

MPA/MACS FACTS

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April 3, 2020

QUESTIONS ARISE ABOUT RETAIL LOTTERY SALES

During the Governor's Town Hall last night a question about lottery sales at retail came up as the interaction between people and gas station or convenience store attendants could be a way spreading the coronavirus disease. In some communities, people congregate around the lottery machines and Governor Whitmer said that was a cause for concern. "The lottery is not essential but it's something that is sold at convenience stores, which are deemed essential," she said. "I have become aware of the serious concern about people congregating around the lottery and that's something we're going to take a serious look at. It is important that every single business owner who is selling food or essential needs is taking the appropriate responsible steps to ensure that the people coming into their stores are standing 6 feet apart."

Michigan Lottery has the following post on their website for retailers:

IMPORTANT NOTICE: YOU MUST IMMEDIATELY CEASE LOTTERY SALES AND CONTACT RETAILER SERVICES TO DEACTIVATE EQUIPMENT IF YOU ARE UNABLE TO IMPLEMENT SOCIAL-DISTANCING MEASURES AND FOLLOW ALL REQUIREMENTS OF THE STAY HOME, STAY SAFE ORDER. YOU ARE NOT REQUIRED TO SELL LOTTERY PRODUCTS AND MAY REQUEST DEACTIVATION OF EQUIPMENT AT ANY TIME. THERE ARE NO PENALTIES FOR DEACTIVATION. LAW ENFORCEMENT WILL CONFIRM COMPLIANCE WITH THE ORDER. TO DEACTIVATE, CALL 517 335-5619 OR EMAIL MSL-LICENSING@MICHIGAN.GOV

This has caused some confusion for retailers what they should do with lottery sales. MPA/MACS has reached out to lottery officials for further clarification but has not received a response back yet. MPA/MACS recommends any retailer that continues lottery sales to make sure customers are not congregating in your stores and are always social distancing. MPA/MACS will report any additional news on lottery sales as we get it.

SBA AND U.S. TREASURY INFORMATION ON SMALL BUSINESS LOAN PROGRAMS

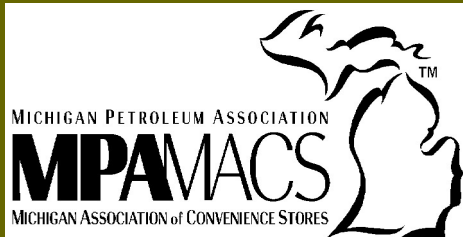
The U.S. Small Business Administration (SBA) and the Treasury Department have released information on loan programs to assist small businesses affected by the coronavirus outbreak. These programs, known as the Paycheck Protection Program and the Economic Injury Disaster Loan (EIDL) program, are available to businesses with 500 or fewer employees.

The application process for the Paycheck Protection Program (PPP) begins today. It is possible banks could start accepting applications today, but full implementation is unlikely to happen until next week. MPA/MACS encourages small businesses to fill out the borrowers' application and be prepared to consult with their local lender as to whether it is participating in the program as soon as possible. Information on the PPP and Economic Injury Disaster Loan Programs can be found at the MPA/MACS website at: <https://www.mpamacs.org/coronavirus-1>

NACS WEBINAR "ACCESSING PAYCHECK PROTECTION LOANS AND SMALL BUSINESS TAX CREDITS" NOW AVAILABLE

Congress has passed a new \$2 trillion stimulus law designed to help protect America's economy during this trying time. The package includes \$350 billion in loans for small businesses designed to help them cover payroll and other essential operating expenses. Previous legislation, the Families First Coronavirus Response Act, placed new paid time off requirements on many of these same businesses but established tax credits to offset the cost of these new obligations. NACS legal counsel has put together a webinar to help explain how such companies can access those small business loans and available tax credits with two experts from the law firm Steptoe & Johnson, LLC. The taped webinar with slides can be viewed at: <https://www.convenience.org/Education/Learning-On-Demand/Accessing-Paycheck-Protection-Loans-and-available>

Steptoe & Johnson, has also prepared answers to commonly asked questions about the Paycheck Protection Program to the extent information is available at: <https://www.steptoe.com/en/news-publications/small-business-relief-under-the-cares-act.html>



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SBLC WEBINAR ON CARES ACT OPEN TO MEMBERS—TUESDAY, APRIL 7 AT 12 PM

The Small Business Legislative Council (SBLC) is hosting a webinar on Tuesday, April 7, at 12pm Eastern. This live webinar will be open to all PMAA state associations and its members, free of charge. The webinar will review the provisions of the new Coronavirus Aid, Relief, and Economic Security (CARES) Act which are most important for you to know about now with a special emphasis on the Paycheck Protection Program. Please enter “PMAA” when asked “What Association Invited You?”

To register go to: <https://register.gotowebinar.com/register/2599539463621214990>

MICHIGAN STORAGE TANK DIVISION ENFORCEMENT UPDATE

As reported in the March MPA/MACS Newsletter, the U.S. EPA issued general enforcement discretion policy designed to address difficulties regulated parties may have maintaining certain routine compliance requirements due to the COVID-19 outbreak. A full report from PMAA can be found below.

MPA/MACS reached out to the Bureau of Fire Services—Storage Tank Division (BFS-STD) for further clarification for Michigan sites. The BFS-STD along with many other entities is operating under altered conditions due to the restrictions imposed by the COVID-19 situation. The BFS-STD inspectors have been directed to refrain from performing triennial inspections until further notice. The BFS-STD inspectors will continue to conduct other types of enforcement inspections including investigations against a complaint which include violations of R29.5603 which includes operating requirements for unattended self-service motor fuel dispensing facilities. Additional types of inspections will be addressed on a case-by-case basis, keeping the Governor’s executive order(s) in mind.

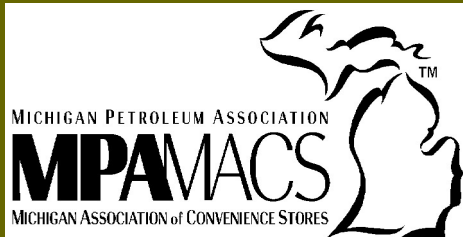
The intent of the BFS-STD is to keep critical infrastructure operational and able to provide services to Michigan’s citizenry. This may include protective actions if a facility is found to be unsafe (i.e. Unattended Fueling). Our staff will not impose delivery restrictions until the situation has been evaluated by BFS-STD management and there is not another avenue to obtain compliance.

Please direct any questions regarding inspection or enforcement activity to the BFS-STD Manager or the Region Supervisor(s) as appropriate.

PMAA Regulatory Counsel Mark Morgan has put together a report that can be viewed at:
www.pmaa.org/pdfs/RA3_27_20_EPA_Enforcement_Discretion.pdf

GOVERNOR MAKES IT OFFICIAL AND CLOSES SCHOOLS FOR REMAINDER OF THE YEAR

Governor Gretchen Whitmer issued, as has been rumored for several days, an executive order suspending in-person K-12 education for the remainder of the 2019-20 school year because of the threat posed by the new coronavirus. School districts will have to submit distance learning plans to their intermediate school district for approval. Executive Order No. 2020-35 is a thick document going over the myriad of moves needed to implement such a massive move. While the end of in-person learning applies to all schools, public and private, the distance learning component is only for public schools. The executive order urges nonpublic schools to take similar actions. High school seniors will be able to graduate this year. The order cancels all standardized tests for the remainder of the school year. To view the full Executive Order 2020-35: https://content.govdelivery.com/attachments/MIEOG/2020/04/02/file_attachments/1417518/EO%202020-35.pdf



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ESSENTIAL RETAILERS WORK TO KEEP EMPLOYEES SAFE BEST PRACTICES FOR BUSINESSES ON THE FRONTLINES

How are grocery stores, convenience stores, drugstores and other essential businesses keeping their employees safe while serving customers during the coronavirus pandemic? The Good Jobs Institute shares some best practices from companies like H-E-B, Mud Bay, Costco and Mercadona in an article for the *Harvard Business Review*. To see the full NACS article go to: [https://www.convenience.org/Media/Daily/2020/Apr/3/1-Essential-Retail-Keep-Employees-Safe-Operations?utm_content=NACS%20Daily%20040320:%20newsarticle1%20\(Essential%20Retailers%20Work%20to%20Keep%20Employees%20Safe\)&utm_source=NACS%20Daily&utm_campaign=NACS%20Daily%20040320&utm_medium=email&utm_term=306529](https://www.convenience.org/Media/Daily/2020/Apr/3/1-Essential-Retail-Keep-Employees-Safe-Operations?utm_content=NACS%20Daily%20040320:%20newsarticle1%20(Essential%20Retailers%20Work%20to%20Keep%20Employees%20Safe)&utm_source=NACS%20Daily&utm_campaign=NACS%20Daily%20040320&utm_medium=email&utm_term=306529)

GOVERNOR SIGNS NEW ORDER PROTECTING WORKERS WHEN THEY ARE SICK

Governor Gretchen Whitmer signed Executive Order 2020-36, prohibiting all employers from discharging, disciplining, or otherwise retaliating against an employee for staying home from work if they or one of their close contacts tests positive for COVID-19 or has symptoms of the disease. Executive Order 2020-36 also strengthens the governor's "Stay Home, Stay Safe" executive order by declaring that it is the public policy of the state that all Michiganders who test positive or show symptoms, or who live with someone who tests positive or shows symptoms, should not leave their homes unless absolutely necessary.

Under Executive Order 2020-36, any and all individuals who test positive for COVID-19 or who display one or more of the principal symptoms, such as fever, atypical cough, and atypical shortness of breath, must remain in their home or place of residence. This includes Michiganders who are otherwise free to leave their homes under Executive Order 2020-21. People who test positive or who are experiencing symptoms must wait to leave their homes until three days have passed since their symptoms have resolved and seven days have passed since symptoms first appeared, or since they were swabbed for the test that yielded the positive result. In addition, any and all close contacts of a symptomatic individual or of someone who has tested positive for COVID-19 should remain in their home until 14 days have passed or the symptomatic individual receives a negative COVID-19 test.

Executive Order 2020-36 can be found at: https://content.govdelivery.com/attachments/MIEOG/2020/04/03/file_attachments/1418576/EO%202020-36.pdf

Flow chart to help understand when they should stay home: https://content.govdelivery.com/attachments/MIEOG/2020/04/03/file_attachments/1418643/COVID-19%20When%20is%20it%20Safe%20to%20Leave%20Home%20.pdf

EGLE ESTABLISHES PROCESS FOR HANDLING ENFORCEMENT DISCRETION DUE TO COVID-19

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) recognizes during this time may require some regulated entities to deviate from normal business operations. During the COVID-19 response, regulated entities are expected to maintain compliance with environmental regulations and permit requirements to protect Michigan's environment and public health. EGLE understands that disruptions to standard operations may create challenges for regulated entities to meet some legal obligations. To address these challenges, EGLE has established an email box (EGLE-EnforcementDiscretion@mi.gov) to accept requests for regulatory flexibility from entities who face unavoidable noncompliance directly due to the COVID-19 emergency. In response to those requests, EGLE may consider extending reporting deadlines, waiving late fees, and otherwise exercising enforcement discretion.

To view the full EGLE announcement with more details go to: <https://www.michigan.gov/egle/0,9429,7-135--523592--S,00.html>