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7 April 2020 NFI COVID-19 Sitrep #16

Question of the Day Below are links to actions government agencies suggest individuals or companies take or questions NFI has received re COVID-19:

1. **Question**: Does my business interruption insurance policy cover losses incurred as a result of governments required or influenced shutdowns?

Answer: Words matter. What is actually in your policy, not what you were told is covered will determine coverage. That said, law continues to develop in this area. Chris Keefer of Keefer Strategy, an Oregon law firm, writes an [easy to understand “state of play”](#) across insurance, legal, and political arenas. A bit more [detailed analysis](#) from Morrison Foerster describes the legal issues being considered.

NFI’s weekly webinar on the business impacts of COVID will include a discussion of insurance. [Register for the Wednesday 8 April 1200 \(eastern\) webinar.](#)

Request for Member Input or Advocacy Action Below are requests of NFI members for inputs:

1. The Associated Press report on the [seafood value chain’s struggles due to COVID](#)-imposed “stay at home” orders was syndicated to over 135 outlets. NFI’s work is referenced and [NFI tweeted about the importance of the supply chain](#). NFI urges companies and individuals active on social media to spread this story, and highlight the need for full and immediate seafood value chain support to your Members of Congress (contact [Lynsee Fowler](#) for Member’s social media contact) and the Administration ([@NOAAFisheries](#), [@NOAA](#), [@CommerceGov](#), [@WhiteHouseCEA](#))

Public Health, Technical, and Government Assistance Documents Below are links to summaries of Administration decisions and developing legislation.

1. Updated Guidance: The Treasury Department released late Monday night a [new FAQs on the PPP program](#), including questions on affiliation, employee size caps, salary and other compensation limits, calculating payroll cost, and treatment of 1099 workers.
2. Putting this in the Public Health Section .. [Because Mental Health is](#)

[Important Too!](#) Looking for at-home activities to keep house-bound kids entertained? The Partnership for Food Safety Education's [Fight BAC Curricula and Programs for K-12](#) and USDA's [Food Safe Families Activity Book](#) can help to keep children safe and engaged.

3. Proper Use of Masks: For masks to properly function as a barrier to the transmission of the COVID-19 virus, they must be properly used. The Acheson Group (TAG) [provides a summary of proper mask use](#), including procedures for donning, doffing, decontaminating and disposing of masks. This information is based on [a CDC podcast](#) (a transcript to the podcast is also available for a quick scan).
4. Updated Guidance. To minimize delays at Ports of Entry, [CBP is recommending that CBP's automated systems](#) be used to the fullest extent possible to minimize person-to-person interactions. Some activities that can be conducted through the automated systems include:
 - Transmit entry and entry summaries to the Automated Commercial Environment (ACE);
 - Update current account and point of contact information in the ACE portal, to include email, to provide a means for electronic communication;
 - Submit supporting documentation or responses to CBP Requests for Information (CBPF28) through the ACE portal or the Document Image System (DIS);
 - Transmit post-summary activities, such as Protests and Post-Importation Claims through ACE; and
 - Filers submitting Post Summary Corrections (PSCs) that require a payment of duties may opt to receive a bill, or may still mail payment to the Port of Entry.
5. USDA FSIS is holding weekly calls with its regulated industry to discuss COVID-19 and to answer questions related to impact on inspections and agency operations. This week the call is Wednesday, April 8 at 1:00pm ET. Please email [Lisa Weddig](#) for the call-in information.

NFI Tools for Members: Below are tools or programs available to NFI members:

1. NFI will continue its series on the business impacts of COVID -19 next week. More than 125 from 65 companies have signed up so far. [Register to hear insurance issues and the impact of the pandemic on white fish supplies and markets](#). See also the Question of the Day.

Media Report: Below are links to any major news stories about seafood and COVID.

1. None noted.

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Developing Administration and State Actions and Legislation Below are links to summaries or analysis of Administration decisions and developing or passed legislation.

1. Senate Majority Leader Mitch McConnell (R-KY) [announced that he will work](#) with Treasury Secretary Steven Mnuchin and Senator Chuck Schumer (D-NY) to approve more funding for PPP by unanimous consent or voice vote during the next scheduled Senate session this Thursday.

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World Health Organization, and Federal and State Government Reports Below are links to various daily updates from WHO, the White House, and other sources:

1. Department of Homeland Security Daily [Critical Infrastructure Situation Report 6 April 2020](#)
2. Miller Strategies, an NFI consultant, provides a [daily summary of White House](#), Congressional, and political updates.

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Other Governments Actions Below are links to nations' actions:

1. The Chilean National Customs Service has adopted a series of import and [exports related measures designed to facilitate trade](#) and ease processes at the border.

Previously Reported Government or Industry Actions NFI will retain links to particularly important decisions and actions, sorted by category:

Support for Markets

1. [Consumers Do What They Do, Not What They Say](#) While not seafood specific, NFI consultant FoodMinds surveyed consumers on claimed avoidance of certain foods and beverages due to COVID-19. Their [perspective](#) suggests claims of food avoidance (avoiding empty calories, COVID-related food safety concerns, ordering from rather than visiting the store, etc.) do not match actual purchasing behavior. All "claimed to be avoided" categories are up double digits in sales through late March.
2. Datassentials, who many of you may recall from the GSMC meeting in Orlando, is developing twice weekly [reports on eating trends and ideas for restaurants](#) to make it thru COVID-19. There may be helpful tips to help your customers (see pages 10,11, 13, 14) And a second report may include [helpful tips to help your customers](#).
3. About 130 people from more than 75 NFI members joined an NFI and Holland & Knight webinar Tuesday 31 March to discuss how to access the [resources available thru the CARES Act](#). The 90 minute [presentation](#) is available. To protect your investment in NFI, a [recording](#) of the webinar is available thru a password protection system. Email [John Connelly](#) for the password. We ask that you not distribute this beyond your company, as it is a benefit of your

investment with us.

4. NFI held a webinar 1 April on COVID-19's impact on Asian shrimp supply chains and the broader situation with foodservice. More than 145 people from 67 NFI members [heard the discussion and viewed the presentation](#).

Food Safety and Labeling

5. Frank Yiannas, FDA's Deputy Commissioner for Food Policy and Response, offers [assurance about food safety and supply](#) for people and animals during COVID-19 in a short 30 second video, including downloadable versions of the video for sharing.
6. Food and Drug Administration announced it will begin requesting that [importers send records required under the Foreign Supplier Verification Programs \(FSVP\) rule electronically](#) . At this time FDA intends to use remote inspections only for importers subject to FSVP. Importers who import only seafood products are not subject to FSVP.
7. FDA has granted additional time to comment on the [Laboratory Accreditation for Analysis of Foods](#) rule. The comment period will now close July 6, 2020.
8. FDA has released a [guidance document to provide restaurants and other businesses with flexibility regarding nutrition labeling](#) so that they can sell certain packaged food during the COVID-19 pandemic.
9. As restaurants are temporarily changing business practices due to COVID-19, FDA will not object if restaurants do not meet the menu labeling requirements. The agency has released a [guidance document](#) explaining this temporary policy.
10. FDA has developed a Fact Sheet on how to [safely distribute unused human food for animal food use](#) during the COVID-19 pandemic Updated Guidance: An [FDA website providing basic information](#) regarding food safety and COVID-19, as updated on 27 March. Importantly, the information has suggestions on how you can help plant workers who must operate near other workers protect themselves.
11. FDA is [providing temporary flexibility](#) regarding nutrition labeling of food labeled for food service being diverted to retail sales.
12. USDA FSIS is exercising enforcement discretion for a temporary period to provide [labeling flexibilities for products intended for food service going to retail](#)
13. The Partnership for Food Safety Education (the organization that brings us "Fight BAC") has some very [useful consumer-focused COVID-19 materials](#) that can be shared with your employees to keep them and their families safe and healthy at home

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14. The Global Organization for EPA and DHA (GOED) is warning that the Food and Drug Administration (FDA) and the Federal Trade Commission ([FTC](#)) are [watching out for misleading product claims](#).

Critical Infrastructure and Employees

15. Updated Guidance: U.S. Department of Labor announced [more guidance](#) to provide information to workers and employers about how each can access the protections and relief offered by the Families First Coronavirus Response Act, which went into effect April 1, 2020.
16. Updated guidance (28 March 2020) from [Department of Homeland Security: Memo on Identification of Essential Critical Infrastructure Workers During COVID-19 Response](#) Randy Rhodes of Harvest Select shared an [example of how his company provides documentation](#).
17. Processors and distributors that use or carry personal protective equipment (PPE) are seeing firsthand the impact that COVID-19 has on the supplies of PPEs. The CDC has developed a spreadsheet-based "[PPE Burn Rate Calculator](#)" that can be used to help manage inventories of these scarce equipment types. The calculator has the option to add additional PPEs to the already pre-populated medical supplies.
18. The Food and Beverage Industry Alliance, of which NFI is a member, has prepared a comprehensive document which outlines steps for when an employee tests positive for COVID-19 or [when an employee or visitor has been in close contact with someone who is positive for COVID-19](#). The document also outlines cleaning and disinfection guidelines.
19. The Cybersecurity and Infrastructure Security Agency (CISA) has prepared a 2-page [Risk Management for Novel Coronavirus \(COVID-19\)](#) document detailing steps to help executives think through physical, supply chain, and cybersecurity issues that may happen as a result of the COVID-19 pandemic.
20. The recently launched [CBP COVID-19 Updates and Announcements](#) site includes Federal Register Notices, Cargo Systems Messaging Service communications, announcements in trade programs and cargo security, and links to partner government agencies' COVID-19 response websites.
21. As a new member benefit, NFI has partnered with Squire LLC to provide a [personal financial wellness tool](#) (access code RECOVERY). The Squire platform covers over 70 detailed lessons and a support team to help participants. NFI member company employees have free access to Squire for the next 60 days.

Government Financial Assistance and Programs and Tax Issues

22. On Saturday evening 4 April, Treasury released additional information on the

22. On Saturday evening 4 April, Treasury released additional information on the [Affiliation Rules for the Paycheck Protection Program](#). In the first day of eligibility, SBA reports processing 13,669 loans valued at more than \$4,300,000,000.
23. The official [Treasury CARES resource](#) page has links re the SBA PPP loan application process.
24. On 2 April, SBA released an Interim Final Rule implementing the Paycheck Protection Program. This interim final rule [outlines the key provisions of SBA's implementation](#) of sections the CARES Act.
25. The Small Business Administration has [issued Economic Injury Disaster Loans \(EIDL\) declarations](#) for each U.S. State and Territory. This [allows the filings of applications for economic injury disaster loans](#) for small businesses experiencing temporary difficulties as a result of COVID-19.
26. Holland & Knight's [analysis of workforce-related credits](#), additional time to pay and file taxes, and opportunities to reduce business 2019 and 2020 income tax liability as well as possibly claim refunds for prior tax years

Miscellaneous

27. FEMA has created a [Coronavirus Rumor Control](#) website to provide a trusted page for COVID-19 information
28. The Environmental Protection Agency has issued [temporary enforcement discretion guidelines applicable](#) to manufacturing and other facilities with EPA interaction.
29. Ports are imposing restrictions on vessels and crew. [This map provides detailed restrictions information](#) by clicking on each port or country.
30. Not seafood specific, but an interesting tool that [calculates how local communities, counties, and states are doing to implement social distancing](#) and brings technology solutions to our local communities.
31. AFDO (Association of Food and Drug Officials) has a [Coronavirus Resource](#) page which provides links to State specific information.
32. The National Governors Association's "[Coronavirus: What You Need to Know](#)" webpage which provides current information on actions that States and Territories are taking to address COVID-19.
33. Two tools have been developed that track the varying stages of COVID-19 in the US states and territories the states. [CNN is tracking](#) state data for cases and deaths by total number and per 100,000 residents. The Acheson Group (TAG) has [created a sortable table](#) which looks at the rate of change of the illness. Both of these tools are useful in assessing the risk profile of each area. Per TAG, identifying hotspots can be used to establish self-quarantine policies for people traveling from hotspot areas and identify regions where absenteeism may be likely to increase.

[NFI offers an antitrust reminder](#) not because of specific seafood industry actions that raise antitrust concerns, but instead simply to highlight DOJ's emphasis on this area of enforcement, and as a reminder that these laws apply during a difficult time for all member companies.

This communication is not a statement of NFI position for purposes of the press. This is not a press release. This does not serve as on the record comment by NFI. This is part of privileged and confidential communications between NFI and its members.