

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

Foundry Association of Michigan  
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 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