

Congress of the United States
Washington, DC 20515

August 03, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

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

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

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

The Honorable Steny Hoyer
Majority Leader
U.S. House of Representatives
H-107, U.S. Capitol
Washington, D.C. 20515

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

We write today to express our strong opposition to legislative proposals seeking immunity from liability for corporations that operate in an unsafe manner during the COVID-19 pandemic in any forthcoming recovery and relief legislation. As you continue to work on future COVID-19-related packages, we urge you to prioritize public safety and stand up for the rights of consumers and workers by creating clear, enforceable health and safety standards for businesses and reject corporate immunity.

Recent proposals advocating for the inclusion of a broad, nationwide liability shield for businesses and employers in future COVID-19 legislation is a point of significant concern. These proposals, which are chiefly advocated for by the U.S. Chamber of Commerce, would shield businesses that reopen amid the COVID-19 pandemic from lawsuits for a five-year period.¹ Immunity would be given to a swath of businesses including nursing homes, where more than forty percent of all coronavirus-related deaths have occurred.²

The COVID-19 pandemic has created unprecedented hardships for businesses and individuals alike, and we recognize the importance of getting America up and running again as quickly and as safely as possible. However, restarting the economy should not come at the expense of consumers and workers. Rather than focusing on immunizing big businesses from liability, we should be working to ensure that

¹ <https://www.law360.com/articles/1276012/biz-groups-urge-congress-to-enact-covid-19-liability-shield>

² Ibid

businesses have clear, science-based, enforceable federal standards so they know how to reopen and operate safely, ensuring the appropriate protection of their workers and customers. Without enforceable standards, businesses are left to determine for themselves how to best reduce COVID-19-related deaths and injuries. Moreover, providing employers and businesses the information they need to reopen and operate safely will in itself prevent litigation by both reducing harm and providing businesses that comply with the standards a strong defense to liability under existing state laws.

In contrast, federal corporate COVID-19 immunity would shield businesses that fail to protect workers and consumers from health risks associated with the coronavirus. These concerns are not hypothetical; across our nation, we have already felt the devastating impacts on consumers and workers when essential businesses fail to take the necessary steps to protect their patrons and employees. From nursing homes that failed to provide adequate and appropriate personal protective equipment for caregivers and residents,³ to food processing facilities that did not properly inform workers of potential and confirmed coronavirus cases at the facilities,⁴ to employers who punished workers for refusing to work without facemasks and other appropriate personal protective equipment,⁵ our communities have witnessed first-hand what happens when businesses fail to ensure the safety of their workplaces.

Lastly, a federal COVID-19 corporate immunity statute would preempt state law in all fifty states. Every state has very specific laws that define what is unreasonable behavior for that particular community. These laws are longstanding and specifically tailored to each state. Creating a federal COVID-19 immunity standard would wipe all of these laws out in favor of a federal one size fits all approach. That is not appropriate here, in particular because twenty-six states have already enacted the level of COVID-19 immunity they deemed appropriate.

As the COVID-19 pandemic continues to devastate communities across our country, we urge you to provide businesses with clear, enforceable standards so that they can reopen and operate safely and without fear. We also call on you to reject any call for federal corporate immunity which is unnecessary and will only harm American workers and consumers. We stand ready to work with you on this legislation, and thank you for your consideration of this request.

Sincerely,



A. Donald McEachin
Member of Congress



Matt Cartwright
Member of Congress

³ <https://khn.org/news/before-tidal-wave-of-sickness-and-death-a-tennessee-nursing-home-thought-it-had-covid-19-contained/>

⁴ <https://www.usatoday.com/in-depth/news/investigations/2020/04/22/meat-packing-plants-covid-may-force-choice-worker-health-food/2995232001/>

⁵ https://www.washingtonpost.com/local/virginia-politics/inova-bans-hospital-workers-from-wearing-ppe-they-bring-from-home/2020/04/16/6a4d55e6-7f2d-11ea-a3ee-13e1ae0a3571_story.html

/s/
Robert C. “Bobby” Scott
Member of Congress

/s/
Diana DeGette
Member of Congress

/s/
Alan Lowenthal
Member of Congress

/s/
André Carson
Member of Congress

/s/
Andy Levin
Member of Congress

/s/
Barbara Lee
Member of Congress

/s/
Bonnie Watson Coleman
Member of Congress

/s/
Brian Higgins
Member of Congress

/s/
Bennie Thompson
Member of Congress

/s/
Danny K. Davis
Member of Congress

/s/
Deb Haaland
Member of Congress

/s/
Earl Blumenauer
Member of Congress

/s/
Eleanor Holmes Norton
Member of Congress

/s/
Henry C. “Hank” Johnson, Jr.
Member of Congress

/s/
Jahana Hayes
Member of Congress

/s/
Jan Schakowsky
Member of Congress

/s/
Jared Huffman
Member of Congress

/s/
Jesús G. “Chuy” García
Member of Congress

/s/
Joseph P. Kennedy, III
Member of Congress

/s/
Judy Chu
Member of Congress

/s/
Kathy Castor
Member of Congress

/s/
Katie Porter
Member of Congress

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Marcia L. Fudge
Member of Congress

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Marcy Kaptur
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Mark DeSaulnier
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Mark Pocan
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Pramila Jayapal
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Mark Takano
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Suzanne Bonamici
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Wm. Lacy Clay
Member of Congress

/s/
Jamie Raskin
Member of Congress