April 27, 2020

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

RE: Liability Protection for the Essential Critical Infrastructure Workforce

Dear Speaker Pelosi:

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  
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  
Petroleum Marketers Association of America  
SNAC International  
Society of Independent Gasoline Marketers of America  
U.S. Peanut Federation  
United Fresh Produce Association