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Wolf Administration Outlines Impacts of Ending Disaster Declaration

Legislature Cannot End Disaster Declaration Unilaterally

Disaster Declaration is Separate from Secretary of Health Business Guideline Orders

Harrisburg, PA – Today, the Wolf Administration outlined the potential impact of ending the March 6 disaster declaration while clarifying that the legislature cannot end it unilaterally. The disaster declaration aids in speeding up the state's response to the pandemic and provides protections for businesses, workers and residents. Importantly, ending the disaster declaration would not end any orders issued by the Secretary of Health that set guidelines for business operations.

Last night, the General Assembly voted to end the disaster declaration with many members claiming their actions ended the business guideline orders. That is not true. Not only does any concurrent resolution need to come to the Governor for approval or disapproval, but the disaster declaration is separate from the orders signed by Secretary of Health Dr. Rachel Levine under the Disease Prevention Act that include provisions for business reopening and for worker and building safety. Those orders remain in place. The legislature did nothing to end those.

Rather, the legislature chose to attempt to end the disaster declaration – a measure that would ostensibly end protections passed for businesses, workers, and residents.

If the declaration were to end, these protections would go away:

- Burdensome eligibility requirements for more than a million Unemployment Compensation claimants would immediately go back into effect, and employers across the commonwealth would no longer receive relief from charges.
- Certification requirements under the public-school code and child protective services law would end.
- A school meal eligibility waiver, which has allowed more than 300 meal sites to open for distribution of food to school-age children in need, would end.
- Telehealth and other health care services provided by out-of-state providers for Pennsylvanians would end.
- Utility assistance for thousands of families and individuals would end, leaving people without water or electricity.
- Hospitals and alternative care sites would no longer be able to add capacity or repurpose facilities (i.e., beds) without having to abide by the 60-day notice requirement.
- License renewal and training requirement suspensions for health care professionals, child care workers, direct care workers, direct support professionals, among other professional groups who provide life sustaining services to our children, seniors, and vulnerable residents would end, meaning all of these workers would need to choose between not returning to work until those credentials could be renewed or trainings completed and the option of returning to work with the understanding that they are

practicing out of compliance with Pennsylvania law and regulation, very well opening themselves up to personal liability.

- PennDOT waivers for commercial motor vehicle weight limitations and permitting requirements for the transport and delivery of agricultural feed, food, and dairy products, fuel, pharmaceuticals, and medical supplies to assist in supply chain challenges would end and motor carriers would be restricted in their ability to directly assist in supporting emergency relief efforts necessary to respond to the pandemic.
- Mortgage foreclosure and eviction moratoriums that offer protection to vulnerable Pennsylvanians at risk of losing their homes during the pandemic would end.

In addition to these immediate waiver and legislative enactments being removed, ending the disaster declaration also would remove many practical aspects of the state's response to this disaster, including the authority to activate the National Guard to help with nursing homes; deploying commonwealth personnel, services and distributing supplies and equipment; implementing emergency funding; suspending rules and regulations that would hinder or delay necessary action in coping with the emergency; and using all available resources of the commonwealth government and its political subdivisions to deal with the emergency.

The state could also lose federal public and individual disaster assistance, and any additional state funding sources available through transfer of unused General Fund dollars.

During a state of emergency declared by the governor, commonwealth agencies and departments may implement their emergency assignments without regard to procedures required by other laws pertaining to performing their work, entering into contracts, purchasing supplies and equipment, and employing temporary workers.