



April 16, 2020

The Honorable Lawrence J. Hogan, Jr.  
Office of the Governor  
100 State Circle  
Annapolis, MD 21401

The Honorable Bill Ferguson  
President of the Senate  
H-107, State House  
100 State Circle  
Annapolis, MD 21401

The Honorable J.B. Jennings  
Senate Minority Leader  
423 James Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

The Honorable Adrienne A. Jones  
Speaker of the House of Delegates  
H-101, State House  
100 State Circle  
Annapolis, MD 21401

The Honorable Nicholas R. Kipke  
House Minority Leader  
212 House Office Building  
6 Bladen Street  
Annapolis, MD 21401

Dear Governor Hogan, President Ferguson, Leader Jennings, Speaker Jones, and Leader Kipke:

As leaders from Maryland business associations, representing thousands of employers across the state, we are committed to doing our part to assist in mitigating the COVID-19 public health crisis. First and foremost, we believe that the health and safety of our members, their employees, our customers and the general public is of paramount importance and remains our top priority. We also believe that State actions taken to address the challenges posed by the evolving COVID-19 crisis must appropriately balance public health and safety with the economic realities that our members are facing at this time.

Over the course of the last several weeks, employers have responded and made many changes, partnering with Federal and State governments to assist in blunting the threat of COVID-19. However, through these actions Maryland businesses have encountered several additional unforeseen challenges. As the State continues to respond to the evolving threat by implementing policies intended to mitigate its impact, we respectfully request that the following issues be considered.

**Pre-Emption**

Maryland is home to 180 different incorporated counties and municipalities, each which have the power to create and establish certain laws and regulations. Variation in local measures related to public health and safety will pose significant challenges, particularly for multi-jurisdictional employers that are already in the midst of navigating a difficult and evolving crisis situation. In addition, this disparity creates confusion as employers struggle to understand and comply with an emerging patchwork of laws.



Therefore, we urge the State to issue one set of COVID-19 rules, regulations and/or guidelines, in conjunction with the business community and local governments, in order to iron out various issues that have arisen. Further, the State should prevent the proliferation of local measures that stand to put public health at greater risk due to confusion and lack of clear guidance.

### **Transparency**

While we recognize that the nature of this threat requires swift response and action, we must not let that undermine the foundational principles upon which public trust is built.

We encourage the State to utilize our groups' expertise and communication capabilities when promulgating, and most importantly, conveying regulations, guidelines, and resources. We offer a unique ability to speak directly with our memberships and the broader business community. We can also be a valuable partner to the State lending our expertise to assist in mitigating the issues that will emerge as we navigate this response together. Stronger communication is absolutely necessary to ensure the best outcomes.

### **Flexibility**

As the crisis evolves and we work toward re-starting our economy, we understand that the State will need to implement additional measures to protect the public and prevent a follow-up outbreak.

The strength of Maryland's economy is based on its diversity and includes many sectors including agriculture, manufacturing, hospitality, biotech, among others. Each of these and the businesses within them face unique challenges that will require unique solutions and flexibility based on their needs.

We urge the State to consider these needs when promulgating regulations. A one-size-fits-all approach to this crisis could be a disservice to public health and to the economy.

### **Liability Protection**

Maryland's businesses and other organizations are facing unprecedented challenges while assisting in the pandemic response. However, as the private sector contributes to the response, it faces liability challenges that governments do not. As a result, private companies require protection from unreasonable exposure. One of the greatest concerns of the business community is the potential for multiple types of claims that could be brought against those designated as "essential," as well as other sectors once the economy begins to reopen. The threat of exposure-related litigation is likely to deter some businesses from reopening after it is determined that they could safely do so by following the guidance of authorities.

As the crisis subsides, Maryland's businesses will require liability protection to reopen the economy and resume activities. Therefore, we urge the State to consider such liability protection through Executive Order to ensure that emergency response and recovery is not unnecessarily hampered by lawsuits and other costly claims.



In conclusion, we believe that our welcomed participation in the decision-making process moving forward will minimize confusion and ensure the best outcomes for our State. This will allow businesses to provide input, seek clarity, and result in the robust and effective policies necessary to protect our employees and the general public.

Sincerely,

Maryland Chamber of Commerce  
NFIB – Maryland  
Maryland Retailers Association  
American Council of Engineering Companies-MD  
American Property Casualty Insurance Association  
Maryland Association of CPAs  
Maryland Building Industry Association  
Maryland Hotel and Lodging Association  
Maryland Motor Truck Association  
Maryland Society of Accounting and Tax Professionals  
Maryland Tech Council  
Mid-Atlantic Petroleum Distributors Association  
NAIOP-Commercial Real Estate Development Association – Maryland Chapter  
Washington, Maryland, and Delaware Service Station and Automotive Repair Association

Cc: Secretary Kelly Schulz, Maryland Department of Commerce  
Secretary Tiffany Robinson, Maryland Department of Labor

