

PUBLICATION

Coronavirus: U.S. Coast Guard Provides Clarification on "Essential Workers" for the Maritime Industry

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As the COVID-19 pandemic continued its spread across the United States in the second and third weeks of March, numerous states instituted stay-at-home/shelter-in-place orders in efforts to "flatten the curve" and prevent overwhelming the health care infrastructure as well as slow or prevent the spread of the virus. Many of these orders have incorporated or referenced the "Memorandum On Identification of Essential Critical Infrastructure Workers During COVID-19 Response" issued by the Cybersecurity and Infrastructure Security Agency (CISA) on March 19, and updated on March 28 (CISA Guidelines). The CISA Guidelines provide guidance on what categories of workers and services should be considered "essential" infrastructure workforce that should continue during the COVID-19 response across all jurisdictions (i.e., exempt from the stay-at-home orders).

Many of the states affected by these CISA-based isolation orders are coastal (New York, California, Virginia, Maryland, Louisiana) and/or along the nation's inland waterways (Illinois, Ohio, Louisiana), and thus vast swathes of the country's maritime infrastructure are potentially impacted by these orders. While the CISA Guidelines generally include "maritime transportation workers – port workers, mariners, equipment operators" and categories of "petroleum workers," these categories were fairly broad and open to further interpretation/specification.

Accordingly, to clarify the scope of the CISA Guidelines as they relate to the United States Maritime Transportation System (MTS), the United States Coast Guard (USCG) has issued [Marine Safety Information Bulletin Number: 11-20](#) (MSIB 11-20). MSIB 11-20 emphasizes at the outset that the MTS "provides more than 90 percent of the domestic supply chain" which is critically important to support the country's pandemic response – "[and] is dependent on an extensive support network comprised of workers from both the private and public sectors." Thus, the USCG has issued MSIB 11-20 "to provide further clarification when making determinations regarding which MTS workers are considered essential in regions impacted by COVID-19 quarantine and shelter-in-place orders."

MSIB 11-20 lists several non-exhaustive categories of maritime workers that should be considered "essential" specifically in the context of the MTS (and beyond the general categorization of the CISA Guidelines):

- Merchant mariners
- Federal and state pilots
- Stevedores, longshoremen, and line handlers
- Representatives of seafarers' welfare and labor organizations
- Marine consultants, naval architects, marine exchanges, surveyors, and shipyard workers
- Classification society and recognized organization surveyors and auditors
- Vessel owners, operators, shipping agents, and marine dispatchers
- Technical representatives and contractors
- Bridge operators and bridge repair personnel
- Lock and dam operators and workers
- Lighthouse servicing and repair personnel

- Commercial barge fleet facility personnel
- Equipment, cargo, crane, and dredging operators
- Truck drivers, launch/tug/towing operators, and other intermodal transportation workers
- Vendors and ship chandlers providing ship services, husbandry, and provisions
- Federal and State Agency personnel (e.g., Coast Guard, Customs and Border Protection, Centers for Disease Control and Prevention, Army Corps of Engineers, local health and safety organizations)

Further, MSIB 11-20 also provides "examples of where essential MTS workers may be found in the [CISA Guidelines memo](#)" and includes additional clarifying commentary from the USCG specifying how workers in the MTS infrastructure may fit within those CISA-defined categories.

Finally, in terms of operational/practical concerns, MSIB 11-20 notes that many MTS workers are required to have Transportation Worker Identification Cards (TWIC), which can be used by state law enforcement personnel as necessary to validate "essential" worker status during the terms of any applicable restrictive orders. That said, some MTS workers are *not* required to hold a current TWIC credential, and thus "state officials are highly encouraged to engage directly with their local Coast Guard Captain of the Port to confirm whether the worker is essential to MTS operations."

There are now numerous categories of essential workers and services. If you have any questions about which workers in the maritime industry are classified as essential, or if you need guidance on ensuring their ability to travel related to business, please contact [Christopher M. Hannan](#). Also, please visit the [Coronavirus \(COVID-19\): What you Need to Know information page](#) on our website.