

NO. \_\_\_\_\_

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**In the Supreme Court of Texas**

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IN RE STEVEN HOTZE, M.D., HOTZE HEALTH & WELLNESS CENTER,  
PASTOR JUAN BUSTAMANTE, CITY ON A HILL CHURCH,  
PASTOR GEORGE GARCIA, POWER OF LOVE CHURCH, AND  
PASTOR DAVID VALDEZ, WORLD FAITH CENTER OF HOUSTON CHURCH,  
*Relators,*

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Original Proceeding Pursuant to Texas Constitution art. V, §3

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**EMERGENCY PETITION FOR WRIT OF MANDAMUS**

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## **STATEMENT OF THE CASE**

Relators are residents of Harris County, Texas. Steven Hotze, MD operates a private business and is an individual whose constitutional rights are being detrimentally impacted by Judge Hidalgo's Orders. Pastors Juan Bustamante, George Garcia, and David Valdez are all pastors of churches in Harris County, Texas. On March 29, 2020, Relator Pastor Juan Bustamante was approached by a Houston Police Department Officer and threatened with a thousand dollar fine and incarceration if he did not stop preaching the gospel to his congregation. (Tab 1). The Officer cited Judge Hidalgo's March 24, 2020 Order. Relators and those similarly situated are having their constitutional rights, and the constitutional rights of their congregants, continuously infringed upon as long as Judge Hidalgo's Order is allowed to stay in place.

## STATEMENT OF JURISDICTION

The Texas Constitution confers original jurisdiction on the Texas Supreme Court to issue writs of mandamus. TEX. CONST. art. V, §3. The Court has mandamus jurisdiction under Texas Rule of Appellate Procedure 52 and Texas Government Code Sections, 22.001(a) and 22.002(a), which provides that the Supreme Court “may issue writs of . . . mandamus agreeable to the principles of law regulating those writs, against a . . . judge . . . .” TEX. GOV’T CODE §§ 22.002(a). *Seagraves v. Green*, 116 Tex. 220, 237-38, 288 S.W. 417, 423 (Tex. 1926).

Alternatively, a writ of mandamus will issue when a judge clearly abuses her discretion and there is no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004). A judge abuses her discretion when she fails to analyze or apply the law correctly. *In re Poly-America, L.P.*, 262 S.W.3d 337, 346-47 (Tex. 2008).

Article V, section 15 of the Texas Constitution (Judicial Department), established the office of the County Judge. Specifically, Article V, section 15 states:

Sec. 15. COUNTY COURT; COUNTY JUDGE. There shall be established in each county in this State a County Court, which shall be a court of record; and there shall be elected in each county, by the qualified voters, a County Judge, who shall be well informed in the law of the State; shall be a conservator of the peace, and shall hold his office for four years, and until his successor shall be elected and qualified. He shall receive as compensation for his services such fees and perquisites as may be prescribed by law.

Article V, section 16 gives the County Judge the power to, among other things, issue writs:

Sec. 16. COUNTY COURTS: JURISDICTION; COUNTY JUDGE POWERS; DISQUALIFICATION OF COUNTY JUDGE. The County Court has jurisdiction as provided by law. The County Judge is the presiding officer of the County Court and has judicial functions as provided by law. County court judges shall have the power to issue writs necessary to enforce their jurisdiction.

Most county judges have broad judicial duties, such as presiding over misdemeanor criminal and small civil cases, probate matter and appeals from the Justice of the Peace Courts.

Additionally, County Judges are governed by the Code of Judicial Conduct. Specifically, Canon 8C(1) provides, "A county judge who performs judicial functions shall comply with all provisions of this code...."

This Court has original jurisdiction to issue the requested writ of mandamus because the Relator seeks to mandamus a county court judge. See TEX. GOV'T CODE § 22.002(a); TEX. R. APP. P. 52.1. Specifically, an original appellate proceeding seeking extraordinary relief such as a writ of mandamus, prohibition, injunction, or quo warrantor is commenced by filing a petition with the clerk. TEX. R. CIV. APP. P. 52.1. This petition was not first presented to the trial court or court of appeals due to the extremely time-sensitive nature of this matter and the serious harm that could arise absent prompt relief.

Petitioners here invoke this Court’s original mandamus jurisdiction, which – in important cases – “extends to the *potential* jurisdiction of the appellate court where an *appeal is not then pending but may be later perfected.*” *FTC v. Dean Foods Co.*, 384 U.S. 597, 603 (1966) (interior quotation marks and citations omitted, emphasis added) (*citing Ex parte Crane*, 5 Pet. 190, 193 (1832) (Marshall, C.J.); *Ex parte Bradstreet*, 7 Pet. 634 (1833) (Marshall, C.J.)); *Seagraves*, 116 Tex. at 237, 288 S.W. at 423 (“Ancillary to and in aid of the proper use of either of the powers just mentioned, it is declared that the Supreme Court and the Justices thereof may issue the writs of mandamus, procedendo, certiorari, and such other writs as may be necessary to enforce its jurisdiction”) (citations and interior quotation marks omitted).<sup>1</sup> This alternate, supplemental form of jurisdiction provides the power to stay a lower court’s action to preserve the full range of the controversy *now* for this Court’s consideration upon the petitioners’ *future* appeal to this Court. For those irreparably harmed or threatened with their rights being trampled on and bankruptcy by the Harris County court’s order, it is truly this Court or nothing.

Although the writ is an extraordinary remedy, it “has traditionally been used ... to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.” *Will v. United States*,

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<sup>1</sup> In federal courts, this common-law mandamus power is codified in the All Writs Act, 28 U.S.C. § 1651(a), but this Court has the power under the Texas Constitution and the common law.

389 U.S. 90, 95 (1967) (interior quotation marks omitted). While “only exceptional circumstances ... will justify the invocation of this extraordinary remedy,” those circumstances certainly include a “judicial usurpation of power.” *Id.* (interior quotation marks omitted); accord *Allied Chem. Corp. v. Daiflon, Inc.*, 449 U.S. 33, 35 (1980); *Cheney v. United States Dist. Court*, 542 U.S. 367, 380 (2004). Here, Harris County Judge Lina Hidalgo has usurped the power to void the First and Second Amendments, thus justifying mandamus relief to stay the Judge’s action pending this Court’s review.

When elected officials trample on the constitutional freedoms one enjoys under the United States and Texas Constitutions, the Texas Supreme Court has taken a more lenient approach to its application and granted mandamus relief in spite of the availability of other legal remedies. See, e.g., *Cleveland v. Ward*, 116 Tex. 1, 14, 285 S.W. 1063, 1068 (1926) (orig. proceeding), overruled by *Walker v. Packer*, 827 S.W.2d 833 (Tex. 1992) (articulating a more lenient standard where mandamus relief would be available if the available remedy was not as "convenient, beneficial, and effective as mandamus"). As a matter of common law history, the inadequate remedy that must exist before relief to mandamus can be had was a legal remedy, not an equitable one. See, e.g., *Yett v. Cook*, 115 Tex. 175, 184, 268 S.W. 715, 718-19 (1925) (orig. proceeding) (stating that the writ of mandamus under Texas law is "to be construed in light of the common law"); *Tex. Mexican Ry. Co. v. Locke*, 63

Tex. 623, 628 (1885) (orig. proceeding) (noting that under English law, mandamus issued only when there was no other adequate legal remedy); see also James L. High, *A Treatise on Extraordinary Legal Remedies* § 15 (Chi., Callaghan & Co. 1874) ("From the very nature and essence of the remedy ... the writ never lies where the party aggrieved has another adequate remedy at law."). However, even though mandamus is a legal remedy, "its issuance is largely controlled by equitable principles." *Rivercenter Assocs. v. Rivera*, 858 S.W.2d 366, 367 (Tex. 1993) (orig. proceeding) (denying mandamus relief to one who was not diligent in exercising his legal rights); see also *Westerman v. Mims*, 111 Tex. 29, 39, 227 S.W. 178, 181-82 (1921) (orig. proceeding) (remarking that the one seeking mandamus relief must come before the court with "clean hands").

In 2004, this Court's decision in *In re Prudential Insurance Co. of America*, adopted an ad hoc balancing test for mandamus jurisprudence. 148 S.W.3d 124 (Tex. 2004) (orig. proceeding). In *Prudential*, the court stated that the word "adequate" had no comprehensive definition, but was "simply a proxy for the careful balance of jurisprudential considerations that determine when appellate courts will use original mandamus proceedings to review the actions of lower courts." *Id.* at 136 (majority opinion). The court noted that these jurisprudential considerations included both public and private concerns. In trying to give insight into what these considerations might be, the court drew a distinction between incidental and

significant rulings in exceptional cases. In the case of incidental interlocutory trial court rulings, the court noted that mandamus relief interfered with the proceedings, tied up appellate courts, and increased costs and delays at the trial court level. However, the Court concluded mandamus review in exceptional cases may be essential to preserve important substantive and procedural rights from impairment or loss and allow the appellate courts to give needed and helpful direction to the law that would otherwise prove elusive in appeals from final judgments, and spare private parties and the public the time and money utterly wasted enduring eventual reversal of improperly conducted proceedings. *Id.*

The *Prudential* test expanded mandamus jurisprudence in Texas, as well as expanded the jurisdictional reach of the Texas Supreme Court to exercise its original jurisdiction. Mandamus may be employed not only to correct the errors of inferior tribunals, but also to prevent a failure of justice or irreparable injury where there is a clear right, and there is an absence of any other adequate remedy; and it may also be employed to prevent an abuse of discretion, or an act outside of the exercise of discretion, or to correct an arbitrary action which does not amount to the exercise of discretion. *Yett*, 115 Tex. at 185, 268 S.W. at 719 (emphasis added) (citing 26 Cyclopedia of Law and Procedure 190 (William Mack ed., Am. Law Book Co. 1907)).

The Texas Supreme Court has allowed mandamus proceedings when the public officer commits a gross abuse of discretion. See, e.g., *Meyer v. Carolan*, 9 Tex. 250, 255 (1852) (Wheeler, J., concurring) (opining that mandamus would issue in the case of a public officer committing a gross abuse of discretion when no other adequate remedy at law was available); *Arberry v. Beavers*, 6 Tex. 457, 472 (1851) (implying that in cases of gross abuse of discretion and no adequate remedy at law the court might issue a mandamus); see also *Womack v. Berry*, 156 Tex. 44, 51, 291 S.W.2d 677, 682-83 (1956) (orig. proceeding) (noting that as of 1956, there had been no cases where the writ had been issued by the court involving matters of discretion).

In *Yett*, the chief justice also wrote that the writ of mandamus could issue in cases where the other "modes of redress are inadequate or tedious." *Yett v. Cook*, 115 Tex. 175, 188, 268 S.W. 715, 720 (1925) (orig. proceeding) (citing *Bradley v. McCrabb, Dallam*, 504, 507 (Tex. 1843)). He continued his discussion by listing the various situations where mandamus had been granted by the Texas Supreme Court during its long history. *Yett v. Cook*, 115 Tex. 175, 188, 268 S.W. 715, 720 (1925) (orig. proceeding) (citing *Bradley v. McCrabb, Dallam* 504, 507 (Tex. 1843)).

Jurisdiction is appropriate in this Court in that Judge Hidalgo abused her discretion by promulgating an unconstitutional Order. A more compelling case for original jurisdiction here is difficult to imagine. See, e.g., *California v. Texas*, 206

L.Ed.2d 253 (U.S. Mar. 2, 2020) (granting certiorari on an extraordinary interlocutory petition which argued that the legal issues were “poised for resolution by the appellate tribunal” and there was no reason to delay for legal analysis by a lower court) (Cal. Pet. 17); *Civil Rights Defense Firm v. Wolf*, No. 63 MM 2020 (Pa. Sup. Ct. Mar. 23, 2020) (accepting jurisdiction but ruling 4-3 against a Second Amendment emergency ex parte challenge to a statewide closure of gun shops).

## **ISSUE PRESENTED**

Is Judge Lina Hidalgo's March 24, 2020 Order unconstitutional?

## **STATEMENT OF FACTS**

On March 24, 2020, Harris County Judge Lina Hidalgo issued her Order of County Judge Lina Hidalgo Stay Home, Work Safe (Tab 2). Judge Lina Hidalgo's March 24, 2020 Order imposes fines and incarceration for individuals who, among other things, chose to operate a non-essential business, congregate outside their residences, operate a gun store, or hold or attend an in-person church or religious service. If the Order is allowed to remain in place, the harm to individuals, businesses, the general public, people of faith, and the fundamental rights guaranteed to Harris County residents under the United States and Texas Constitutions would be impossible to undo. Emergency mandamus relief is necessary from this Court to prevent Judge Hidalgo's draconian, unconstitutional Order from further harming and infringing upon fundamental rights guaranteed to those living in Harris County, Texas.

## **SUMMARY OF ARGUMENT**

The circumstances presented by coronavirus do not excuse unlawful government infringements upon freedom. Urgent First and Second Amendment issues of immense statewide significance, arising from the largest county in Texas and affecting residents throughout the Lonestar State, are presented here. This dispute concerns purely legal issues for which deference to a trial court would not be allowed, and for which no factual record is necessary. Time is of the essence due to the ongoing irreparable harm to Harris County residents and Texans statewide caused by these unprecedented infringements on their First and Second Amendment rights in connection with Judge Hidalgo's March 24, 2020 Order.

## ARGUMENTS AND AUTHORITIES

### I. JUDGE HIDALGO'S MARCH 24, 2020 ORDER IS UNCONSTITUTIONAL

The Government Code allows governmental entities in Texas to acquire additional authority during times of disaster to address emergency situations. TEX. GOV'T CODE §§418.001-418.261. The Legislature granted local officials certain emergency powers to address disaster situations; however, that local authority has limitations.

In her concurring opinion in *Matthews v. Kountze Independent School District*, Justice Eva Guzman identified the religious liberty all Texans enjoy:

“The fundamental right of every American to hold and profess individual religious beliefs is deeply rooted in our constitutional firmament and derives from the ideal of religious liberty that gave birth to our nation. In enacting the Texas Constitution, the people of this great State, ‘[h]umbly invoking the blessing of Almighty God,’ further guaranteed freedom of religious expression. See TEX.CONST. PREAMBLE &ART. 1, §§ 6–8.”

484 S.W.3d 416 (Tex. 2016).

The Constitutions of the United States and the State of Texas guarantee our citizens the right to practice their own religion in their respective places of worship. See U.S. CONST. AMEND.I.; TEX.CONST. art. 1, §§ 6–8. Like the Texas Constitution, the United States Constitution guarantees religious freedom through a

pair of complementary directives: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” U.S.CONST. AMEND.I; see also TEX.CONST. art. 1, §§ 6–8; *HEB Ministries, Inc. v. Tex. Higher Educ. Coordinating Bd.*, 235 S.W.3d 627, 642 (Tex. 2007).

The free exercise of religion cannot be taken lightly and should not be sacrificed at the altar of political expediency. Our state and federal constitutions embody a fundamental commitment to religious liberty and guarantee the freedom to express diverse thoughts without governmental interference. To adequately protect these rights, courts must not jealously guard their jurisdiction when disputes arise. “[O]ur Constitution requires vigilance lest courts overstep their jurisdictional bounds, [but] courts also must dutifully exercise jurisdiction rightly theirs.” *Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 144 (Tex. 2012).

### **1. Does Judge Hidalgo’s Order Meet a Compelling State Interest**

A government regulation that impairs First Amendment rights must meet a higher standard of need, called a "compelling government interest," to be constitutional. Regulation vital to the protection of public health and safety, including the regulation of violent crime, the requirements of national security and military necessity may be compelling governmental interests. But courts have decided other regulations go too far. For example, in *Wisconsin v. Yoder*, 406 U.S. 205, 92 S. Ct. 1526 (1972), the Court allowed Amish parents to withdraw their

children from school at age fourteen, despite a state law requiring attendance until sixteen, because the additional two years of education was not a compelling enough interest to burden the practice of religion.

A compelling state (or governmental) interest is an element of the strict scrutiny test by which courts exercise judicial review of legislative and executive branch enactments that affect constitutional rights, such as those found in the First and Second Amendments. An interest is compelling only when it is essential or necessary rather than a matter of choice, preference, or discretion.

**a. The Annual Flu Epidemic**

When evaluating the coronavirus and related Orders that trample on individual liberties, this Court should consider the impact of the virus in relation to other diseases/viruses. According to the Center for Disease Control (CDC) there have been 122,653 confirmed and presumptive cases of the coronavirus in the United States as of Saturday, March 28, 2020 at 4 pm. That is 1 in 2,632 (.038%) of Americans who presumptively have the coronavirus.

<https://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html>.

Compare these 33,404 presumed cases of coronavirus to the CDC's estimates that there have been upwards of 54,000,000 cases of the flu in the U.S between October 1, 2019 - March 14, 2020. There have been upwards of 720,000 hospitalizations and 59,000 deaths due to this year's flu.

<https://www.cdc.gov/flu/about/burden/preliminary-in-season-estimates.htm>. That is 347 deaths per day due to the flu since October 1, 2019.

During the severe flu season from October 2017 through March 2018, 80,000 Americans died. That's an average of 444 flu deaths per day for 180 consecutive days.

### **b. Unintended Consequences**

Judge Hidalgo's Order has huge unintended consequences. On a daily basis, one can see the harm such orders are causing society by trampling on individual liberties, shutting down businesses, and closing places of worship, and preventing the exercise of one's rights under the First and Second Amendment.

## **2. Order Must Be Narrowly Tailored**

Strict scrutiny requires the government to demonstrate that it is using the most narrowly tailored, or least restrictive, means to achieve an interest that is compelling. Although not explicitly defined, "compelling" is obviously intended to be a higher interest than "legitimate" or "important"; some have described it as "necessary" or "crucial," meaning more than an exercise of discretion or preference.

In *Widmar v. Vincent*, 454 U.S. 263, 102 S. Ct. 269 (1981), and *Locke v. Davey*, 540 U.S. 712, 124 S. Ct. 1307 (2004), the United States Supreme Court held that a compelling interest exists in complying with constitutional obligations, such as not violating the establishment clause. The United States Supreme Court has ruled

that government regulation of First Amendment rights must be “narrowly tailored,” which requires that governmental orders be written precisely to place as few restrictions as possible on First Amendment liberties. *Id.* Narrow tailoring is linked to the overbreadth doctrine, which the Court invokes when a law sweeps too broadly and inhibits First and Second Amendment protections. To avoid overbreadth, governments must tailor laws narrowly so they are using the least restrictive means to achieve their purposes.

Like Harris County, some of Texas’ 254 counties have enacted “stay at home” or “shelter in place” orders. Few seem to be as draconian as Judge Hidalgo’s Order. Most are not accompanied by large fines and potential incarceration. For instance, Collin County has a population of 969,603. To date, Collin County has 45 confirmed cases of the coronavirus. (Tab 3). Unlike Judge Hidalgo’s Order, Collin County Judge Chris Hill issued a “stay-at-home” executive order that allows all business to remain open as long as they follow the guidelines set forth by the government, including taking action “necessary to prevent the spread of COVID-19, to increase social distancing in the normal course of business activities, and to provide for a safe and healthy work environment.” (Tab 3). The Order states, “Where social distancing is not possible in the normal course of business activities, extreme care should be taken to reduce the risk of exposure to, and transmittal of, germs and COVID-19.” (Tab 3). When addressing the order, Judge Hill stated, “I want to

make it clear that all businesses, all jobs and all workers are essential to the financial health of our local economy and therefore are essential to the financial health and well-being of Collin County citizens. Persons who are employed need to stay employed; persons who are not employed need to gain employment; businesses that are able to remain open need to remain open.” (Tab 3).

### **3. Judge Hidalgo’s Order Violates the Religious Freedoms Guaranteed to Harris County Residents**

The First Amendment to the United States constitution begins, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ...” The government or any subdivision thereof, may only limit religious freedom when it has a “compelling interest” to do so. The Court employs a balancing test that considers whether a challenged government action that substantially burdens the exercise of religion is necessary to further a compelling state interest. See *Yoder* at 214, 92 S. Ct. 1526; *Sherbert v. Verner*, 374 U.S. 398, 83 S. Ct. 1790 at 403, 406.

That limit must be narrowly tailored to meet the compelling governmental interest.

Judge Hidalgo’s Order mandates the following:

“Faith leaders may minister and counsel in individual settings, so long as social distance protocols are followed. Religious and worship services may only be provided by video or teleconference. Religious institutions must limit in-person staff to those necessary for preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing

Guidelines, including six-foot social distancing.” (Tab 2, p. 3-4 paragraph h(i)).

#### **4. Governor Greg Abbott Has Made It Clear Churches Are Not Included In Executive Order Due to Freedom of Religion**

After issuing his Executive Order regarding the COVID-19 virus, Texas Governor Greg Abbott stated that churches were not specifically mentioned in the executive order limiting social gatherings due to freedom of religion. (Town Hall hosted by Nexstar, Thursday, March 19, 2020). Specifically, Governor Abbott said, “[T]here was nothing specific in the executive order about churches because there is freedom of religion here in the United States of America.” Joey Hollingsworth, Gov. Abbott: ‘Freedom of religion’ means churches not in COVID-19 order, but many making changes, KAXN.com, March 20, 2020.

#### **5. Judge Hidalgo’s Order Picks Winners and Losers**

Judge Hidalgo’s March 24, 2020 Order unilaterally chooses winners and losers. People of faith are prohibited from worshipping in person, most private businesses are prevented from operating, gun shops are ordered closed, and people are not allowed to associate together in groups – these are some of the individual freedoms Judge Hidalgo has chosen to sacrifice. However, liquor stores, yard maintenance crews, housekeepers, pool cleaners, janitorial staff, furniture suppliers, big box stores, bicycle repair shops, and dry cleaners have been allowed to survive under Judge Hidalgo’s Order. (Tab 2). Because her hand-picked losers have been

shuttered, her self-identified winners are allowed to thrive while other private businesses are closed indefinitely.

## **6. Judge Hidalgo's Order Violates the Second Amendment**

The Second Amendment to the United States Constitution protects the individual right to keep and bear arms. U.S. CONST. AMEND. II. In *District of Columbia v. Heller*, 554 U.S. 570, 128 S. Ct. 2783 (2008), the Supreme Court held that the right belongs to individuals. State and local governments are limited to the same extent as the federal government from infringing upon this right. *Id.*

Judge Hidalgo's March 24, 2020 Order severely infringes on the rights provided by the Second Amendment. Specifically, Judge Hidalgo's Order closes gun stores. (Tab 2). Shuttering access to firearms necessarily shuts the Constitutional right to those arms. By forcing Harris County's duly licensed and authorized gun dealers/stores to close, Judge Hidalgo is foreclosing the only lawful means to buy, sell, and transfer firearms and ammunition available to typical, law-abiding residents of Harris County, Texas. Such a de facto prohibition on the right to keep and bear arms is categorically unconstitutional under the Second Amendment.

On March 27, 2020, Texas Attorney General Ken Paxton released an opinion on the issue of counties failing to exempt firearms stores from closure. Attorney General Paxton concluded that county officials may not use the

emergency powers under section 418.108 of the Government Code to regulate or restrict the sale of firearms. (Tab 4). While the Legislature granted local officials certain emergency powers to address disaster situations, that local authority is not without limitation.

On Sunday, March 29, 2020, President Trump’s Department of Homeland Security identified updated guidelines naming gun manufacturers and retailers as essential on Saturday, which means they are to stay open and operational nationwide during the coronavirus shutdown. (Tab 5). Judge Hidalgo’s Order does not identify gun manufacturers and retailers as “essential businesses” and, thus, violates the guidelines put in place by President Trump. (Tab 2).

#### **7. Judge Hidalgo Engaged In *Ultra Vires* Activity**

Judge Hidalgo’s March 24, 2020 Order is illegal in that it tramples on the freedoms and liberties relators enjoy under the United States and Texas Constitutions. A government official does not have discretion to disobey the law. It is well established that in order to determine whether an official has acted *ultra vires*, a court must interpret the relevant legal enactments. ***Klumb v. Houston Mun. Emp. Pension Sys.***, 458 S.W.3d 1, n. 2 (Tex. 2015) (jurisdiction question was “a matter of statutory construction, which is determined as a matter of law considering the statute’s plain language”). As in *ultra vires* litigation, the fact that the action is foreclosed by law should end the legal inquiry. ***Hall v. McRaven***, 508 S.W.3d 232,

243 (Tex. 2017) (citing *SW Bell Tel., L.P. v. Emmett*, 459 S.W.3d 578, 587 (Tex. 2015), for definition of ministerial duty). The proper analysis is whether there is a limited grant of discretionary authority and whether official's actions are outside that grant. *McRaven*, 508 S.W.3d at 239-240.

This Court has held that *ultra vires* and mandamus are two sides of the same coin, addressing the cessation of ongoing action by a governmental official. *City of Houston v. Houston Municipal Employees Pension Sys.*, 549 S.W.3d 566, 576-77 (Tex. 2018).

### PRAYER

Relators ask this Court to issue a writ of mandamus directing County Judge Lina Hidalgo to vacate her March 24, 2020 Order.

Respectfully submitted,

/s/ Jared R. Woodfill

Jared R. Woodfill  
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*Counsel for Relators*

## CERTIFICATE OF COMPLIANCE

I certify that this document was produced on a computer using Microsoft Word and contains 4,326 words, as determined by the computer software's word-count function, excluding the sections of the document listed in Texas Rule of Appellate Procedure 9.4(i)(1).

*/s/ Jared R. Woodfill*  
\_\_\_\_\_  
Jared R. Woodfill  
*Counsel for Realtors*

**CERTIFICATION**

I have reviewed the petition and concluded that every factual statement is supported by competent evidence included in the appendix.

*/s/ Jared R. Woodfill*

\_\_\_\_\_  
Jared R. Woodfill

*Counsel for Relators*

# **APPENDIX**

# **TAB 1**



FPU:	Name of Business: <u>City on The Hill Church</u>	Owner/Manager/Operator:					
Phone: <u>832 296 4515</u>	Address: <u>3902 Cochran</u>	City: <u>77009</u>					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%;"> <b>Gas Leak Test</b>  <input type="checkbox"/> Current  <input type="checkbox"/> Needs Servicing  <input type="checkbox"/> None  <input type="checkbox"/> Not Applicable         </td> <td style="width:20%;"> <b>Kitchen Suppression System:</b>  <input type="checkbox"/> Current  <input type="checkbox"/> Needs Servicing  <input type="checkbox"/> None  <input type="checkbox"/> Not Applicable         </td> <td style="width:20%;"> <b>Fire Alarm System:</b>  <input type="checkbox"/> Current  <input type="checkbox"/> Needs Servicing  <input type="checkbox"/> None  <input type="checkbox"/> Not Applicable         </td> <td style="width:20%;"> <b>Fire Sprinkler System:</b>  <input type="checkbox"/> Current  <input type="checkbox"/> Needs Servicing  <input type="checkbox"/> None  <input type="checkbox"/> Not Applicable         </td> <td style="width:20%;"> <b>Portable Fire Extinguishers:</b>  <input type="checkbox"/> Current  <input type="checkbox"/> Needs Servicing  <input type="checkbox"/> None  <input type="checkbox"/> Not Applicable         </td> </tr> </table>			<b>Gas Leak Test</b> <input type="checkbox"/> Current <input type="checkbox"/> Needs Servicing <input type="checkbox"/> None <input type="checkbox"/> Not Applicable	<b>Kitchen Suppression System:</b> <input type="checkbox"/> Current <input type="checkbox"/> Needs Servicing <input type="checkbox"/> None <input type="checkbox"/> Not Applicable	<b>Fire Alarm System:</b> <input type="checkbox"/> Current <input type="checkbox"/> Needs Servicing <input type="checkbox"/> None <input type="checkbox"/> Not Applicable	<b>Fire Sprinkler System:</b> <input type="checkbox"/> Current <input type="checkbox"/> Needs Servicing <input type="checkbox"/> None <input type="checkbox"/> Not Applicable	<b>Portable Fire Extinguishers:</b> <input type="checkbox"/> Current <input type="checkbox"/> Needs Servicing <input type="checkbox"/> None <input type="checkbox"/> Not Applicable
<b>Gas Leak Test</b> <input type="checkbox"/> Current <input type="checkbox"/> Needs Servicing <input type="checkbox"/> None <input type="checkbox"/> Not Applicable	<b>Kitchen Suppression System:</b> <input type="checkbox"/> Current <input type="checkbox"/> Needs Servicing <input type="checkbox"/> None <input type="checkbox"/> Not Applicable	<b>Fire Alarm System:</b> <input type="checkbox"/> Current <input type="checkbox"/> Needs Servicing <input type="checkbox"/> None <input type="checkbox"/> Not Applicable	<b>Fire Sprinkler System:</b> <input type="checkbox"/> Current <input type="checkbox"/> Needs Servicing <input type="checkbox"/> None <input type="checkbox"/> Not Applicable	<b>Portable Fire Extinguishers:</b> <input type="checkbox"/> Current <input type="checkbox"/> Needs Servicing <input type="checkbox"/> None <input type="checkbox"/> Not Applicable			
<input type="checkbox"/> <b>Building Address</b> – post building address numbers – 4" numbers		<input type="checkbox"/> <b>Certificate of Occupancy</b> – post Certificate of Occupancy or Life Safety Compliance Certificate (contact Building Dept. 832-394-9000) C/O # _____					
<input type="checkbox"/> <b>Permits</b> – Post Fire Prevention Permits or submit application for Fire Prevention Permits (832-394-8899)		<input type="checkbox"/> <b>Gas Test</b> – show proof of gas test for occupancy (A, E, I, & R-1) every 5 years					
<input type="checkbox"/> <b>Occupancy Load</b> – post occupancy load near main entrance – occupancy load: _____		<input type="checkbox"/> <b>Panic Hardware</b> - panic hardware required / needs repairing					
<input type="checkbox"/> <b>Exits</b> – inadequate number of exits		<input type="checkbox"/> <b>Exits</b> – exit obstructions (doors, corridors, aisles)					
<input type="checkbox"/> <b>Exits</b> – maintain minimum aisle width – 36 inches		<input type="checkbox"/> <b>Exits</b> – remove unapproved exit door locking devices					
<input type="checkbox"/> <b>Exits</b> – Sign: "THIS DOOR TO REMAIN UNLOCKED WHILE BUILDING IS OCCUPIED" – 1" letters – keyed main entrance		<input type="checkbox"/> <b>Exits</b> – exit lights out – repair (not showing in right direction)					
<input type="checkbox"/> <b>Exits</b> – emergency lights required / needs repair		<input type="checkbox"/> <b>Exits</b> – additional exit signs required					
<input type="checkbox"/> <b>Exits</b> – electronic locks to be serviced every 6 months		<input type="checkbox"/> <b>Electrical</b> – extension cords not to be used as permanent wiring					
<input type="checkbox"/> <b>Electrical</b> – replace cover plates or cover exposed wiring		<input type="checkbox"/> <b>Electrical</b> – extension or flexible cords not to run under carpet or through walls, ceilings or under doors					
<input type="checkbox"/> <b>Electrical</b> – remove unapproved multipug adapter		<input type="checkbox"/> <b>Electrical</b> – protection of lighting fixtures required					
<input type="checkbox"/> <b>Electrical</b> – label all electrical / mechanical / boiler rooms		<input type="checkbox"/> <b>Electrical</b> – provide spacer(s) in electrical box					
<input type="checkbox"/> <b>Electrical</b> – provide minimum clearance of 30" wide/70" high around electrical panels		<input type="checkbox"/> <b>Electrical</b> – label all electrical circuits					
<input type="checkbox"/> <b>Flammable Liquids</b> – flammable liquids storage cabinets required		<input type="checkbox"/> <b>Flammable Liquids</b> – spill control required for Hazardous Material					
<input type="checkbox"/> <b>Flammable Liquids</b> – containment pallet required		<input type="checkbox"/> <b>Flammable Liquids</b> – HMIS (Hazardous Materials Inventory Statement) required					
<input type="checkbox"/> <b>Flammable Liquids</b> – Label container storage area ("empty" or "full")		<input type="checkbox"/> <b>Flammable Liquids</b> – Containers for C-I or C-II liquids shall be metal, self-closing, and liquid-tight					
<input type="checkbox"/> <b>Flammable Finishes</b> – Approved spray booth required		<input type="checkbox"/> <b>Flammable Finishes</b> – 3ft clearance required around spray booth					
<input type="checkbox"/> <b>Flammable Finishes</b> – Sign required – "NO SMOKING OR OPEN FLAME WITHIN 20 FEET"		<input type="checkbox"/> <b>Flammable Finishes</b> – Automatic extinguishing system required					
<input type="checkbox"/> <b>Flammable Finishes</b> – Clean accumulation of over spray – replace dirty filters		<input type="checkbox"/> <b>Flammable Finishes</b> – provide documentation of flame resistance (curtains, draperies, hangings, etc.)					
<input type="checkbox"/> <b>Fire Extinguishers</b> – inadequate number and size		<input type="checkbox"/> <b>Fire Extinguishers</b> – not properly placed and mounted					
<input type="checkbox"/> <b>Fire Extinguishers</b> – fire extinguishers obstructed		<input type="checkbox"/> <b>Fire Extinguishers</b> – fire extinguishers required on liquid-fuel or LP-gas powered industrial truck (forklifts) – minimum rating of 10-B:C					
<input type="checkbox"/> <b>Automatic Extinguishing System</b> – service automatic extinguishing system every 6 months		<input type="checkbox"/> <b>Sprinkler/Fire Alarm/Standpipe System</b> – service sprinkler system, fire alarm system and/or standpipe system					
<input type="checkbox"/> <b>Compressed Gas Cylinders</b> – all cylinders shall be secured to keep from falling (chained)		<input type="checkbox"/> <b>Compressed Gas Cylinders</b> – all cylinder caps shall be in place when cylinder is not in use					

<input checked="" type="checkbox"/> <del>Compressed Gas Cylinders</del> - LP-gas shall be stored outside in metal racks	<input type="checkbox"/> <del>Compressed Gas Cylinders</del> - Cylinders shall be stored away from open flames and ignition sources
<input type="checkbox"/> <u>Storage</u> - maintain ceiling clearance of 24" in non-sprinklered buildings	<input type="checkbox"/> <u>Storage</u> - maintain ceiling clearance of 18" below sprinkler head in sprinklered buildings
<input type="checkbox"/> <u>Storage</u> - Discontinue storage of combustibles in Boiler, Mechanical or Electrical rooms	<input type="checkbox"/> <u>Storage</u> - Discontinue storage of fueled equipment (motor cycles, lawn care, etc.) in buildings
<input type="checkbox"/> <u>Storage</u> - Plastic containers shall not be used for storage of C-I or C-II liquids	<input type="checkbox"/> <u>Storage</u> - Maintain clearance of 36" from all heat producing devices
<input type="checkbox"/> <u>General</u> - Proper housekeeping required	<input type="checkbox"/> <u>General</u> - Remove accumulation of trash and rubbish
<input type="checkbox"/> <u>General</u> - Provide approved (UL Listed) metal can with lid for soiled shop rags	<input type="checkbox"/> <u>General</u> - Removal of weed accumulation required
<input type="checkbox"/> <u>General</u> - Storage shall not be within 5 feet of battery charging area	<input type="checkbox"/> <u>General</u> - Discontinue using unsafe appliance (frayed wires, etc.)
<input type="checkbox"/> <u>General</u> - Fire resistive construction shall be maintained - replace missing ceiling tiles, repair/replace damaged or missing sheet rock	<input type="checkbox"/> <u>General</u> - Automatic extinguishing system required for vent hood commercial cooking
<input type="checkbox"/> <u>General</u> - Clean grease build up on vent hood	<input type="checkbox"/> <u>General</u> - Label Fire Department connections and rooms
<input type="checkbox"/> <u>General</u> - Discontinue obstruction of fire hydrants, control valves, fire alarm equipment and/or fire department connections	<input type="checkbox"/> <u>General</u> - Smoke detector(s) required
<input type="checkbox"/> <u>General</u> - Sign required - "EMERGENCY FUEL SHUTOFF" - sign lettering shall not be less than 2" in height on a background of contrasting color	<input type="checkbox"/> <u>General</u> - Sign required - "EMERGENCY FUEL SHUTOFF INSIDE"
<input type="checkbox"/> <u>General</u> - An approved, clearly identified and readily accessible emergency disconnect switch shall be provided at an approved location.	

Comments:

Maintain Social Distance  
Grouping of 10+

ALL VIOLATIONS SHALL BE CORRECTED BY THE REINSPECTION DATE: \_\_\_\_\_

A \$325.00 REINSPECTION FEE AND/OR CITATIONS MAY BE ACCESSED FOR ANY ADDITIONAL REINSPECTIONS.

FIRE INSPECTOR: Michael Frazier PHONE NUMBER: \_\_\_\_\_

Person Receiving Report: [Signature]

Printed Name and Title: \_\_\_\_\_

Date Inspection Completed: \_\_\_/\_\_\_/\_\_\_

## **TAB 2**



**County Judge Lina Hidalgo**

DIRECTOR

## **ORDER OF COUNTY JUDGE LINA HIDALGO Stay Home, Work Safe**

**Whereas**, on March 11, 2020, Harris County Judge Lina Hidalgo issued a Declaration of Local Disaster for Public Health Emergency to allow Harris County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Harris County residents in accordance with Section 418.108 of the Texas Government Code; and

**Whereas**, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

**Whereas**, on March 16, 2020, President Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people's interactions, including that Americans should avoid groups of more than 10 people; and

**Whereas**, on March 17, 2020, the Harris County Commissioners Court issued an Order at a Special Meeting of Commissioners Court approving the extension to March 25, 2020, of the Declaration of Local Disaster for Public Health Emergency declared by County Judge Lina Hidalgo and signed on March 11, 2020; and

**Whereas**, on March 19, 2020, County Judge Lina Hidalgo issued an Order effective as of 8:00 a.m. on March 17, 2020, and continuing until 11:59 p.m. on March 31, 2020, requiring restaurants and bars to provide only carry-out, delivery or drive-thru services as allowed by law, and closing nightclubs, lounges and taverns, and restricting private clubs; and

**Whereas**, on March 19, 2020, Governor Abbott issued the first Public Health Disaster Declaration released in the State of Texas since 1901 and an Executive Order which, among other things, prohibits Texans from gathering in groups of more than 10 people; and

**Whereas**, on March 24, 2020, the Harris County Commissioners Court issued an Order approving the extension until April 29, 2020, of the Declaration of Local Disaster for Public Health Emergency declared by County Judge Lina Hidalgo and signed on March 11, 2020, and extended at a Special Meeting of Commissioners Court on March 17, 2020 to March 25, 2020; and

**Whereas**, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

**Whereas**, the COVID-19 virus causes property loss or damage due to its ability to attach to surfaces for prolonged periods of time; and

**Whereas**, the Centers for Disease Control and Prevention ("CDC") recommends an "All of Community" approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

**Whereas**, given the ongoing evaluation of circumstances related to the COVID-19 virus, the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services, and the substantial risks posed by the COVID-19 virus to Harris County residents and their property, the following extraordinary measures must be taken to protect the public's safety.

**NOW THEREFORE, I, COUNTY JUDGE FOR HARRIS COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:**

That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes. This Order is in addition to any previous orders issued by the Harris County Judge and hereby incorporates all previous orders by reference, including the Order of March 19, 2020, pertaining to restaurants and bars.

**Summary.** The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person-to-person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private healthcare providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus and the need to protect the most vulnerable members of the community, this Order requires all individuals anywhere in Harris County, to stay at home – except for certain Essential Activities and work to provide Essential Business and Essential Government services or perform essential infrastructure construction, including housing. This Order takes effect at 11:59 p.m. on March 24, 2020 and will continue through 11:59 p.m. on April 3, 2020, subject to the limited exceptions and under the terms and conditions more particularly set forth below.

1. Effective as of 11:59 p.m. on March 24, 2020, and continuing until 11:59 p.m. on April 3, 2020:
  - a. All individuals currently living within Harris County are ordered to stay at their place of residence except for Essential Activities as defined in this order. All persons may leave their Residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, as defined in Section 2. For purposes of this Order,

Residence includes homes, hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence.

- b. Individuals experiencing homelessness are exempt from this Order except that, to the extent individuals are using shared or outdoor spaces, they shall, to the greatest extent feasible, maintain social distancing of at least six feet from any other person. Individuals experiencing homelessness are strongly urged to obtain shelter. Governmental and other entities that can provide shelter to homeless individuals are strongly urged to make shelter available, as soon as possible and to the maximum extent practicable (and to utilize social distancing requirements in their operations).
- c. All businesses operating within Harris County, except Essential Businesses as defined below in Section 2, are required to cease all activities at facilities located within the County. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached, including maintaining six-foot social distancing for both employees and the general public.
- d. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit. Nothing in this Order affects orders or agreements regarding child-related visitation or custody arrangements.
- e. Individuals may go to public parks and open outdoor recreation areas. However, public playgrounds may increase spread of COVID-19 and, therefore, shall be closed.
- f. Restaurants, bars, micro-breweries, micro-distilleries, wineries and other establishments that serve food, with or without drive-in or drive-through services, are prohibited from serving food for consumption on the premises and may only serve food and/or alcohol by take out, delivery, or drive-through services as allowed by law, and detailed in the Harris County Judge's Order of March 19, 2020, pertaining to restaurants and bars.
- g. Gyms, fitness centers, swimming pools and other facilities that are used or intended to be used for any type of training, martial arts, sport or recreation shall close.
- h. Hair and nail salons, spas, licensed massage businesses and tattoo parlors, concert halls, live performance theaters, arenas, stadiums, movie theaters,

game rooms, bowling alleys, arcades, indoor and outdoor flea markets and swap meets, indoor malls, indoor shopping centers, and bingo halls shall close.

- i. Faith leaders may minister and counsel in individual settings, so long as social distance protocols are followed. Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to those necessary for preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines, including the six-foot social distancing.

2. **Definitions:**

- a. For purposes of this Order, individuals may leave their residence only to perform any of the following **“Essential Activities”**:
  - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a healthcare professional, or obtaining supplies needed to work from home).
  - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supplies, and any other household consumer products, supplies needed to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences).
  - iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, running, or fishing).
  - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
  - v. To care for a family member or pet in another household.
- b. For purposes of this Order, **“Essential Businesses”** include:
  - i. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors identified by the U.S. Department of Homeland Security National Cybersecurity and Infrastructure Security Agency (CISA), provided that they carry out those services or that work in compliance with social distancing requirements of six feet to the extent possible. *See*

**Attachment** (CISA’s Guidance on Essential Critical Infrastructure Workforce). Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activities shall be performed in compliance with social distancing guidelines.

- ii. **Essential Government Functions.** All services provided by local governments and municipalities located in Harris County needed to ensure their continuing operation to provide for the health, safety and welfare of the public, including law enforcement, jail operations and other services. Further, nothing in this Order shall prohibit any individual from performing “Essential Government Functions”. All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet to the extent possible.
- iii. **Essential City of Houston Government Functions.** All services provided by the City of Houston that the Mayor of the City of Houston determines to be essential Government Functions. Further, nothing in this Order shall prohibit any individual from performing “Essential Government Functions”. All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet to the extent possible.
- iv. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also include veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare.
- v. **Essential Retail.** Food producers and service providers, including grocery stores, warehouse stores, furniture suppliers, big box stores, bodegas, liquor stores, gas stations and convenience stores, farmers’ markets that sell food products and household staples. Food cultivation, including farming, ranching, fishing, and livestock. Food production, including the production of canned goods, bottled beverages and other grocery items. Businesses that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery, drive-thru or carry-out. Schools and other entities that typically provide free services to students or members of the public

on a pick-up and take-away basis only. The restriction of delivery or carry-out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto supply, auto and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home.

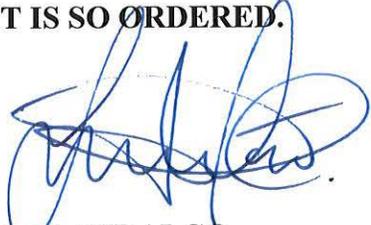
- vi. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- vii. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, yard and maintenance crews, housekeepers, janitorial staff, pool cleaners and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other Essential Businesses with support or utilities needed to operate. Caregivers and helpers who provide services to seniors and disabled individuals.
- xiii. **News Media.** Newspapers, television, radio, and other media services.
- ix. **Childcare and Adult Care Services.** Childcare and adult care facilities providing services that enable employees exempted in this Order to work as permitted.
- xi. **Infrastructure, Development, Operation and Construction.** For example, public works construction, construction of housing or other types of construction including commercial, manufacturing, airport operations and aircraft manufacturing, maintenance or repair, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

- xii. **Transportation.** Businesses related to the operation, maintenance, construction, and manufacture of transportation services. For example, (a) vehicle manufacturers, automotive suppliers and parts departments, car dealerships, parts distributors, maintenance and repair facilities; (b) public transportation; (c) businesses supporting airport operations; (d) street and highway maintenance and construction; (e) gas stations and other fuel distribution businesses; (f) vehicles for hire, including public transportation services, Uber, Lyft, and taxicabs, that enable persons to travel to or from employers, service providers, or businesses exempted in this Order. People riding on public transit must comply with the six-foot social distancing requirements to the greatest extent feasible.
  - xiii. **Labor union functions.** Critical labor union functions, including the maintenance of health and welfare funds and checking on the well-being and safety of members.
  - xiv. **NASA and Port of Houston.** Activities of the National Aeronautics and Space Administration and the Port of Houston.
  - xv. **Airports and related operations.** Airport and airline activities, operations, maintenance and repairs, and the hotels that serve these Essential Businesses.
  - xvi. **Professional services.** Professional services, such as legal or accounting services, insurances services, and “real estate services” when necessary to assist in compliance with legally mandated activities or to further Essential Businesses, Essential Government functions, or Critical Infrastructure.
3. These infection control precautions apply to all Essential Businesses: (1) practice social distancing by requiring patrons, visitors, and employees to be separated by six (6) feet, to the extent feasible; (2) provide access to hand washing facilities with soap and water or hand sanitizer that contains at least 60 percent alcohol; (3) post a sign in a conspicuous place at the public entrance to the venue instructing members of the public not to enter if they are experiencing symptoms of respiratory illness, including fever or cough; and (4) adhere to other general communicable disease control recommendations by public health authorities.
4. Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators, personal protective equipment, or other medical supplies and equipment necessary for the COVID-19 response may apply for an “Essential Business” exemption under this Order. Any industry or business that is not an Essential Business may apply for an exemption from the requirements imposed by this Order. To be eligible for an exemption, the

industry or business must complete and submit an application form, which will be made available to the public at [www.ReadyHarris.org](http://www.ReadyHarris.org), along with evidence that the continuing operations of the business or industry are essential to promoting the general welfare of the residents of Harris County and the State of Texas during the COVID-19 response. Businesses or industries that retool or amend their operations to provide or support Essential Services during the COVID-19 response may also submit an application for exemption.

5. Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. A number of Texas cities and local associations have implemented restrictions on delivery hours to stores to mitigate truck noise and traffic. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies or equipment in Harris County for the next sixty (60) days.
6. If someone in a household has tested positive for COVID-19, all residents of the household are ordered to isolate at home until cleared by a public health authority or medical provider.
7. Nursing homes, retirement, and long-term care facilities are instructed by this Order to prohibit nonessential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
8. This Order shall be effective until 11:59 p.m. on April 3, 2020 or until it is either rescinded, superseded, or amended pursuant to applicable law.
9. Pursuant to Appendix 9 to and Section V(A)(5)(a) Annex U of the Harris County Basic Plan adopted by Harris County Commissioners Court on October 29, 2019, and in accordance with Tex. Gov't Code § 418.173, any law enforcement agency based in Harris County is hereby authorized to enforce this order and the failure to comply with this Order is an offense under this Order and is punishable by a fine that does not exceed \$1,000.00 or confinement in jail for a term that does not exceed 180 days.
10. Harris County will post this Order on the Internet. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Lina Hidalgo', written over a faint dotted line.

LINA HIDALGO  
HARRIS COUNTY JUDGE

3/24/2020



March 19, 2020

**MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL  
INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE**

FROM: Christopher C. Krebs  
Director  
Cybersecurity and Infrastructure Security Agency (CISA)

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As the Nation comes together to slow the spread of COVID-19, on March 16<sup>th</sup>, the President issued updated Coronavirus Guidance for America. This guidance states that:

*“If you work in a critical infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule.”*

The Cybersecurity and Infrastructure Security Agency (CISA) executes the Secretary of Homeland Security’s responsibilities as assigned under the Homeland Security Act of 2002 to provide strategic guidance, promote a national unity of effort, and coordinate the overall federal effort to ensure the security and resilience of the Nation's critical infrastructure. CISA uses trusted partnerships with both the public and private sectors to deliver infrastructure resilience assistance and guidance to a broad range of partners.

In accordance with this mandate, and in collaboration with other federal agencies and the private sector, CISA developed an initial list of “Essential Critical Infrastructure Workers” to help State and local officials as they work to protect their communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security. The list can also inform critical infrastructure community decision-making to determine the sectors, sub-sectors, segments, or critical functions that should continue normal operations, appropriately modified to account for Centers for Disease Control (CDC) workforce and customer protection guidance.

The attached list identifies workers who conduct a range of operations and services that are essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, working construction, and performing management functions, among others. The industries they support represent, but are not necessarily limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement, and public works.

We recognize that State, local, tribal, and territorial governments are ultimately in charge of implementing and executing response activities in communities under their jurisdiction, while the Federal Government is in a supporting role. As State and local communities consider COVID-19-related restrictions, CISA is offering this list to assist prioritizing activities related to continuity of operations and incident response, including the appropriate movement of critical infrastructure workers within and between jurisdictions.

**Accordingly, this list is advisory in nature. It is not, nor should it be considered to be, a federal directive or standard in and of itself.**

In addition, these identified sectors and workers are not intended to be the authoritative or exhaustive list of critical infrastructure sectors and functions that should continue during the COVID-19 response. Instead, State and local officials should use their own judgment in using their authorities and issuing implementation directives and guidance. Similarly, critical infrastructure industry partners will use their own judgment, informed by this list, to ensure continued operations of critical infrastructure services and functions. All decisions should appropriately balance public safety while ensuring the continued delivery of critical infrastructure services and functions.

CISA will continue to work with you and our partners in the critical infrastructure community to update this list as the Nation's response to COVID-19 evolves. We also encourage you to submit how you might use this list so that we can develop a repository of use cases for broad sharing across the country.

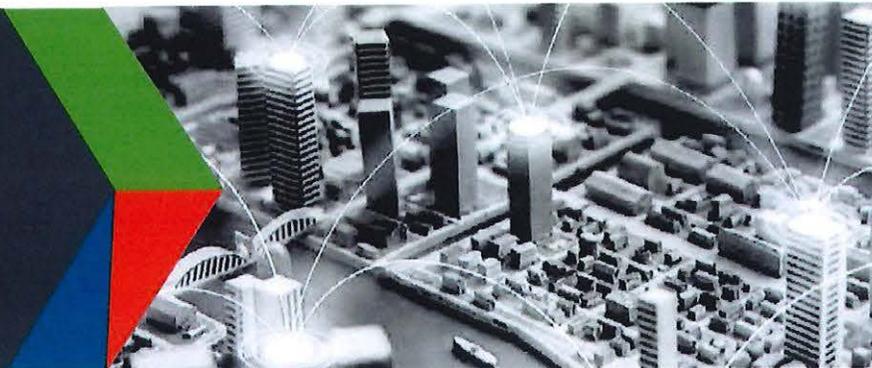
Should you have questions about this list, please contact CISA at [CISA.CAT@cisa.dhs.gov](mailto:CISA.CAT@cisa.dhs.gov).

**Attachment:** "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response"



**CISA**  
CYBER+INFRASTRUCTURE

DEFEND TODAY, SECURE TOMORROW



# Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response

Version 1.0 (March 19, 2020)

## THE IMPORTANCE OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

This guidance and accompanying list are intended to support State, Local, and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response.

This document gives guidance to State, local, tribal, and territorial jurisdictions and the private sector on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions.

## CONSIDERATIONS FOR GOVERNMENT AND BUSINESS

This list was developed in consultation with federal agency partners, industry experts, and State and local officials, and is based on several key principles:

1. Response efforts to the COVID-19 pandemic are locally executed, State managed, and federally supported
2. Everyone should follow guidance from the CDC, as well as State and local government officials, regarding strategies to limit disease spread.
3. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
4. When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not necessarily limited to, separating staff by off-setting shift hours or days and/or social distancing. These steps can preserve the workforce and allow operations to continue.

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## Essential Critical Infrastructure Workforce

5. All organizations should implement their business continuity and pandemic plans, or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the health and safety of the employees.
6. In the modern economy, reliance on technology and just-in-time supply chains means that certain workers must be able to access certain sites, facilities, and assets to ensure continuity of functions.
7. Government employees, such as emergency managers, and the business community need to establish and maintain lines of communication.
8. When government and businesses engage in discussions about critical infrastructure workers, they need to consider the implications of business operations beyond the jurisdiction where the asset or facility is located. Businesses can have sizeable economic and societal impacts as well as supply chain dependencies that are geographically distributed.
9. Whenever possible, jurisdictions should align access and movement control policies related to critical infrastructure workers to lower the burden of workers crossing jurisdictional boundaries.

### IDENTIFYING ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

The following list of sectors and identified essential critical infrastructure workers are an initial recommended set and are intended to be overly inclusive reflecting the diversity of industries across the United States. CISA will continually solicit and accept feedback on the list (both sectors/sub sectors and identified essential workers) and will evolve the list in response to stakeholder feedback. We will also use our various stakeholder engagement mechanisms to work with partners on how they are using this list and share those lessons learned and best practices broadly. We ask that you share your feedback, both positive and negative on this list so we can provide the most useful guidance to our critical infrastructure partners. Feedback can be sent to [CISA.CAT@CISA.DHS.GOV](mailto:CISA.CAT@CISA.DHS.GOV).



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## HEALTHCARE / PUBLIC HEALTH

- Workers providing COVID-19 testing; Workers that perform critical clinical research needed for COVID-19 response
- Caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists)
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.)
- Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers)
- Manufacturers, technicians, logistics and warehouse operators, and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products
- Public health / community health workers, including those who compile, model, analyze and communicate public health information
- Blood and plasma donors and the employees of the organizations that operate and manage related activities
- Workers that manage health plans, billing, and health information, who cannot practically work remotely
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely
- Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely
- Workers conducting research critical to COVID-19 response
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely
- Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters
- Pharmacy employees necessary for filling prescriptions
- Workers performing mortuary services, including funeral homes, crematoriums, and cemetery workers
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident

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## LAW ENFORCEMENT, PUBLIC SAFETY, FIRST RESPONDERS

- Personnel in emergency management, law enforcement, Emergency Management Systems, fire, and corrections, including front line and management
- Emergency Medical Technicians
- 911 call center employees
- Fusion Center employees
- Hazardous material responders from government and the private sector.
- Workers – including contracted vendors – who maintain digital systems infrastructure supporting law enforcement and emergency service operations.

## FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies and other retail that sells 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 (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; 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 blockchain 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 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 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

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## ENERGY

### Electricity industry:

- Workers who maintain, ensure, or restore the generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians
- Workers needed for safe and secure operations at nuclear generation
- Workers at generation, transmission, and electric blackstart facilities
- Workers at Reliability Coordinator (RC), Balancing Authorities (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities
- Mutual assistance personnel
- IT and OT technology staff – for EMS (Energy Management Systems) and Supervisory Control and Data Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management
- Vegetation management crews and traffic workers who support
- Environmental remediation/monitoring technicians
- Instrumentation, protection, and control technicians

### Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Crude oil storage facilities, pipeline, and marine transport
- Petroleum refinery facilities
- Petroleum security operations center employees and workers who support emergency response services
- Petroleum operations control rooms/centers
- Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing
- Onshore and offshore operations for maintenance and emergency response
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them

### Natural and propane gas workers:

- Natural gas transmission and distribution pipelines, including compressor stations
- Underground storage of natural gas
- Natural gas processing plants, and those that deal with natural gas liquids
- Liquefied Natural Gas (LNG) facilities
- Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls
- Propane gas service maintenance and restoration, including call centers

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- Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing
- Propane gas storage, transmission, and distribution centers

### WATER AND WASTEWATER

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities
- Operational staff at community water systems
- Operational staff at wastewater treatment facilities
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring
- Operational staff for water distribution and testing
- Operational staff at wastewater collection facilities
- Operational staff and technical support for SCADA Control systems
- Chemical disinfectant suppliers for wastewater and personnel protection
- Workers that maintain digital systems infrastructure supporting water and wastewater operations

### TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-border travel)
- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
- Mass transit workers
- Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
- Maritime transportation workers - port workers, mariners, equipment operators
- Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
- Automotive repair and maintenance facilities
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, to include private companies
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
- Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers

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## PUBLIC WORKS

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- 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
- Support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste

## COMMUNICATIONS AND INFORMATION TECHNOLOGY

### Communications:

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment
- Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables
- Installation, maintenance and repair technicians that establish, support or repair service as needed
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting
- Dispatchers involved with service repair and restoration

### Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command Center
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as

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manufacturers and supply chain vendors that provide hardware and software, and information technology equipment (to include microelectronics and semiconductors) for critical infrastructure

- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

## OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions
- Security staff to maintain building access control and physical security measures
- Elections personnel
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
- Trade Officials (FTA negotiators; international data flow administrators)
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who support necessary credentialing, vetting and licensing operations for transportation workers
- Customs workers who are critical to facilitating trade in support of the national emergency response supply chain
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions, if operating under rules for social distancing
- Hotel Workers where hotels are used for COVID-19 mitigation and containment measures

## CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base.

## HAZARDOUS MATERIALS

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations

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## FINANCIAL SERVICES

- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities)
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

## CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing

## DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers
- Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities

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## **TAB 3**



## Order of the County Judge

WHEREAS, the novel coronavirus now designated SARS-CoV-2 which causes the disease COVID-19 has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, President Donald Trump has proclaimed the COVID-19 outbreak a national emergency in the United States; and

WHEREAS, on March 13, 2020, Governor Greg Abbott issued a Declaration of Local Disaster for Public Health Emergency in response to the novel coronavirus now designated SARS-CoV-2 (COVID-19); and

WHEREAS, on March 16, 2020, Collin County Judge Chris Hill issued a Declaration of Local Disaster for Public Health Emergency in response to the novel coronavirus now designated SARS-CoV-2 (COVID-19); and

WHEREAS, on March 19, 2020, Governor Greg Abbott issued four executive orders for the State of Texas;

NOW, THEREFORE, I, Chris Hill, County Judge of Collin County, Texas, under the authority of Texas Government Code Section 418.108, do hereby issue this second executive order.

### **SECTION 1. Intent of this Order**

The intent of this Order is to protect the physical health and well-being of Collin County citizens, to protect the financial health and well-being of Collin County citizens, and to slow the spread of COVID-19 to the maximum extent possible while safeguarding the Constitutional liberties of Collin County citizens by utilizing the least restrictive means possible and encouraging the highest level of personal responsibility.

### **SECTION 2. Protecting the physical health and well-being of Collin County citizens.**

Persons who are sick and currently experiencing common COVID-19 symptoms have a responsibility to take actions necessary to protect the physical health and well-being of others.



## Order of the County Judge

Any person who is sick or currently experiencing common COVID-19 symptoms, including fever, cough, or shortness of breath, is hereby ordered to stay home until such time that<sup>1</sup>:

- (a) he or she has had no fever for at least 72 hours without the use of medicine that reduces fevers; and
- (b) his or her other symptoms have improved (for example, when the cough or shortness of breath has improved); and
- (c) at least 14 days have passed since the symptoms first appeared.

This order does not prohibit any person from leaving his or her home to seek necessary medical or emergency care.

If any person in a household has tested positive for COVID-19, all persons in the household are hereby ordered to stay home. Members of the household may not travel to work, school, or any other community function until cleared by a medical professional. This order does not prohibit any person from leaving his or her home to seek necessary medical or emergency care.

All persons in Collin County are hereby ordered to stay home, except for travel related to essential activities. Entertainment activities are not considered essential activities.

### **SECTION 3. Protecting the physical health and well-being of persons at higher risk for severe illness.**

Persons at higher risk for severe illness have a responsibility to take actions necessary to protect their own personal physical health and well-being and to mitigate their own risk and potential exposure to COVID-19. Any person who believes he or she is at higher risk for severe illness and who believes he or she may be compromised from exposure to COVID-19 is hereby ordered to stay home as long as this order remains in place or until the person determines he or she is no longer at higher risk for severe illness. This order does not prohibit any person from leaving his or her home to seek necessary medical or emergency care.

COVID-19 is a new disease, and there is limited information regarding risk factors for severe disease. Based upon available information to date, those at higher risk for severe illness from COVID-19 include<sup>2</sup>:

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<sup>1</sup> Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>

<sup>2</sup> Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>



## Order of the County Judge

- Persons aged 65 years and older
- Persons who live in a nursing home or long-term care facility
- Other high-risk conditions could include:
  - Persons with chronic lung disease or moderate to severe asthma
  - Persons who have heart disease with complications
  - Persons who are immunocompromised including cancer treatment
  - Persons of any age with severe obesity (body mass index [BMI]  $\geq 40$ ) or certain underlying medical conditions, particularly if not well controlled, such as those with diabetes, renal failure, or liver disease might also be at risk

### **SECTION 4. Protecting the financial health and well-being of Collin County citizens.**

To protect the financial health and well-being of Collin County citizens, including those who are the most economically vulnerable and disadvantaged, we have a shared responsibility to take actions necessary to prevent the spread of COVID-19, as well as to protect and promote the ability of all persons to provide for their own financial and material needs, including food, shelter, clothing, and healthcare.

All businesses and employers are hereby ordered to take actions necessary to prevent the spread of COVID-19, to increase social distancing in the normal course of business activities, and to provide for a safe and healthy work environment.

All persons are hereby ordered to take actions necessary to prevent the spread of COVID-19 and to increase social distancing in the normal course of business activities. Social distancing is generally understood to mean staying at least six feet away from other people, avoiding mass gatherings, working from home if possible, canceling or postponing large meetings, and not shaking hands. Where social distancing is not possible in the normal course of business activities, extreme care should be taken to reduce the risk of exposure to, and transmittal of, germs and COVID-19.

Pursuant to Governor Greg Abbott's March 19 Executive Order, every person in Texas shall avoid gatherings in groups of more than 10. Furthermore, persons shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors. However, the use of drive-thru, pickup, or delivery options for bars,



## Order of the County Judge

restaurants, and food courts is allowed and highly encouraged throughout the limited duration of his Executive Order.

All businesses, jobs, and workers are essential to the financial health and well-being of our local economy and therefore are essential to the financial health and well-being of Collin County citizens. Persons who are employed need to stay employed. Persons who lack employment need to gain employment. Businesses that are able to remain open need to remain open.

Employers, employees, and customers have a shared responsibility to promote public health in the normal course of business activities.

### SECTION 5. Prompt Filing

In accordance with Texas Government Code section 418.108(c), this order shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Collin County.

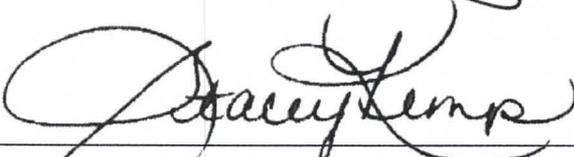
### SECTION 6. Term

This order shall take effect immediately from its issuance and shall continue for a period of not more than seven days unless continued or renewed by the Commissioners Court of Collin County, Texas.

Ordered this 24<sup>th</sup> day of March, 2020.



  
Collin County Judge Chris Hill

  
Collin County Clerk Stacey Kemp

**TAB 4**



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 27, 2020

The Honorable Dustin Burrows  
Chair, House Ways and Means Committee  
Texas House of Representatives  
Post Office Box 2910  
Austin, Texas 78768-2910

**Opinion No. KP-0296**

Re: Whether sections 229.001 and 236.002 of the Local Government Code prohibit municipal or county officials from restricting the sale of firearms through an emergency declaration (RQ-0341-KP)

Dear Representative Burrows:

You ask whether city or county officials may prohibit the sale of firearms through an emergency declaration that excludes firearms retailers as essential businesses.<sup>1</sup>

Multiple provisions within the Government Code recognize governmental entities in Texas may require additional authority during times of disaster to address emergency situations. *See* TEX. GOV'T CODE §§ 418.001–.261. Relevant here, the Legislature authorized the presiding officer of a governing body of a municipality or county to declare a local state of disaster. *Id.* § 418.108(a); *see id.* § 418.004(6).<sup>2</sup> Once a local state of disaster has been declared, the “county judge or the mayor of a municipality may control ingress to and egress from a disaster area under the jurisdiction and authority of the county judge or mayor and control the movement of persons and the occupancy of premises in that area.” *Id.* § 418.108(g). Pursuant to that authority, some counties and municipalities in Texas, in recent days, declared local disasters due to the spread of the disease COVID-19 and issued orders requiring all non-essential businesses to limit or cease operations.<sup>3</sup> You indicate that some of these orders exclude firearms retailers as essential

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<sup>1</sup>*See* Letter from Honorable Dustin Burrows, Chair, House Comm. on Ways & Means, to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Mar. 24, 2020), <https://www2.texasattorneygeneral.gov/opinion/requests-for-opinion-rqs> (“Request Letter”).

<sup>2</sup>Your question is limited to municipal or county authority to restrict the sale of firearms. Request Letter at 1. You do not ask about, and we do not address, any emergency authority the Governor has to limit or suspend the sale of firearms during a disaster declaration. *See* TEX. GOV'T CODE § 418.019 (“The governor may suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.”).

<sup>3</sup>*See, e.g.,* Order of the Mayor of the City of Austin Steve Adler (Mar. 24, 2020), *available at* <http://www.mayoradler.com/wp-content/uploads/2020/03/Order-20200324-007-Stay-Home-Work-Safe.pdf>.

businesses, thereby prohibiting or restricting those retailers from operating their businesses. *See* Request Letter at 1.

While the Legislature granted local officials certain emergency powers to address disaster situations, that local authority is not without limitation. Relevant to your question, provisions in the Local Government Code prohibit municipalities and counties from regulating, among other things, the transfer, possession, ownership, or sale of firearms, “notwithstanding any other law.” *See* TEX. LOC. GOV’T CODE §§ 229.001(a), 236.002(a). Section 229.001 of the Local Government Code prohibits certain municipal regulation:

*Notwithstanding any other law, . . . a municipality may not adopt regulations relating to:*

- (1) the transfer, possession, wearing, carrying, ownership, storage, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories;
- (2) commerce in firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories; or
- (3) the discharge of a firearm or air gun at a sport shooting range.

TEX. LOC. GOV’T CODE § 229.001(a) (emphasis added). Using almost identical language, section 236.002 of the Local Government Code prohibits counties from adopting regulations related to the same matters. *Id.* § 236.002(a). Texas courts recognize that the phrase “relating to” is a “very broad term.” *RSR Corp. v. Siegmund*, 309 S.W.3d 686, 701 (Tex. App.—Dallas 2010, no pet.); *see also Kirby Highland Lakes Surgery Ctr., L.L.P. v. Kirby*, 183 S.W.3d 891, 898 (Tex. App. — Austin 2006, no pet.) (explaining that courts have construed the phrase “related to” within the arbitration context to be “extremely broad” and “capable of expansive reach” (citations and quotation marks omitted)). In addition, when the Legislature uses the phrase “notwithstanding any other law,” courts construe that language as “an express, unambiguous conflicts-of-law provision.” *Molinet v. Kimbrell*, 356 S.W.3d 407, 414 (Tex. 2011). Thus, although section 418.108 of the Government Code may generally allow municipal and county officials to “control the movement of persons and the occupancy of premises” in a local disaster area, notwithstanding that general authority, emergency orders from local officials may not relate to the transfer, possession, ownership or sale of firearms.<sup>4</sup>

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<sup>4</sup>Some local disaster declarations and related orders restrict the operation of business to delivery or curbside service for certain retail operations. However, federal regulations governing the purchase of firearms generally require in-person transactions with licensed dealers. *See, e.g.*, 27 C.F.R. § 478.124(a) (requiring a licensed dealer to record all firearms transactions on a firearms transaction record, Form 4473); *see also* Bureau of Alcohol, Tobacco, Firearms & Explosives, Form 4473, *available at* <https://www.atf.gov/firearms/docs/4473-part-1-firearms-transaction-record-over-counter-atf-form-53009/download> (requiring form preparation “in original only at the licensed premises” of the dealer). Thus, limiting retail sales of firearms to delivery or curbside service will effectively prohibit firearms sales from licensed dealers.

In addition to prohibiting county or municipal regulation in these areas, the Legislature articulated the effect of a municipal or county regulation related to the transfer, possession, ownership or sale of firearms. Any attempt to adopt or enforce an “ordinance, resolution, rule, or policy . . . , or an official action, including in any legislative, police power, or proprietary capacity” taken in violation of subsection 229.001(a) or 236.002(a) “is void.” TEX. LOC. GOV’T CODE §§ 229.001(a-1), 236.002(b).<sup>5</sup> The statutes’ unambiguous words disclose the Legislature’s intent: if a municipality or county adopts a regulation related to the transfer, possession, ownership or sale of firearms, that regulation will be void to the extent of a conflict with section 229.001(a) or section 236.002(a). See *Tex. Lottery Comm’n v. First State Bank of DeQueen*, 325 S.W.3d 628, 639 (Tex. 2010). Thus, municipal and county officials may not use their emergency powers under section 418.108 of the Government Code to regulate or restrict the sale of firearms.

Section 229.001 of the Local Government Code recognizes municipal authority under other law to “regulate the *use* of firearms, . . . in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety.” TEX. LOC. GOV’T CODE § 229.001(b)(4) (emphasis added). Thus, municipal governments possess limited authority to regulate firearms during a disaster. *Id.* § 229.001(a). However, the action of using a firearm is distinct from the transfer, ownership, or sale of the firearm, each of which can be accomplished without actual use. Thus, municipal authority to regulate the use of firearms during a disaster does not grant authority to also regulate the transfer, possession, ownership or sale of firearms.

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<sup>5</sup>The Legislature authorized the Attorney General to “bring an action in the name of the state to obtain a temporary or permanent injunction” against a municipality or county adopting a regulation in violation of these provisions. TEX. LOC. GOV’T CODE §§ 229.001(f), 236.002(f).

**S U M M A R Y**

Subsections 229.001(a) and 236.002(a) of the Local Government Code prohibit a municipality or county from adopting regulations related to the transfer, possession, or ownership of firearms, or commerce in firearms. These provisions apply to municipal and county regulation “notwithstanding any other law.” Thus, while municipal and county officials possess general emergency authority to control the movement of persons and the occupancy of premises in a local disaster area under Government Code section 418.108, such orders may not regulate or restrict the sale of firearms.

Very truly yours,

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive, flowing style.

KEN PAXTON  
Attorney General of Texas

JEFFREY C. MATEER  
First Assistant Attorney General

RYAN L. BANGERT  
Deputy Attorney General for Legal Counsel

VIRGINIA K. HOELSCHER  
Chair, Opinion Committee

# **TAB 5**



March 28, 2020

## ADVISORY MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE

FROM: Christopher C. Krebs  
Director  
Cybersecurity and Infrastructure Security Agency (CISA)

A handwritten signature in black ink, appearing to read "Chris Krebs", written over the printed name of Christopher C. Krebs.

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As the Nation comes together to slow the spread of COVID-19, on March 16<sup>th</sup> the President issued updated Coronavirus Guidance for America that highlighted the importance of the critical infrastructure workforce.

The Cybersecurity and Infrastructure Security Agency (CISA) executes the Secretary of Homeland Security's authorities to secure critical infrastructure. Consistent with these authorities, CISA has developed, in collaboration with other federal agencies, State and local governments, and the private sector, an "Essential Critical Infrastructure Workforce" advisory list. This list is intended to help State, local, tribal and territorial officials as they work to protect their communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security. Decisions informed by this list should also take into consideration additional public health considerations based on the specific COVID-19-related concerns of particular jurisdictions.

**This list is advisory in nature. It is not, nor should it be considered, a federal directive or standard. Additionally, this advisory list is not intended to be the exclusive list of critical infrastructure sectors, workers, and functions that should continue during the COVID-19 response across all jurisdictions. Individual jurisdictions should add or subtract essential workforce categories based on their own requirements and discretion.**

The advisory list identifies workers who conduct a range of operations and services that are typically essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, working construction, and performing operational functions, among others. It also includes workers who support crucial supply chains and enable functions for critical infrastructure. The industries they support represent, but are not limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement,

and public works.

State, local, tribal, and territorial governments are responsible for implementing and executing response activities, including decisions about access and reentry, in their communities, while the Federal Government is in a supporting role. Officials should use their own judgment in issuing implementation directives and guidance. Similarly, while adhering to relevant public health guidance, critical infrastructure owners and operators are expected to use their own judgement on issues of the prioritization of business processes and workforce allocation to best ensure continuity of the essential goods and services they support. All decisions should appropriately balance public safety, the health and safety of the workforce, and the continued delivery of essential critical infrastructure services and functions. While this advisory list is meant to help public officials and employers identify essential work functions, it allows for the reality that some workers engaged in activity determined to be essential may be unable to perform those functions because of health-related concerns.

CISA will continue to work with our partners in the critical infrastructure community to update this advisory list if necessary as the Nation's response to COVID-19 evolves.

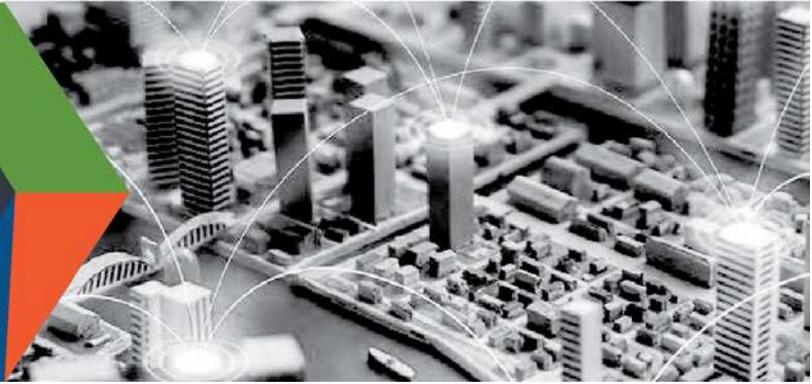
Should you have questions about this list, please contact CISA at [CISA.CAT@cisa.dhs.gov](mailto:CISA.CAT@cisa.dhs.gov).

**Attachment:** "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response Version 2.0"



**CISA**  
CYBER+INFRASTRUCTURE

DEFEND TODAY, SECURE TOMORROW



# Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response

Version 2.0 (March 28, 2020)

## THE IMPORTANCE OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

This advisory guidance and accompanying list are intended to support state, local, tribal, territorial and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response.

This document gives advisory guidance on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions.

CISA will continually solicit and accept feedback on the list and will evolve the list in response to stakeholder feedback. We will also use our various stakeholder engagement mechanisms to work with partners on how they are using this list and share those lessons learned and best practices broadly. Feedback can be sent to [CISA.CAT@CISA.DHS.GOV](mailto:CISA.CAT@CISA.DHS.GOV).

## CONSIDERATIONS FOR GOVERNMENT AND BUSINESS

This list was developed in consultation with federal agency partners, industry experts, and State and local officials, and is based on several key principles:

1. Response efforts to the COVID-19 pandemic are locally executed, state managed, and federally supported.
2. Everyone should follow guidance from the CDC, as well as State and local government officials, regarding strategies to limit disease spread.
3. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
4. When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not necessarily limited to, separating staff by off-setting shift hours or days and/or social distancing. These steps can preserve the workforce and allow operations to continue.
5. All organizations should implement their business continuity and pandemic plans or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the

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health and safety of the employees.

6. Reliance on technology and just-in-time supply chains means that certain workers must be able to access certain sites, facilities, and assets to ensure continuity of functions.
7. Government employees, such as emergency managers, and the business community need to establish and maintain lines of communication.
8. When government and businesses engage in discussions about essential critical infrastructure workers, they need to consider the implications of business operations beyond the jurisdiction where the asset or facility is located. Businesses can have sizeable economic and societal impacts as well as supply chain dependencies that are geographically distributed.
9. Whenever possible, jurisdictions should align access and movement control policies related to critical infrastructure workers to lower the burden of workers crossing jurisdictional boundaries.

## IDENTIFYING ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

The following list of identified essential critical infrastructure workers is intended to be overly inclusive reflecting the diversity of industries across the United States.



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## HEALTHCARE / PUBLIC HEALTH

- Workers who perform critical clinical research, development, and testing needed for COVID-19 response.
- Healthcare providers and Caregivers including physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, optometrists, speech pathologists, chiropractors, and diagnostic and therapeutic technicians and technologists.
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.).
- Workers in other medical and biomedical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Nursing Care Facilities, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers, and retail facilities specializing in medical good and supplies).
- Manufacturer workers for health manufacturing (including biotechnology companies), materials and parts suppliers, logistics and warehouse operators, distributors of medical equipment (including those who test and repair), personal protective equipment (PPE), isolation barriers, medical gases, pharmaceuticals (including materials used in radioactive drugs), dietary supplements, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.
- Public health / community health workers, including those who compile, model, analyze and communicate public health information.
- Blood and plasma donors and the employees of the organizations that operate and manage related activities.
- Workers who manage health plans, billing, and health information, who cannot practically work remotely.
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely.
- Workers performing information technology and cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely.
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely.
- Pharmacy employees necessary to maintain uninterrupted prescription filling.
- Workers performing mortuary funeral, cremation, burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers, and coffin makers.
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident.

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## LAW ENFORCEMENT, PUBLIC SAFETY, AND OTHER FIRST RESPONDERS

- Public, private, and voluntary personnel (front line and management) in emergency management, law enforcement, fire and rescue services, emergency medical services, and private security, to include public and private hazardous material responders, air medical service providers (pilots and supporting technicians), corrections, and search and rescue personnel.
- 911 call center employees and Public Safety Answering Points who can't perform their duties remotely.
- Fusion Center employees.
- Workers – including contracted vendors – who maintain, manufacture, or supply equipment and services supporting law enforcement emergency service and response operations (to include electronic security and life safety security personnel).
- Workers supporting the manufacturing of safety equipment and uniforms for law enforcement, public safety personnel, and first responder.
- Workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.
- Public agency workers responding to abuse and neglect of children, elders, and dependent adults.
- Workers who support weather disaster / natural hazard mitigation and prevention activities.
- Security staff to maintain building access control and physical security measures.

## FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies, convenience stores, and other retail (including unattended and vending) that sells human food, animal/pet food and pet supply, and beverage products, including retail customer support service and information technology support staff necessary for online orders, pickup and delivery.
- Restaurant carry-out and quick serve food operations, including dark kitchen and food prep centers, and carry-out and delivery food employees.
- Food manufacturer employees and their supplier employees—to include those employed in food ingredient production and processing facilities; 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.
- Farmers, farm workers, and agribusiness support services to include those employed in auction and sales: grain and oilseed handling, processing and distribution; 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 and for export.
- Farmers, farm workers, support service workers, and their supplier employees to include those engaged in producing and harvesting field crops; commodity inspection; fuel ethanol facilities; biodiesel and renewable diesel facilities; storage facilities; and other agricultural inputs.
- Employees and firms supporting the distribution of food, feed, and beverage and ingredients used in these products, including warehouse workers, vendor- managed inventory controllers and blockchain managers.
- Workers supporting the sanitation and pest control of all food manufacturing processes and operations from wholesale to retail.
- Employees in cafeterias used to feed employees, particularly employee populations sheltered against COVID-19.
- Workers in animal diagnostic and food testing laboratories in private industries and in institutions of higher education.

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- Government, private, and non-governmental organizations' workers essential for food assistance programs (including school lunch 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 seeds, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
- Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.
- Transportation supporting animal agricultural industries, including movement of animal medical and reproductive supplies and materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, live animals, animal by-products, and deceased animals for disposal.
- Workers who support sawmills and the manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products.
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary for agricultural production and distribution.

## ENERGY

- Workers supporting the energy sector, regardless of the energy source (including but not limited to nuclear, fossil, hydroelectric, or renewable), segment of the system, or infrastructure the worker is involved in, or who are needed to monitor, operate, engineer, and maintain the reliability, safety, environmental health, and physical and cyber security of the energy system.
- Energy/commodity trading/scheduling/marketing functions, who can't perform their duties remotely.
- IT and OT technology for essential energy sector operations including support workers, customer service operations; energy management systems, control systems, and Supervisory Control and Data Acquisition SCADA systems, and energy sector entity data centers; cybersecurity engineers; and cybersecurity risk management.
- Workers supporting the energy sector through renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, ocean, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring, and logistics.
- Workers and security staff involved in nuclear re-fueling operations.
- Providing services related to energy sector fuels (including, but not limited, petroleum (crude oil), natural gas, propane, natural gas liquids, other liquid fuels, nuclear, and coal), supporting the mining, processing, manufacturing, construction, logistics, transportation, permitting, operation/maintenance, security, waste disposal and storage, and monitoring of support for resources.
- Environmental remediation/monitoring, limited to immediate critical needs technicians.
- Manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities (across all energy sector segments).

### Electricity industry:

- Workers who maintain, ensure, or restore, or are involved in the development, transportation, fuel procurement, expansion, or operation of the generation, transmission, and distribution of electric power, including call centers, utility workers, engineers, retail electricity, constraint maintenance, and fleet maintenance technicians who cannot perform their duties remotely.
- Workers at coal mines, production facilities, and those involved in manufacturing, transportation, permitting, operation/maintenance and monitoring at coal sites which is critical to ensuring the reliability of the electrical system.

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- Workers who produce, process, ship and handle coal used for power generation and manufacturing.
- Workers needed for safe and secure operations at nuclear generation to include but not limited to, the broader nuclear supply chain, parts to maintain nuclear equipment, fuel manufacturers and fuel components used in the manufacturing of fuel.
- Workers at renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring, and logistics.
- Workers at generation, transmission, and electric black start facilities.
- Workers at Reliability Coordinator, Balancing Authorities, and primary and backup Control Centers, including but not limited to independent system operators, regional transmission organizations, and local distribution control centers.
- Mutual assistance personnel which may include workers from outside of the state or local jurisdiction.
- Vegetation management and traffic control for supporting those crews.
- Environmental remediation/monitoring workers limited to immediate critical need technicians.
- Instrumentation, protection, and control technicians.
- Essential support personnel for electricity operations.
- Generator set support workers such as diesel engineers used in power generation including those providing fuel.

### **Petroleum industry:**

- Workers for onshore and offshore petroleum drilling operations; platform and drilling construction and maintenance; transportation (including helicopter operations), maritime transportation, supply, and dredging operations; maritime navigation; well stimulation, intervention, monitoring, automation and control, extraction, production; processing; waste disposal, and maintenance, construction, and operations.
- Workers for crude oil, petroleum and petroleum product storage and transportation, including pipeline, marine transport, terminals, rail transport, storage facilities and racks and road transport for use as end-use fuels such as gasoline, diesel fuel, jet fuel, and heating fuels or feedstocks for chemical manufacturing.
- Petroleum and petroleum product security operations center employees and workers who support maintenance and emergency response services.
- Petroleum and petroleum product operations control rooms/centers and refinery facilities.
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.

### **Natural Gas, Natural Gas Liquids (NGL), Propane, and other liquid fuels**

- Workers who support onshore and offshore drilling operations, platform and drilling construction and maintenance; transportation (including helicopter operations); maritime transportation, supply, and dredging operations; maritime navigation; natural gas and natural gas liquid production, processing, extraction, storage and transportation; well intervention, monitoring, automation and control; waste disposal, and maintenance, construction, and operations.
- Transmission and distribution pipeline workers, including compressor stations and any other required, operations maintenance, construction, and support for natural gas, natural gas liquid, propane, and other liquid fuels.
- Natural gas, propane, natural gas liquids, and other liquid fuel processing plants, including construction, maintenance, and support operations.
- Natural gas processing plants workers, and those that deal with natural gas liquids.
- Workers who staff natural gas, propane, natural gas liquids, and other liquid fuel security operations centers, operations dispatch and control rooms/centers, and emergency response and customer emergencies (including leak calls) operations.
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for

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chemical manufacturing, or use in electricity generation.

- Dispatch and control rooms and emergency response and customer emergencies, including propane leak calls.
- Propane gas service maintenance and restoration, including call centers.
- Propane, natural gas liquids, and other liquid fuel distribution centers.
- Propane gas storage, transmission, and distribution centers.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.
- Ethanol and biofuel production, refining, and distribution.
- Workers in fuel sectors (including, but not limited to nuclear, coal, and gas types and liquid fuels) supporting the mining, manufacturing, logistics, transportation, permitting, operation/maintenance, and monitoring of support for resources.

## WATER AND WASTEWATER

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities.
- Operational staff at community water systems.
- Operational staff at wastewater treatment facilities.
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring, including field staff.
- Operational staff for water distribution and testing.
- Operational staff at wastewater collection facilities.
- Operational staff and technical support for SCADA Control systems.
- Chemical and equipment suppliers to water and wastewater systems and personnel protection.
- Workers who maintain digital systems infrastructure supporting water and wastewater operations.

## TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, Department of Motor Vehicle (DMV) employees, towing/recovery services, roadside assistance workers, intermodal transportation personnel, and workers who maintain and inspect infrastructure (including those that require cross-jurisdiction travel).
- Workers supporting the distribution of food, pharmaceuticals (including materials used in radioactive drugs) and other medical materials, fuels, chemicals needed for water or water treatment and energy Maintenance and operation of essential highway infrastructure, including roads, bridges, and tunnels (e.g., traffic operations centers and moveable bridge operators).
- Employees of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use. Includes cold- and frozen-chain logistics for food and critical biologic products.
- Mass transit workers and providing critical transit services and/or performing critical or routine maintenance to mass transit infrastructure or equipment.
- Employees supporting personal and commercial transportation services – including taxis, delivery services, vehicle rental services, bicycle maintenance and car-sharing services, and transportation network providers.
- Workers responsible for operating and dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment.
- Maritime transportation workers, including dredgers, port workers, mariners, ship crewmembers, ship pilots and tug boat operators, equipment operators (to include maintenance and repair, and maritime-specific medical

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providers), ship supply, chandler, and repair companies.

- Workers including truck drivers, railroad employees and contractors, maintenance crew, and cleaners supporting transportation of chemicals, hazardous, medical, and waste materials to support critical infrastructure, capabilities, functions, and services, including specialized carriers, crane and rigging industry workers.
- Bus drivers and workers who provide or support intercity, commuter and charter bus service in support of other essential services or functions.
- Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities (including those who repair and maintain electric vehicle charging stations).
- Transportation safety inspectors, including hazardous material inspectors and accident investigator inspectors.
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations.
- Postal, parcel, courier, last-mile delivery, and shipping and related workers, to include private companies.
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, bicycles, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers.
- Air transportation employees, including air traffic controllers and maintenance personnel, ramp workers, aviation and aerospace safety, security, and operations personnel and accident investigations.
- Workers who support the operation, distribution, maintenance, and sanitation, of air transportation for cargo and passengers, including flight crews, maintenance, airport operations, those responsible for cleaning and disinfection, and other on- and off- airport facilities workers.
- Workers supporting transportation via inland waterways such as barge crew, dredging, river port workers for essential goods.
- Workers critical to rental and leasing of vehicles and equipment that facilitate continuity of operations for essential workforces and other essential travel.
- Warehouse operators, including vendors and support personnel critical for business continuity (including HVAC & electrical engineers; security personnel; and janitorial staff) and customer service for essential functions.

## PUBLIC WORKS AND INFRASTRUCTURE SUPPORT SERVICES

- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.
- Workers such as plumbers, electricians, exterminators, builders, contractors, HVAC Technicians, landscapers, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses and buildings such as hospitals, senior living facilities, any temporary construction required to support COVID-19 response.
- Workers who support, such as road and line clearing, to ensure the availability of and access to needed facilities, transportation, energy and communications.
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste, including landfill operations.
- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees.
- Workers who support the inspection and maintenance of aids to navigation, and other government provided services that ensure continued maritime commerce.

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## COMMUNICATIONS AND INFORMATION TECHNOLOGY

### Communications:

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call -centers, wireline and wireless providers, cable service providers, satellite operations, Internet Exchange Points, Points of Presence, Network Access Points, back haul and front haul facilities, and manufacturers and distributors of communications equipment.
- Government and private sector employees (including government contractors) with work related to undersea cable infrastructure and support facilities, including cable landing sites, beach manhole vaults and covers, submarine cable depots and submarine cable ship facilities.
- Government and private sector employees (including government contractors) supporting Department of Defense internet and communications facilities.
- Workers who support radio, television, and media service, including, but not limited to front-line news reporters, studio, and technicians for newsgathering, and reporting, and publishing news.
- Network Operations staff, engineers and/or technicians to include IT managers and staff, HVAC & electrical engineers, security personnel, software and hardware engineers, and database administrators that manage the network or operate facilities.
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes construction of new facilities and deployment of new technology as these are required to address congestion or customer usage due to unprecedented use of remote services.
- Installation, maintenance and repair technicians that establish, support or repair service as needed.
- Central office personnel to maintain and operate central office, data centers, and other network office facilities, critical support personnel assisting front line employees.
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, logistics, and troubleshooting.
- Workers providing electronic security, fire, monitoring and life safety services, and to ensure physical security, cleanliness and safety of facilities and personnel, including temporary licensing waivers for security personnel to work in other States of Municipalities.
- Dispatchers involved with service repair and restoration.
- Retail customer service personnel at critical service center locations for onboarding customers, distributing and repairing equipment and addressing customer issues in order to support individuals' remote emergency communications needs, supply chain and logistics personnel to ensure goods and products are on-boarded to provision these front-line employees.
- External Affairs personnel to assist in coordinating with local, state and federal officials to address communications needs supporting COVID-19 response, public safety, and national security.

### Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Centers, Broadcast Operations Control Centers and Security Operations Command Centers.
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers and purchasers, data transfer solutions engineers, software and hardware engineers, and database administrators, for all industries (including financial services).

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- Workers who support client service centers, field engineers, and other technicians and workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, and information technology equipment (to include microelectronics and semiconductors), and HVAC and electrical equipment for critical infrastructure, and test labs and certification agencies that qualify such equipment (to include microelectronics, optoelectronics, and semiconductors) for critical infrastructure, including data centers.
- Workers needed to preempt and respond to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, securities/other exchanges, other entities that support the functioning of capital markets, public works, critical manufacturing, food & agricultural production, transportation, and other critical infrastructure categories and personnel, in addition to all cyber defense workers (who can't perform their duties remotely).
- Suppliers, designers, transporters and other workers supporting the manufacture, distribution and provision and construction of essential global, national and local infrastructure for computing services (including cloud computing services and telework capabilities), business infrastructure, financial transactions/services, web-based services, and critical manufacturing.
- Workers supporting communications systems and information technology- and work from home solutions- used by law enforcement, public safety, medical, energy, public works, critical manufacturing, food & agricultural production, financial services, education, and other critical industries and businesses.
- Employees required in person to support Software as a Service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity and connectivity.

### OTHER COMMUNITY- OR GOVERNMENT-BASED OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions, including but not limited to security and environmental controls (e.g., HVAC), the manufacturing and distribution of the products required for these functions, and the permits and inspections for construction supporting essential infrastructure.
- Elections personnel to include both public and private sector elections support.
- Workers supporting the operations of the judicial system.
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks.
- Trade Officials (FTA negotiators; international data flow administrators).
- Employees necessary to maintain news and media operations across various media.
- Employees supporting Census 2020.
- Weather forecasters.
- Clergy for essential support.
- Workers who maintain digital systems infrastructure supporting other critical government operations.
- Workers who support necessary credentialing, vetting and licensing operations for critical infrastructure workers.
- Customs and immigration workers who are critical to facilitating trade in support of the national emergency response supply chain.
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions.
- Staff at government offices who perform title search, notary, and recording services in support of mortgage and real estate services and transactions.

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- Residential and commercial real estate services, including settlement services.
- Workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and construction for essential products, services, and supply chain and COVID 19 relief efforts.

### CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of metals (including steel and aluminum), industrial minerals, semiconductors, materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby.
- Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and personal protective equipment (PPE).
- Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for mining production and distribution.
- Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce (including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or datacenters).

### HAZARDOUS MATERIALS

- Workers who manage hazardous materials associated with any other essential activity, including but not limited to healthcare waste (medical, pharmaceuticals, medical material production), testing operations (laboratories processing test kits), and energy (nuclear facilities) Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing tests Workers who support hazardous materials response and cleanup.
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations.

### FINANCIAL SERVICES

- Workers who are needed to provide, process and maintain systems for processing, verification, and recording of financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; consumer and commercial lending; and capital markets activities).
- Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
- Workers who are needed to provide business, commercial, and consumer access to bank and non-bank financial services and lending services, including ATMs, lending and money transmission, and to move currency, checks, securities, and payments (e.g., armored cash carriers).
- Workers who support financial operations and those staffing call centers, such as those staffing data and security operations centers, managing physical security, or providing accounting services.
- Workers supporting production and distribution of debit and credit cards.
- Workers providing electronic point of sale support personnel for essential businesses and workers.

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## CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, paintings and coatings, textiles, building materials, plumbing, electrical, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items.
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, disinfectants, fragrances, and packaging that prevents the contamination of food, water, medicine, among others essential.
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections.
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing.

## DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals include, but are not limited to, space and aerospace; mechanical and software engineers (various disciplines), manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers; and sanitary workers who maintain the hygienic viability of necessary facilities.
- Personnel working for companies, and their subcontractors, who perform under contract or sub-contract to the Department of Defense, as well as personnel at government-owned/contractor-operated and government-owned/government-operated facilities, and who provide materials and services to the Department of Defense, including support for weapon systems, software systems and cybersecurity, defense and intelligence communications and surveillance, space systems and other activities in support of our military, intelligence and space forces.

## COMMERCIAL FACILITIES

- Workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions.
- Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions.
- Workers in hardware and building materials stores, consumer electronics, technology and appliances retail, and related merchant wholesalers and distributors - with reduced staff to ensure continued operations.
- Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.

## RESIDENTIAL/SHELTER FACILITIES AND SERVICES

- Workers in dependent care services, in support of workers in other essential products and services.

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- Workers who support food, shelter, and social services, and other necessities of life for needy groups and individuals, including in-need populations and COVID-19 responders (including travelling medical staff).
- Workers in animal shelters.
- Workers responsible for the leasing of residential properties to provide individuals and families with ready access to available housing.
- Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
- Workers performing housing construction related activities to ensure additional units can be made available to combat the nation’s existing housing supply shortage.
- Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.
- Workers supporting the construction of housing, including those supporting government functions related to the building and development process, such as inspections, permitting and plan review services that can be modified to protect the public health, but fundamentally should continue and serve the construction of housing (e.g., allow qualified private third-party inspections in case of government shutdown).

### HYGIENE PRODUCTS AND SERVICES

- Workers who produce hygiene products.
- Workers in laundromats, laundry services, and dry cleaners.
- Workers providing personal and household goods repair and maintenance.
- Workers providing disinfection services, for all essential facilities and modes of transportation, and supporting the sanitation of all food manufacturing processes and operations from wholesale to retail.
- Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.
- Support required for continuity of services, including commercial disinfectant services, janitorial/cleaning personnel, and support personnel functions that need freedom of movement to access facilities in support of front-line employees.

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