

July 29, 2020

The Honorable Mitch McConnell  
317 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Charles E. Schumer  
322 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Nancy Pelosi  
1236 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Kevin McCarthy  
2468 Rayburn House Office Building  
Washington, D.C. 20515

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

Our associations thank you for addressing the issue of liability during the COVID-19 pandemic. It is increasingly important that Congress act to protect the businesses that have taken necessary precautions to protect their employees and customers while serving the country during the crisis. The undersigned associations represent industries across the nation that were designated as part of the nation's essential critical infrastructure by the U.S. Department of Homeland Security.

Throughout this crisis, these companies and their employees have strived to support their fellow Americans by providing them with many necessities of life: food, water and beverages, medication, fuel, and other goods and services, including financial services. Businesses have worked hard to serve their communities throughout this public health crisis, overcoming numerous hurdles, including constantly changing health guidelines and supply shortages, in order to do so. These businesses that have taken responsible steps to mitigate the spread of the virus should not be penalized simply because they are open to the public. Thus, we support the SAFE TO WORK Act, S. 4317, which would cover all businesses, including those of our members, that make reasonable efforts to protect their employees and guests from unfounded lawsuits.

To emphasize, we are not asking lawmakers to shield bad actors. Liability protection should not be given to any business that willfully ignored the risks of the spread of COVID-19 and committed gross negligence. Rather, businesses that made reasonable, good faith efforts to keep their doors open in a way that was safe for their communities should be protected from liability. In spite of often vague and evolving health and safety guidelines, these businesses made substantial investments to protect individuals from exposure, implementing unprecedented virus mitigation protocols, such as enhanced cleaning and sanitation practices as well as social distancing measures. It is only appropriate that Congress should protect such companies from claims of virus exposure arising from December 2019 through 2024.

The SAFE TO WORK Act would ensure that businesses that made reasonable, good faith efforts to protect customers and employees from the spread of COVID-19 are protected from frivolous legal claims arising from events occurring at any point during this national emergency. Moreover, it would put important procedural protections in place that will ensure that America's businesses are not inundated with and pressured to settle meritless lawsuits.

Please protect the businesses that have done so much to support this nation and its citizens during this perilous time. As the nation continues the process of reopening, it would be tragic if businesses that had kept their doors open to serve their communities were forced to close because of the high costs of dealing with frivolous lawsuits. For these reasons, we enthusiastically support the SAFE TO WORK Act, S. 4317, which would shield businesses who are doing their best to serve their

neighbors while protecting them from COVID-19 exposure and call upon Congress to incorporate and pass this legislation in the next COVID relief package.

Sincerely,

American Bakers Association  
American Beverage Association  
American Frozen Food Institute  
American Trucking Associations  
ATM Industry Association  
Coalition of Franchisee Associations  
Convenience Distribution Association  
Distilled Spirits Council of the United States  
Electronic Funds Transfer Association  
Electronic Transactions Association  
FMI, The Food Industry Association  
Franchise Business Services  
Global Cold Chain Alliance  
Healthcare Distribution Alliance  
Independent Lubricant Manufacturers Association  
International Dairy Foods Association  
International Foodservice Distributors Association  
International Franchise Association  
National Armored Car Association  
National Association of Chain Drug Stores  
National Association of Convenience Stores  
National Association of Professional Employer Organizations  
National Association of Specialty Pharmacy  
National Association of Truckstop Operators  
National Chicken Council  
National Community Pharmacists Association  
National Confectioners Association  
National Fisheries Institute  
National Franchisee Association  
National Grocers Association  
North American Meat Institute  
North American Millers' Association  
Petroleum Marketers Association of America  
SNAC International  
Society of Independent Gasoline Marketers of America  
United Fresh Produce Association

cc:

The U.S. House of Representatives

The U.S. Senate