April 29, 2020

The Honorable Nancy Pelosi  The Honorable Mitch McConnell
Speaker  Majority Leader
United States House of Representatives  United States Senate
Washington, DC 20515  Washington, DC 20510

The Honorable Kevin McCarthy  The Honorable Chuck Schumer
Minority Leader  Minority Leader
United States House of Representatives  United States Senate
Washington, DC 20515  Washington, DC 20510

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

The undersigned organizations fully support the nation’s safe economic recovery. For that reason, we strongly oppose any legislation that would establish nationwide immunity for businesses that operate in an unreasonably unsafe manner, causing returning workers and consumers to risk COVID-19 infection. Removing legal accountability for businesses not only would jeopardize the health and safety of workers, it would also jeopardize everyone who enters those workplaces. This would be extremely damaging to the nation’s economic recovery.

Any recovery requires the public to have confidence that businesses are operating as safely as possible. Establishing legal immunity for businesses that operate unsafely would do the opposite of instilling public confidence. Instead, it would introduce new anxieties to an already highly-anxious public. And it would have real-life consequences for every community, since legal liability is one of the most powerful incentives we have to ensure that businesses operate safely. When workplaces are not properly protected, patients, customers, clients, and the community are all at risk.

This concern is not hypothetical. Some essential businesses have already put employees back in the workforce without ensuring their safety. As a result, infections have spread in and out of the workplace. In some cases, this has led to renewed shutdowns, slowing the pace of recovery. From protecting the food supply chain to preventing needless deaths in nursing homes, it is clear

that companies responsible for the health and safety of others must continue having every incentive to protect them. Many companies already had serious safety problems prior to the COVID-19 pandemic, but the pandemic cannot be an excuse for failing to protect workers and the public.

Moreover, greatly compounding the problem are recent trends toward deregulation and lax regulatory enforcement of workplaces.\(^5\) The federal Occupational Safety and Health Administration has substantially stepped back from its role to protect the health and safety of workers during this pandemic, and is dangerously relying on employers to self-policing.\(^6\) Under these circumstances, the specter of unsafe workplaces is a significant concern. Without adequate protective equipment and other safety measures, workers will be deterred from coming back to work. Immunity would only exacerbate these problems.

In sum, we strongly oppose any legislation that would immunize businesses that fail to ensure safe workplaces. For any questions or follow-up, please contact Joanne Doroshow, Center for Justice & Democracy, joanned@centerjd.org, or Remington A. Gregg, Public Citizen, rgregg@citizen.org.

Very sincerely,

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AFL-CIO
African American Ministers In Action
Alfred E Smith Houses Resident Association, Inc.
Alianza Nacional de Campesinas
Alliance for Justice
American Association for Justice
American Museum of Tort Law
American Muslim Health Professionals
Asian Pacific American Labor Alliance, AFL-CIO
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
A Better Balance
BiNet USA
Blue Ridge Environmental Defense League
CAARMA Consumer Advocates Against Reverse Mortgage Abuse
California Employment Lawyers Association
California Reinvestment Coalition
Center for American Progress
Center for Auto Safety
Center for Biological Diversity
Center for Disability Rights
The Center for HIV Law and Policy
Center for Justice & Democracy
Center for Popular Democracy
Center for Progressive Reform
Center for Science in the Public Interest
CenterLink: The Community of LGBT Centers
Chapel Hill Organization for Clean Energy
Citizen Works
Consumer Action
Consumer Assistance Council, Inc.
Consumer Federation of America
Consumer Federation of California
Consumer Reports
Consumer Watchdog
Consumers for Auto Reliability and Safety
Cortland County Mutual Aid Network

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