

March 19, 2020

Re: New York Executive Order 202.6, Essential Services

To Whom It May Concern:

On behalf of the Electronic Transactions Association (ETA), we appreciate the opportunity to offer comment on Executive Order 202.6, outlining why the electronic payments industry is critical infrastructure that must be maintained with full workforce capabilities, and what our member companies are doing in response to the coronavirus (COVID-19). As an industry that powers commerce worldwide, we are concerned about the spread of COVID-19 and the impact it has on individuals and businesses, especially small businesses, across the globe – including consumers, merchants, and our colleagues. The electronic payments industry offers helpful solutions to assist consumers and small businesses in maintaining normalcy and peace of mind in the face of COVID-19.

ETA has over 500 member companies, representing the complete payments technology ecosystem. Its membership includes financial institutions, payments processors, merchant acquirers and payments sales organizations, FinTechs, technology companies, security companies, software developers, and hundreds of other organizations in the business of powering digital commerce online and across the world.

As you determine the best way to protect your citizens and preserve economic and societal stability in New York State, we recommend you issue guidance including banks, related financial institutions, financial service providers, and electronic payments facilitators as “essential services”.

ELECTRONIC PAYMENTS ARE CRITICAL INFRASTRUCTURE

In challenging times like these when governments and private institutions are attempting to offer rapid response to a national emergency and reassure citizens, the electronic payments industry is a foundational part of maintaining public faith and well-being.

The Federal Financial Institutions Examination Council (FFIEC) and Nation Institute of Standards and Technology (NIST) have defined “critical infrastructure” as “Systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.”¹² These definitions were crafted in recognition that the high standards of security and maintenance of all parts of the

¹ FFIEC IT Examination Handbook Infobase, <https://ithandbook.ffiec.gov/glossary.aspx>

² [NIST SP 800-30 Rev. 1](#)

nation's financial infrastructure presents a public concern of the highest order even in times free from crisis – so that we are all prepared to serve the public without faltering when moments of emergency arise.

In 2019 alone, ETA members processed over \$21 trillion in worldwide payments. That payment facilitation capacity is essential to providing citizens the online spending access that will allow them to maintain the best health practices and social distancing recommended by the CDC. The best way we as an industry can preserve that vital capacity is by maintaining the on-site workforce resources that support the infrastructure and agile responses consumers need.

Right now, citizens are counting on the reliability and soundness of the payments industry like never before. The rapid, seamless services offered by ETA members and electronic payments help all New Yorkers by providing fast access to spending power and capital – a critical function at any time, but an absolute necessity as we work to combat the economic and societal challenges posed by COVID-19.

Amid ongoing concerns about COVID-19 and the given potential for disruption in income and an increase in unexpected expenses for consumers, especially for hourly workers, ETA members are offering a number of valuable benefits to consumers by tailoring responses to consumer needs. For example, they are serving their customers in the following manners:

- Relief for consumers, including the waiving of fees, lower monthly minimums, and suspension of negative reporting to credit bureaus – combined with 24/7 online access to financial accounts and mobile apps to check balances and make payments.
- ETA's members have been pioneers in developing and implementing technologies that allow consumers to buy goods and services online. As such, ETA members and the global payments industry at large are prepared to assist consumers and businesses continue transacting in a safe and efficient manner by providing alternative payment options such as contactless, peer-to-peer, mobile wallets, and other technologies as ways to allow commerce to continue and to deter the spread of COVID-19.
- As more Americans practice social distancing by working from home and relying on eCommerce, ETA anticipates an increase in fraudsters attempting to capitalize on COVID-19. The payments industry remains committed to protecting consumers by fighting fraud. Indeed, consumers continue to choose electronic payments because of the protections afforded such as zero liability for fraudulent charges, making electronic payments the safest and most reliable way to pay.
- COVID-19 will trigger a reduction in sales for many small businesses. ETA members offer a number of programs to help small businesses manage and address the headwinds created by COVID-19, including waiving fees, offering loan deferrals and forbearance, access to online applications for financing options, and free eCommerce websites for small businesses.

KEEPING EMPLOYEES HEALTHY

ETA member company employees are the industry's strongest asset, and we are working to ensure their health and safety at the highest possible standards. ETA members are taking the following steps to help protect them:

- Banning travel and prohibiting large or outside meetings.
- Following all hygiene recommendations from the CDC, including installing hand sanitizer inside the office.
- Allowing employees to work remotely and securely when possible.

CONCLUSION

The electronic payments industry is an essential service in New York, and we must maintain the workforce capacity to provide the seamless, reliable services citizens trust every day, even more so in times of crisis. The industry provides many options for merchants, small businesses, and consumers to stay safe and still engage in commerce - both during these uncertain times, and in the future. The electronic payments industry is dedicated to using innovation to fight fraud and ensure that consumers have access to safe, convenient, and affordable payment services. In this way, ETA and its members are doing our part to mitigate the impact of COVID-19 on the health of individuals and the growth of commerce around the world. Designation as "essential services" is essential to the electronic payments industry preserving the capacity, functionality, and reliability that serves citizens best. If we can be of any assistance to New York State, please contact me or Scott Talbott, SVP of Government Affairs.

Sincerely,

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