with the 100% workforce reduction, we may be limited to working only on an emergency basis. Any non-emergency work being performed at this point is likely to be subject to scrutiny.

One caveat here: the locals cannot overrule the State. The Governor’s Executive Orders clarify that the State edicts govern.

NYSDEC Permitting has been affected per the email from Beth Guidetti, also keep in mind that other agencies that we often use are affected as well. UFPO for example has reduced its staff and has had very long response times in some areas.

Following is a link to NY state's guidance to determining if a business is required to reduce its workforce. Although not specifically listed, I feel that we are a specialized trade that is directly related to essential infrastructure. Here is the link if you would like to read it https://esd.ny.gov/guidance-executive-order-2026.

Below is more information regard specific question we asked Mark Glaser from Greenberg Traurig.

**Question:** Most of the membership understands that we are "essential services", however with the 100% shutdown, are we still allowed to perform business as usual? Or are we required to reduce the workforce as well?

**Answer:** The guidance issued by Empire State Development provided that essential services includes: Construction including

- Skilled trades such as electricians, plumbers, other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes. There is also a separate exception for work relating to public water supply.
- I am enclosing a link to the guidance: https://esd.ny.gov/guidance-executive-order-2026. The guidance includes contact information to request an exception, but it is hard to imagine that well drillers would not qualify under this exceptions provided in the guidance document.
**Question:** Are we required to reduce anyone who is non-essential staff? Clerical staff etc

**Answer:** The Guidance provides that: “With respect to business or entities that operate or provide both essential and non-essential services, supplies or support, only those lines and/or business operations that are necessary to support the essential services, supplies, or support are exempt from the restrictions.” Therefore, if clerical staff is required to come to work, your members will have to be prepared to demonstrate why that is necessary to support the work in the field.

**Question:** Are we required to be on-call basis only? Or are we allowed to keep staff regular hours on standby in case of emergency calls?

**Answer:** To the extent that you can transfer calls to people’s homes, you should probably do that.

**Question:** Are we allowed to drill wells or will that be only on emergency basis?

**Answer:** If the project is for essential infrastructure, it is definitely permitted. If a member is installing a well in a housing development that is under construction, that might be a little iffier.

**Question:** What are the consequences if someone is found to be non-compliant?

**Answer:** The Governor announced today that effective Sunday; there will be fines and penalties for non-compliance.