



May 15, 2020

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

The Honorable Chuck Schumer
Minority Leader
United States Senate
The Capitol
Washington, D.C. 20510

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

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

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

Main Street Alliance is a national network of 30,000 small business owners. We are writing to express our deep opposition to the creation of corporate immunity for irresponsible businesses that expose customers and workers to coronavirus. Corporate immunity is unnecessary to protect small business owners, as state law already protects responsible business owners who act reasonably. Moreover, creating this type of blanket immunity from lawsuits by injured workers or consumers would give bad actors a competitive edge at the cost of people's lives, adding to the harm that responsible Main Street businesses are already suffering. This would create a race-to-the-bottom dynamic that creates unfair competition for businesses concerned about reopening before it is safe to do so.

Our Main Street Alliance member businesses are eager to resume operations as soon as possible, but they are very concerned about safety. This is partially because they seek to be responsible community members and prevent the spread of this deadly virus. But it is also because none of

our members wants their business or brand associated with the spread of illness or death to employees or customers. As one of our members recently explained:

“All it takes is one person to get sick and then you become a hotspot and that raises fear in customers' minds even higher, and they'll come back even slower.”

Arguments for corporate immunity during this pandemic are premised on a false choice that illogically pits public health and safety against the economy and the viability of businesses. In reality, we need to pursue a pragmatic, science-based approach to creating a pandemic-resilient economy that considers both the needs of small business owners and the public need for health and safety. This can be accomplished by providing small business owners with clarity on proper health and safety standards and also financial support to weather this crisis and retool their businesses for safety until there is a widely available vaccine. This can be done and is being done in countries around the world.

Main Street small business owners need two things in order to operate safely during this period of time:

- 1) Clear, easy to understand, science-based, industry-specific, enforceable standards for worker and consumer safety during the pandemic; and
- 2) Adequate financial support in the form of grants, not loans, to retrofit and retool, to purchase safety equipment and PPE to ensure that small businesses can make necessary changes and improvements to meet those standards.

Main Street small businesses should not be forced into unfair competition with irresponsible businesses seeking immunity for their decisions to ignore health and safety standards for workers and consumers. By rewarding noncompliance, corporate immunity would shift the costs of responsible behavior onto responsible Main Street businesses while putting people at grave risk. With this perverse cost-shift, corporate immunity could result in only the most irresponsible corporations surviving the pandemic.

Instead of promoting a race-to-the-bottom with life or death consequences, lawmakers should support Main Street small businesses that invest in their communities. We urge Congress to reject this corporate immunity proposal and provide Main Street with the aid that businesses really need, particularly minority-owned and micro-businesses. That includes:

- Direct support for small businesses for the duration of the pandemic and that allows reopening at the pace and level businesses need to safeguard the health of owners, staff, and customers.
- Adequate testing, tracing, supported isolation, and clear, industry-specific workplace safety standards and support.
- Health care and economic protection for all workers and families -- without immigration-based discrimination -- to support both a healthy workforce and local spending.
- Establish sufficient care infrastructure (child care, schools, paid leave) so parents and caregivers can return to work knowing their families are safe and protected.
- Mechanisms to tackle systemic racial and economic inequities that are devastating businesses in communities of color and pushing people of color onto the frontlines of the disease.

Thank you very much for your attention to Main Street Alliance's concerns.

Sincerely,

Amanda Ballantyne
Executive Director

CC: The Honorable Lindsey Graham, Chairman U.S. Senate Committee on the Judiciary
The Honorable Dianne Feinstein, Ranking Member U.S. Senate on the Judiciary
The Honorable Jerrold Nadler, Chair U.S. House Committee on the Judiciary
The Honorable Jim Jordan, Ranking Member U.S. House Committee on the Judiciary