



To: State Retail Associations

From: Jason Brewer, Retail Industry Leaders Association
Jason Straczewski, National Retail Federation

Re: Executive Orders requiring customers to wear masks

As many of you have likely seen, a growing number of states and municipalities are now requiring customers to wear face masks before entering grocers, pharmacies and other essential retailers. While we appreciate that these Orders are being issued out of concern for both employees and customers and a desire to safeguard entire communities, retailers have significant concerns about how these Orders are being worded, specifically those that put the responsibility on retail employees to enforce the law.

We have drafted the language below in the hopes that communication with state and local officials can help address our industry's concerns.

REQUIRING RETAIL EMPLOYEES TO ENFORCE FACE COVERING OR OTHER PPE ORDERS IS DANGEROUS

The retail industry believes a mandate forcing retailers to restrict access to our stores to anyone not wearing a mask unfairly places employees in an untenable or uncomfortable position. Retail workers are not law enforcement professionals who receive specialized training to enforce public laws and de-escalate confrontations. Customers and employees are already under enormous strain to follow procedures to protect themselves and the public health. Instituting a policy that will lead to conflicts within or outside the store is not only unfair to our employees, but it is unsafe to all those in the store.

Retailers respectfully request that if the state/county/city is planning to mandate certain public health practices—such as, but not limited to, facial coverings for all customers—then appropriate law enforcement personnel must be deployed by the state or local government authority outside of essential retailers. This is the only way to safely and effectively enforce these public health policies. This will allow retailers to focus on already complex store operations—for which they are trained and prepared for—including public signage or routine public address reminders for consumers of their responsibilities under local health orders.

It must be up to state and local law enforcement agencies to address violators of a government order, not store employees.

RETAILERS ARE FOCUSED ON SAFETY

Retailers have taken unprecedented steps to protect employees and ensure customers are acting responsibly in stores, using signage, PA announcements, floor decals and other metering techniques to adhere to CDC recommendations on social distancing. Retailers have also invested heavily over a very short period of time in several new measures and adopted new operational procedures to support public health and safety. Several examples include, but are not limited to:

INCREASED SANITATION PROTOCOLS AND PROTECTIVE EQUIPMENT

- Increased cleaning protocols that follow CDC guidelines (including sanitizing check-out lanes after every guest transaction, "Clean Cart" protocols, additional cleaning of breakrooms, regular deep cleanings, and additional hand sanitizer in high traffic areas);
- Many stores have erected plexiglass "sneeze guards" to protect employees and customers;
- Modified hours to ensure regular deep cleaning and stocking of products;
- Staggered re-stocking so that employees are in different aisles;
- Staggered breaks, within compliance with wage and hour regulations, to maintain Social Distancing protocols; and,
- Providing gloves and masks to employees who want them, or where required by Executive Order.

ENHANCED CONSUMER AND EMPLOYEE PROTECTION

- Social Distancing signage, floor decals, one-way aisles and reminders;
- Dedicated staff to direct guests as they queue up, shop in the store, and check-out;
- Dedicated shopping hours for the elderly and medically vulnerable populations;
- Enactment of purchasing limits on high-demand products to prevent hoarding;
- Pausing the use of "self-service" food stations, including food samples, soup bars, salad bars, etc.;
- Suspended or reduced service hours such as food demos and product testing, so employees will have ample time for cleaning, sanitizing and stocking;
- Increased pickup & delivery service options for customers to help minimize contact and maintain social distancing;
- Using a single, clearly designated entrance and separate, clearly designated exit at each store to help maintain social distancing and lessen the instances of people closely passing each other;
- Limiting the number of people in a store at one time, and in line with Executive Orders where applicable;
- Using consumer contact points (such as SMS, text message, and mobile app alerts) to provide real-time updates on easier shopping methods and times to shop, such as curbside pickup or home delivery via mail or shipping service; and,

- Promoting no-contact pickup of customer orders and eliminating signatures for order pick up. Shopping online or through a mobile app. Employee pick the order, bring it to the curb and can place directing in trunk of a vehicle, avoid contact and maintaining social distancing.

In short, we are doing everything possible to provide every individual and family with the essentials they need while limiting possible exposure and spread of COVID-19 and by following all federal, state and local public health orders.

We greatly appreciate all you are doing to safeguard the community and stop the spread of COVID-19. These are unprecedented times and everyone—governments, consumers, retail workers, healthcare workers and law enforcement—are doing their absolute best to protect our communities. We are equally committed to these goals as we strive to maintain supply chains and serve our entire communities so they are fully prepared to hunker down and stay safe at home. We hope this feedback is constructive, and that you will carefully consider revising current and future public health orders to include the appropriate role of law enforcement when all residents and consumers are asked to wear face masks or other PPE when leaving their homes. We appreciate the opportunity to discussing this matter further if you have any questions or concerns.

TO OUR STATE PARTNERS

We hope the language above can be helpful as you communicate with state and local officials. As always, let us know if we can be helpful in these conversations. We appreciate our continued partnership with you and all you are doing for retail on the front lines of this crisis.