



June 11, 2020

The Honorable Nancy Pelosi  
Speaker of the House  
United States House of Representatives  
204 Capitol Building  
Washington, D.C. 20510

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

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

The Honorable Kevin McCarthy  
Minority Leader  
United States House of Representatives  
H-204 Capitol Building  
Washington, D.C. 20510

**Re: COVID-19 Business Liability Waiver**

Dear Speaker Pelosi and Leaders McConnell, Schumer and McCarthy:

On behalf of the Long Island business community, representing thousands of small to large businesses, we write to express our support of federal legislation establishing a COVID-19 business liability waiver that will be crucial to restarting the nation's economy.

We applaud and fully support your shared efforts to pass the CARES Act and additional spending bills to protect American lives as well as American businesses. However, we believe the business "liability shield" may ultimately be a key determining factor in how, or even whether, America's economy begins to rebuild in the next weeks and months. Until there is a vaccine, experts have stated that we will continue to live in a pandemic vulnerable world. As a result, individuals may continue to contract the virus, either from friends, family, colleagues or passing strangers. Stores and companies that reopen, many who have no other choice in order to avoid bankruptcy or to prevent closing altogether, could unintentionally allow the spread of the virus.

Regardless of how stringent a business follows CDC disinfectant protocols, tests its employees and monitors those who enter and exit its premises, it will be impossible to completely eliminate the threat of infection. Therefore, unless Congress acts, business owners will be liable from employee, visitor and/or customer lawsuits should they contract the virus. Furthermore, a cottage industry of "COVID-19 employee lawsuits" could emerge, severely exposing business owners who are trying to recover and retain their employees. [A recent survey](#) conducted by Engagious, the Sports and Leisure Research Group and ROKK Solutions, found that 36% of American workers would sue their employers if one of their co-workers contracted COVID-19

upon their return to work, and soon after contracted it themselves. Another 26% said they would sue even if the employer instituted extensive mitigation protocols to protect them from the virus, and regardless of whether they'd signed a release holding their employer harmless. This threat will make businesses, large and small, think twice about reopening and/or whether it is even worthwhile to continue operations. As a result, we anticipate hundreds of businesses and tens of thousands of jobs could be lost on Long Island and countless others across the nation. This disturbing but likely scenario makes it critical to address this issue now if our nation is to successfully restart our economy. Lastly, our push does not include gross negligence to be covered, bad actors who do not protect their employees & customers will only hurt the business community by encouraging the spread of the virus and potentially a second wave.

Long Island is located within the epicenter of the COVID-19 pandemic, with approximately 75,000 positive cases and over 3,800 fatalities. Our economy is closely tied to the neighboring New York City economy and, since the middle of March, it has been effectively shut down. Currently, New York State is in the process of restarting our economy. We are not unique in reflecting the experience of other communities and regions, mourning our lost ones while seeking to economically recovery. Without legislation establishing a COVID-19 business liability waiver to protect and encourage businesses to restart our country's economy we fear the current economic tides that threatens America will last for a generation.

**We the undersigned write in full support and encourage Congress to pass legislation establishing a COVID-19 business liability waiver to protect and encourage business as we begin to restart the country's economy.**

Sincerely,

Association for a Better Long Island

Discover Long Island

Hauppauge Industrial Association of Long Island

Ignite Long Island

Long Island Association

Long Island Business Council

Long Island Builders Institute

Long Island Contractors Association

Nassau Council of Chambers of Commerce

Suffolk County Alliance of Chambers

cc: U.S. Senator Kirsten Gillibrand  
U.S. House of Representatives Long Island Delegation  
Nassau & Suffolk County Executives