

May 3, 2020

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
H-232, The Capitol
Washington, D.C. 20515

The Honorable Mitch McConnell
Majority Leader
United States Senate
S-230, The Capitol
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
H-204, The Capitol
Washington, D.C. 20515

The Honorable Charles Schumer
Minority Leader
United States Senate
S-221, The Capitol
Washington, D.C. 20510

Dear Speaker Pelosi, Leader McConnell, Leader Schumer and Leader McCarthy:

Our associations represent the tens of millions of women and men in America working in essential industries that have been called upon to continue operating to support our nation's response to the COVID-19 crisis. Our member companies are doing their best to serve the public interest, protect our communities and minimize harm to the American people during these uncertain times. Yet because they have remained operational during times of remarkable legal uncertainty, they risk becoming the targets of coronavirus-related lawsuits that will ultimately do nothing to reduce the spread of this disease or address the suffering that Americans have endured because of it. Congress must act to ensure that such misguided litigation does not derail our recovery.

Companies that have continued to operate to serve the public have confronted new and difficult legal questions every day. Federal and state rules and guidance on how to operate during this crisis have evolved rapidly and at times have created legitimate confusion over even ordinarily simple tasks like cleaning a work site. Businesses reopening in the coming weeks will soon face these questions as well. In the face of such uncertainty, our members consistently strive to do the right thing, continually implementing new safety protocols to reduce the risk of transmission among employees and the public in response to updated guidance from the CDC, OSHA and state authorities. Companies doing their best to control the spread of this disease with the limited guidance available deserve legal protection. Congress should not allow good actors to be held liable for events beyond their control.

By providing limited and rational safe harbors for good actors, Congress can help ensure that the critical needs of the American people are met during this time of crisis and enable the continued operation of critical infrastructure. Basic "Good Samaritan" provisions under the PREP Act, designed to address product and volunteer liability issues, have already enabled companies that may not normally produce protective equipment to do so to serve front line health care workers. Congress can go further by expanding the scope of these provisions. In addition, workplace provisions that recognize the value of modern safety regulation as a far better alternative to one-off lawsuits will give businesses of all kinds clearer expectations on how to manage a safe workplace. Temporarily suspending suits that threaten to shut down vital industries—including even health care providers—is a sensible step to ensure every American has access to basic life essentials without creating new shortages and exacerbating the crisis.

Providing businesses with targeted and limited safe harbors during these difficult times is not the same as shielding companies from all liability. We are *not* seeking to protect bad actors that operate in reckless or intentional disregard of available guidance on reducing the spread of COVID-19. Therefore, liability protections should be appropriately tailored and limited to the present emergency and a reasonable period of recovery.

Our country is facing an unprecedented crisis, and America's essential businesses are stepping up to provide for the critical needs of our people, despite incredible uncertainty and a constantly shifting environment. We look forward to working with members of Congress to put in place fair, sensible rules that protect businesses that have worked to keep Americans safe and healthy during our response to this crisis and those that will soon get back to work as our country reopens and moves toward recovery and renewal.

Sincerely,

Aerospace Industries Association
Agricultural and Food Transporters Conference
Agricultural Retailers Association
AICC, The Independent Packaging Association
Air-Conditioning, Heating and Refrigeration Institute
Alabama Grocers Association
Alabama Poultry & Egg Association
Alliance for Automotive Innovation
Alliance of Wyoming Manufacturers
American Apparel & Footwear Association
American Association of Homeopathic Pharmacists
American Bakers Association
American Beverage Association
American Boiler Manufacturers Association (ABMA)
American Chemistry Council
American Cleaning Institute
American Coatings Association
American Coke and Coal Chemicals Institute
American Farm Bureau Federation
American Feed Industry Association
American Forest and Paper Association
American Foundry Society
American Frozen Food Institute
American Home Furnishings Alliance
American Mold Builders Association
American Peanut Shellers Association
American Pet Products Association
American Seed Trade Association
American Sheep Industry Association
American Spice Trade Association
American Sugar Alliance
American Wood Council
AMT - The Association For Manufacturing Technology
Arizona Chamber of Commerce and Industry
Arizona Food Marketing Alliance
Arizona Manufacturers Council

Arizona Trucking Association
Associated Builders and Contractors
Associated Equipment Distributors
Associated Industries of Florida
Associated Industries of Massachusetts
Associated Industries of Missouri
Associated Industries of Vermont
Association for Supply Chain Management
Association for Unmanned Vehicle Systems International (AUVSI)
Association of Home Appliance Manufacturers
Association of Washington Business
Auto Care Association
Battery Council International
Beer Institute
Brick Industry Association
Buckeye Valley Chamber of Commerce
Buffalo Niagara Manufacturing Alliance
Builders Hardware Manufacturers Association
Business & Industry Association of New Hampshire
California Manufacturers & Technology Association
California Poultry Federation
Calorie Control Council
Can Manufacturers Institute
Career Services Network
Cedar Rapids Metro Economic Alliance
Chamber of Commerce Hawaii
Charlotte Regional Business Alliance
Chicken and Egg Association of Minnesota
Chillicothe Ross Chamber of Commerce
Color Pigments Manufacturers Association
Colorado Advanced Manufacturing Association
Colorado Association of Wheat Growers
Colorado Chamber of Commerce
Colorado Egg Producers
Colorado Pork Producers Council
Colorado State Grange
Connecticut Business & Industry Association
Cookware manufacturers association
Corn Refiners Association
Council for Responsible Nutrition
Council of Industry of Southeastern New York
Dallas County Manufacturers Association
Dayton Region Manufacturers Association
Delaware State Chamber of Commerce
Delmarva Poultry Industry, Inc.
Distilled Spirits Council of the United States
Edison Electric Institute
EPS Industry Alliance
Fire and Emergency Manufacturers and Services Association
Flexible Packaging Association
FMI - the Food Industry Association

Georgia Association of Manufacturers
Georgia Food Industry Association
Georgia Poultry Federation
Georgia Poultry Laboratory Network
Glass Packaging Institute
Global Cold Chain Alliance
Greater Durham Chamber of Commerce
Greater Lehigh Valley Chamber of Commerce
Greater North Dakota Chamber
Greater Pittsburgh Chamber of Commerce
Greater Reading Chamber Alliance
Greater Wilmington Chamber of Commerce
Greater Winston Salem, Inc.
Harlingen Economic Development Corporation
Harlingen Manufacturers Association
Healthcare Nutrition Council
Hocking Hills Chamber of Commerce
Household & Commercial Products Association
Idaho Association of Commerce and Industry
Illinois Manufacturers' Association
Illinois Poultry Industry Council
INDA, The Association of the Nonwoven Fabrics Industry
Independent Bakers Association
Independent Lubricant Manufacturers Association
Indiana Cast Metals Association
Indiana Manufacturers Association
Industrial Truck Association
Infant Nutrition Council of America
Institute of Makers of Explosives
Institute of Scrap Recycling Industries
Institute of Shortening and Edible Oils
International Association of Plastics Distribution (IAPD)
International Bottled Water Association
International Dairy Foods Association
International Food Additives Council
International Foodservice Distributors Association
International Sign Association
International Wood Products Association
Iowa Association of Business and Industry
Iowa Poultry Association
Iowa Turkey Federation
IPC - Association Connecting Electronics Industries
ISSA - The Worldwide Cleaning Industry Association
Jackson Area Manufacturers Association
Juice Products Association
Kansas Chamber
Kentucky Association of Manufacturers
Kentucky Poultry Federation
Kitchen Cabinet Manufacturers Association
Leading Builders of America
Louisiana Association of Business and Industry

MAGNET

Maine State Chamber of Commerce
Manufacturer & Business Association
Manufacturers Alliance for Productivity and Innovation
Manufacturing Alliance of Philadelphia Region
Maryland Chamber of Commerce
Metal Powder Industries Federation
Metal Treating Institute
Metals Service Center Institute
Michigan Allied Poultry Industries, Inc.
Michigan Chamber of Commerce
Michigan Manufacturers Association
Minnesota Chamber of Commerce
Minnesota Grocers Association
Mississippi Hospitality and Restaurant Association
Mississippi Manufacturers Association
Mississippi Poultry Association
Missouri Chamber of Commerce and Industry
Missouri Retailers Association
Missouri Tire Industry Association
Montana Chamber of Commerce
Motor & Equipment Manufacturers Association
National Aquaculture Association
National Association of Chemical Distributors
National Association of Manufacturers
National Association of Trailer Manufacturers
National Association of Wheat Growers
National Automatic Merchandising Association (NAMA)
National Chicken Council
National Confectioners Association
National Council of Textile Organizations
National Electrical Manufacturers Association
National Fisheries Institute
National Fluid Power Association
National Grain and Feed Association
National Grocers Association
National Insulation Association
National Lime Association (NLA)
National Marine Manufacturers Association
National Mining Association
National Oilseed Processors Association
National Pasta Association
National Pork Producers Council
National Propane Gas Association
National Roofing Contractors Association
National Stone, Sand and Gravel Association
National Tooling & Machining Association
National Tooling and Machining Association
National Turkey Federation
National Wooden Pallet and Container Association
NC Chamber

Nebraska Chamber of Commerce and Industry
Nevada Manufacturers Association
New Jersey Business & Industry Association
New Mexico Business Coalition (NMBC)
Next Generation Manufacturing
Non-Ferrous Founders' Society
North American Association of Food Equipment Manufacturers (NAFEM)
North American Die Casting Association
North American Export Grain Association
North American Meat Institute
North American Miller's Association
North Carolina Egg Association
North Carolina Farm Bureau
North Carolina Manufacturers Alliance
North Carolina Poultry Federation, Inc.
Northeast PA Manufacturers & Employers Association
Northwest Chicken Council
Northwest Horticultural Council
Northwest Women's Network
Ohio Cast Metals Association
Ohio Cast Metals Association
Ohio Egg Processors Association
Ohio Grocers Association
Ohio Poultry Association
Oklahoma Grocers Association
Oregon Business & Industry
Pacific Egg & Poultry Association
Pennsylvania Foundry Association
Pennsylvania Manufacturers' Association
Pet Food Institute
PET Resin Association
Plastics Industry Association
Plumbing Manufacturers International
PMMI, The Association of Packaging and Processing Technologies
Polyisocyanurate Insulation Manufacturers Association
Power Transmission Distributors Association
Precision Machined Products Association
Precision Metalforming Association
Printing Industries of America
Produce Marketing Association
Railway Tie Association
Raleigh Chamber of Commerce
Refrigerated Foods Association
Rhode Island Manufacturers Association
RI Food Dealers Association
San Antonio Manufacturers Association
Schuylkill Chamber of Commerce
SEMI
SNAC International
South Carolina Chamber of Commerce
South Carolina Manufacturers Alliance

South Texas Manufacturers Association
Southeastern Lumber Manufacturers Association
Southwest Valley Chamber of Commerce
Specialty Soya & Grains Alliance
Springfield Regional Chamber
State Chamber of Oklahoma
Steel Manufacturers Association
Structural Insulated Panel Assn. (SIPA)
Sweetener Users Association
Tennessee Chamber of Commerce & Industry
Texas Association of Business
Texas Association of Manufacturers
Texas Broiler Council
Texas Cast Metals Association
Texas Egg Council
Texas Poultry Federation
Texas Poultry Improvement Association
The Alaska Chamber
The Aluminum Association
The Association for Dressings & Sauces
The Association for Hose and Accessories Distribution
The Business Council of NY State, Inc.
The Carpet and Rug Institute
The Fertilizer Institute
The Hardwood Federation
The Harlingen Chamber of Commerce
The Ohio Manufacturers' Association
The Poultry Federation
The South Carolina Poultry Federation
Treated Wood Council
U.S. Custom Harvesters, Inc.
United Egg Association - Further Processors Division
United Egg Producers
United Fresh Produce Association
United States Peanut Federation
US Poultry & Egg Association
Utah Manufacturers Association
Valley Industrial Association
Valve Manufacturers Association
Vinegar Institute
Vinyl Institute
Virginia Manufacturers Association
Virginia Poultry Federation
West Virginia Manufacturers Association
Western Growers
Wisconsin Cast Metals Association
Wisconsin Grocers Association
Wisconsin Manufacturers & Commerce
Women in Manufacturing Association