

April 14, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
S-230, The Capitol
Washington, DC 20510

RE: Liability Protection for the Essential Critical Infrastructure Workforce

Dear Majority Leader McConnell:

Our associations represent industries across the nation that have been recognized as part of the nation's essential critical infrastructure by the U.S. Department of Homeland Security (DHS). Every day of this crisis, these companies and their employees make a difference in Americans' lives – providing them with food and beverages, water, medication, fuel, financial and other services, and the other necessities of life. On March 16th, the Administration updated its guidance on the COVID-19 emergency and said, "If you work in a critical infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule." Yet, the industries we represent have faced immense challenges to their operations and ability to serve their customers over the past several weeks. True to the American spirit, they have overcome the obstacles, made significant changes to their operations, invested heavily in their employees, and kept their doors open.

These businesses are committed to doing the right thing by remaining open for business and serving the American people during this crisis. But there is an emerging threat to their ability to continue serving customers: efforts by some to take advantage of the current crisis to file unfounded lawsuits against them alleging that customers and employees were infected with COVID-19 because the nation's essential critical infrastructure businesses kept operating.

Given the historic efforts of Congress and the Administration to save businesses large and small as well as American jobs, it would be devastating to have these same employers facing a series of unjust lawsuits.

Congress can help solve this problem to ensure that America's essential critical infrastructure continues to serve the American people. Many states and the U.S. have laws protecting good Samaritans from lawsuits. These protections cover individuals as well as corporations, such as airlines and vaccine manufacturers that help protect passengers or customers in need. During the COVID-19 crisis, businesses that make up the nation's essential critical infrastructure are acting as good Samaritans. They are serving the real, immediate needs of the American people and they should not have to worry they will be sued for simply providing the products and services Americans need right now.

Given the threat to these employers and their associates, we ask for your leadership and support for liability protection language for businesses designated as essential critical infrastructure by the DHS

Cybersecurity and Infrastructure Security Agency's guidance in the next (phase 4) COVID-19 stimulus bill. We look forward to working with you to reach a bipartisan solution to this important issue.

Thank you for your consideration of our request.

Sincerely,

American Bakers Association
American Beverage Association
American Trucking Associations
ATM Industry Association
Convenience Distribution Association
Distilled Spirits Council of the United States
Electronic Funds Transfer Association
Electronic Transactions Association
FMI, The Food Industry Association
Global Cold Chain Alliance
Healthcare Distribution Alliance
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 Specialty Pharmacy
National Association of Truckstop Operators
National Cattlemen's Beef Association
National Community Pharmacists Association
National Confectioners Association
National Cotton Council of America
National Fisheries Institute
National Grocers Association
North American Meat Institute
North American Millers Association
Peanut and Tree Nut Processors Association
Petroleum Marketers Association of America
SNAC International
Society of Independent Gasoline Marketers of America
U.S. Peanut Federation
United Fresh Produce Association