



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
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April 8, 2020

Tom Myrum, Executive Director
Washington State Water Resources Association
606 Columbia Street NW
Olympia, WA 98501

Dear Tom:

Thank you for your recent inquiry. You asked whether agricultural irrigation and drainage work is “Essential Business” that can continue during the coronavirus pandemic.

My short answer is yes.

Given the emergency command structures in place during the Covid-19 pandemic, however, please understand that this response should not be characterized as a final agency decision. The Governor’s office has final say on interpretations of the Governor’s “Stay Home” Proclamation 25-20 of March 23, 2020 or related “Essential Business” documents.

That said, the Governor’s Joint Incident Communications team recently published a press release to address confusion from agricultural stakeholders over the Governor’s “Essential Business” list. The release included this broadly phrased clarification: *“The governor stated the industry is an essential and critical infrastructure sector. If you work in agriculture – farming, ranching, food processing, distributing, or a business supporting agriculture--you may continue to work.”* This article provides more detail: https://www.nbcrightnow.com/coronavirus/gov-inslee-states-food-production-is-essential-working-on-guidelines/article_91c4ca4a-70b0-11ea-b1b5-27edcb4bf98c.html. Based on this guidance, Irrigation water supply and drainage clearly constitute essential business providing necessary support for food and agricultural production.

This is consistent with the “Food and Agriculture” section of Governor Inslee’s “Essential Business” list ([Essential Critical Infrastructure Workers](#)) which also contains broad statements that allow both Food “and” Agriculture-related activities to continue, not just agricultural food production activities. Agricultural irrigation and drainage related activities fall within broad Essential Business list phrasing that includes: “Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution;” “Farm workers and support service workers to include those who field crops; ... and other agricultural inputs;” Note that this description broadly includes field crops and agricultural inputs, like water and drainage. It is not limited to food crops. Likewise, the essential work of distributing agricultural irrigation water applies broadly to food crops, non-food crops and agricultural products.

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Washington statutes defining agricultural activities are also instructive. The Right to Farm statute's "agricultural activities" definitions, for instance, include irrigation and drainage activities and expressly list the "operation of machinery and irrigation pumps," the "use of water for agricultural activities" and the "maintenance of ... drains, waterways and similar features" as critical agricultural activities occurring "in connection with the commercial production of farm products" (RCW 7.48.310).

Statutes like this express our agriculture and food supply chain's fundamental dependence on ready access to reliable water and well-managed drainage infrastructure.

For all of these reasons I believe it is clear that entities and employees involved in the manufacture, maintenance and/or operation of irrigation and drainage equipment and infrastructure are engaged in Essential Business and may continue to work. Please extend my grateful appreciation to your members for continuing this critically important work during these incredibly challenging times.

I hope you find this information helpful.

Sincerely,



Derek I. Sandison
Director