



South Carolina DEPARTMENT OF AGRICULTURE

Hugh E. Weathers, Commissioner

March 27, 2020

Re: Designation of production and supply of food, agriculture, and farms as “Essential Services”

Dear Members of the Law Enforcement Community,

I am writing on behalf of our state’s agriculture community. I want to thank you for what you do every day for the citizens of South Carolina. Your work is even more critical in these difficult times than it has ever been. I have always relied on and appreciated the collaborative relationship that the South Carolina Department of Agriculture and the agricultural community as a whole has had with the law enforcement community. I know I can count on that relationship as we meet head on our current challenge of serving South Carolina amid the COVID-19 pandemic.

As our state and nation continue to meet this challenge, some states, counties, and cities, including as of today, Charleston and Columbia, have adopted travel restrictions such as “shelter-in-place” and other “stay home” ordinances. As you may be aware, the South Carolina Office of Attorney General also issued an Opinion that questions the validity of these local city ordinances and opines that “local government cannot exercise the emergency powers delegated to the Governor by the General Assembly . . . [t]herefore, counties and municipalities should be aware that any unauthorized exercise of such emergency powers could subject these political subdivisions to liability at the behest of a private citizen with the requisite legal standing.” *Op. S.C. Att’y Gen.* (March 27, 2020).

Until the validity of these local ordinances is settled, and as the virus spreads, it is likely that we can expect to see more such restrictions adopted. With such orders in place it will no doubt fall upon our great law enforcement officers in South Carolina to ensure that such measures are being followed responsibly. It is to this end that I write to advise you of my plans moving forward and to request your help.

The Department of Homeland Security has identified “(e)ssential manufacturing operations including food processing, manufacturing agents, including all foods and beverages, chemicals, medical equipment/instruments, pharmaceuticals, sanitary products, telecommunications, microelectronics/semi-conductor, agriculture/farms, household paper products, vehicle and aircraft manufacturing” as one of 16 critical infrastructure areas providing vital service to the nation. Further, in South Carolina, “agriculture operation” is defined to include: (1) the plowing, tilling, or preparation of soil at the agricultural facility; (2) the planting, growing, fertilizing, or harvesting of crops, ornamental horticulture, floriculture, and turf grasses; (3) the application of pesticides, herbicides, or other chemicals, compounds, or substances to crops, weeds, or soil in connection with the production of crops, livestock, animals, or poultry; (4) the breeding, hatching, raising, producing, feeding, keeping, slaughtering, or processing of livestock, hogs, aquatic animals, equines, chickens, turkeys, poultry, or other fowl normally raised for food, mules, cattle, sheep, goats, rabbits, or similar farm animals for commercial purposes; (5) the production and keeping of the honeybees, the production of honeybee products, and honeybee

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processing facilities; (6) the production, processing, or packaging of eggs or egg products; (7) the manufacturing of feed for poultry or livestock; (8) the rotation of crops; (9) commercial aquaculture; (10) the application of existing, changed, or new technology, practices, processes, or procedures to an agricultural operation; (11) the operation of a roadside market; and (12) silviculture.” S.C. Code Ann. § 46-45-20.

Consistent with the Department of Homeland Security’s identification of the production and supply of food, agriculture, and farms an “Essential Service” I am issuing a “Notice of Essential Food and Agriculture Employee” to agricultural commodity entities and other entities that are part of the food and agriculture critical infrastructure, including essential SCDA employees (a copy of which is attached to this letter).

These workers have been instructed to present the notice signed by me along with a government issued identification if stopped by law enforcement. Should the law enforcement officer have any questions, each permit will contain a signed verification by the head of the agricultural entity along with contact information. The agricultural entities are working to get these forms out to the appropriate personnel, but this may take a few days to fully implement. Once more, I would like to reiterate how important the relationship between SCDA, the agriculture community, and law enforcement is to me and ask for your cooperation as we continue to perform our essential functions. I greatly appreciate all that our great officers do every day and request your assistance as we as a society continue to battle these unprecedented conditions. Please share this letter with your membership and anyone else you deem appropriate Please let me know if I can ever be of assistance to the law enforcement community.

Sincerely,

A handwritten signature in black ink that reads "Hugh E. Weathers" followed by a long, sweeping horizontal flourish.

Hugh E. Weathers
Commissioner

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