

June 17, 2020

To Pennsylvania's Honorable Federal and State Lawmakers:

On behalf of our chambers of commerce, representing hundreds of thousands of Pennsylvania employers, we write to urge your support for providing the employer and healthcare communities with temporary safe harbor from unwarranted lawsuits, while still holding bad actors accountable.

While safeguarding public health is top priority, the tragedy befalling businesses is real. Pennsylvanians who had successful companies just a few months ago are going bankrupt, draining savings, seeing their life's work swept away. Those who have been allowed to maintain operations or are planning to resume may face an uncertain future; the daunting reality of climbing out of a hole with fewer customers and a grim outlook; and significant additional costs to comply with new regulations.

Additionally threatening to individual employers, and therefore prospects for economic recovery, is the likelihood of unwarranted lawsuits alleging exposure to COVID-19 on a company's premises or through their activities or products. The nature of a pandemic usually makes it impossible to prove contraction occurred at a particular location, but equally impossible to disprove — a fact that will no doubt be exploited. Struggling businesses are vulnerable and likely targets to be sued and pressured to simply settle rather than engage in costly litigation that, successful or not, could be their final straw.

For the foreseeable future, employers will be subject to strict workplace health requirements and those who take necessary precautions to protect customers and employees should proceed with confidence knowing they will not be targeted with frivolous, and potentially devastating, litigation. This includes:

- Businesses and nonprofits operating in good faith and complying with all applicable requirements;
- Manufacturers who re-oriented facilities to produce or distribute Personal Protective Equipment, sanitizing and disinfecting products and other emergency response products;
- Companies that have donated their stock of supplies to hospitals and medical professionals;
- Healthcare providers and facilities testing for COVID-19 or treating patients; and
- Public companies facing lawsuits based on the disingenuous notion that management should have warned investors that stock prices could fall.

We are grateful for the public support provided to employers thus far; however, the pandemic's economic impact has been relentless and so must be the public response. We urge you to support temporary, targeted legal safe harbor for those employers and healthcare providers operating in good faith and complying with relevant requirements.

Thank you.

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