

August 3, 2020

Honorable Nancy Pelosi  
Speaker  
United States House of Representatives  
H-232, The Capitol  
Washington, DC 20515

Honorable Kevin McCarthy  
Minority Leader  
United States House of Representatives  
H-204, The Capitol  
Washington, DC 20515

Honorable Mitch McConnell  
Majority Leader  
United States Senate  
317 Russell Senate Office Building  
Washington, DC 20510

Honorable Chuck Schumer  
Minority Leader  
United States Senate  
322 Hart Senate Office Building  
Washington, DC 20510

Re: 142 Organizations Oppose S. 4317, the “SAFE TO WORK Act

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

In May, the undersigned organizations wrote to the Senate Judiciary Committee to strongly oppose any legislation that would establish nationwide immunity for businesses that operate in an unreasonably unsafe manner, causing workers and consumers to risk COVID-19 infection. We explained that removing legal accountability for businesses would both jeopardize the health and safety of workers, and jeopardize everyone who enters those workplaces. In addition, we explained that such immunity would be extremely damaging to the nation’s economic recovery. Now, after reviewing S. 4317, the SAFE TO WORK Act, we are dismayed to see that this proposal is worse than we could have imagined. We strongly and unreservedly oppose S. 4317.

Any recovery requires the public to have confidence that businesses are operating as safely as possible. Establishing legal immunity for businesses that operate unsafely would do the opposite of instilling public confidence. Instead, it would introduce new anxieties to an already highly anxious public. And it would have real-life consequences for every community, because the potential for being held liable for harm caused by failure to take reasonable care is one of the most powerful incentives we have to ensure that businesses operate safely. When workplaces are not properly protected, patients, customers, clients, and the community are all at risk.

This concern is not hypothetical. Some essential businesses have already put employees back in the workforce without ensuring their safety. As a result, infections have spread in and out of the workplace.<sup>1</sup> In some cases, this has led to renewed shutdowns, slowing the pace of recovery.<sup>2</sup>

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<sup>1</sup> See e.g., Tim Mullaney, “The union battle versus Trump administration over bringing workers back, safely,” *CNBC*, July 10, 2020, <https://www.cbc.com/2020/07/10/as-workplaces-reopen-unions-ask-trump-admin-where-is-osha.html>; Rachel Abrams, Spectrum Employees Are Getting Sick Amid Debate Over Working From Home, *New York Times*, April 21, 2020, <https://www.nytimes.com/2020/04/21/business/spectrum-employees-coronavirus.html>.

<sup>2</sup> See, Eli Rosenberg, Abha Bhattarai, “Workers are getting laid off for a second time, as the virus’s surge puts reopenings on hold,” *Washington Post*, June 30, 2020, <https://www.washingtonpost.com/business/2020/06/30/back-to-work-laid-off-coronavirus-spikes/>.

From protecting the food supply chain to preventing needless deaths in nursing homes,<sup>3</sup> it is clear that companies responsible for the health and safety of others must have every incentive to act responsibly. The pandemic cannot be an excuse for failing to take reasonable steps to protect workers and the public.

Greatly compounding the problem are recent trends toward deregulation and lax regulatory enforcement of workplaces.<sup>4</sup> The federal Occupational Safety and Health Administration has substantially stepped back from its role to protect the health and safety of workers during this pandemic.<sup>5</sup> Under these circumstances, the specter of unsafe workplaces is a significant concern. Without adequate protective equipment and other safety measures, workers will be deterred from coming back to work. Immunity would only exacerbate these problems.

We strongly oppose S. 4317. We urge you to reject this and similar immunity proposals and instead to focus on protecting workers, especially black and brown workers who bear the brunt of the coronavirus crisis, and provide the necessary safety nets to ensure that people can pay their rent and put food on the table. For any questions or follow-up, please contact Joanne Doroshow, Center for Justice & Democracy, [joanned@centerjd.org](mailto:joanned@centerjd.org), or Remington A. Gregg, Public Citizen, [rgregg@citizen.org](mailto:rgregg@citizen.org).

Very sincerely,

Accountable.US  
AFL-CIO  
AFSCME  
African American Ministers In Action  
Alfred E Smith Houses Resident  
Association, Inc.  
Alianza Nacional de Campesinas  
Alliance for Justice  
American Association for Justice  
American Museum of Tort Law  
American Muslim Health Professionals  
Asian Pacific American Labor Alliance,  
AFL-CIO  
Autistic Self Advocacy Network  
Bazon Center for Mental Health Law  
A Better Balance  
BiNet USA  
Blue Ridge Environmental Defense League

CAARMA Consumer Advocates Against  
Reverse Mortgage Abuse  
California Employment Lawyers  
Association  
California Reinvestment Coalition  
Center for American Progress  
Center for Auto Safety  
Center for Biological Diversity  
Center for Digital Democracy  
Center for Disability Rights  
The Center for HIV Law and Policy  
Center for Justice & Democracy  
Center for Popular Democracy  
Center for Progressive Reform  
Center for Science in the Public Interest  
CenterLink: The Community of LGBT  
Centers  
Chapel Hill Organization for Clean Energy  
Citizen Works

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<sup>3</sup> See, “43% of U.S. Coronavirus Deaths Are Linked to Nursing Homes,” *New York Times*, June 27, 2020, <https://www.nytimes.com/interactive/2020/us/coronavirus-nursing-homes.html>;

<sup>4</sup> See, Liz Essley Whyte, “Trump’s favorite weapon in the coronavirus fight: Deregulation,” *Vox*, June 30, 2020, <https://www.vox.com/2020/6/30/21303842/trump-deregulation-coronavirus-public-health-rules>.

<sup>5</sup> See e.g., Tim Mullaney, “The union battle versus Trump administration over bringing workers back, safely,” *CNBC*, July 10, 2020, <https://www.cnbc.com/2020/07/10/as-workplaces-reopen-unions-ask-trump-admin-where-is-osha.html>.

Constitutional Accountability Center  
Consumer Action  
Consumer Assistance Council, Inc.  
Consumer Federation of America  
Consumer Federation of California  
Consumer Reports  
Consumer Watchdog  
Consumers for Auto Reliability and Safety  
Cortland County Mutual Aid Network  
Delaware Community Reinvestment Action  
Council, Inc.  
Demos  
Disability Rights Education & Defense Fund  
Earthjustice  
Economic Policy Institute  
Empowering Pacific Islander Communities  
(EPIC)  
Environmental Working Group  
Equal Voice Action  
Equality North Carolina  
Essential Information  
Farmworker Association of Florida  
Florida Silver Haired Legislature, Inc  
Food & Water Action  
Freedom Network USA  
Friends of the Baticuitos Lagoon  
Futures Without Violence  
Georgia Watch  
Global Witness  
Government Information Watch  
Green For All  
Greenpeace USA  
Housing and Economic Rights Advocates  
Human Rights Watch  
Impact Fund  
Indivisible  
Institute for Agriculture and Trade Policy  
Interfaith Center on Corporate  
Responsibility  
International Brotherhood of Teamsters  
Justice for Migrant Women  
Justice in Aging  
Largo Florida Civic Association  
The Leadership Conference on Civil and  
Human Rights  
Leading Age California  
Legal Aid at Work  
Long Term Care Community Coalition

Main Street Alliance  
Mental Health Legal Advisors Committee  
(MHLAC)  
Minority Veterans of America  
Modern Military Association of America  
Mohegan Congregational Church and  
Inmate Legal Aid Program  
NAACP  
NAACP Legal Defense and Educational  
Fund Inc. (LDF)  
National Association of Consumer  
Advocates  
National Center for Law and Economic  
Justice  
National Center for Transgender Equality  
National Consumer Voice for Quality Long-  
Term Care  
National Consumers League  
National Council of Asian Pacific  
Americans  
National Council of Jewish Women  
National Council for Occupational Safety  
and Health (National COSH)  
National Employment Law Project  
National Employment Lawyers Association  
National Equality Action Team  
National Lawyers Guild  
National Lawyers Guild-Mass Chapter  
National Partnership for Women & Families  
National Wildlife Federation  
National Women's Health Network  
National Women's Law Center  
National Workrights Institute  
Natural Resources Defense Council  
NC Justice Center  
NETWORK Lobby for Catholic Social  
Justice  
New America's Open Technology Institute  
New Economics for Women  
Northwest Workers' Justice Project  
NYPIRG  
Oasis Legal Services  
OCA - Asian Pacific American Advocates  
OHS Section, American Public Health  
Association  
Open Markets Institute  
Oxfam America  
Partnership for Working Families

People For the American Way  
People's Parity Project  
Positive Women's Network-USA  
Project on Government Oversight  
Pride at Work  
Protect All Children's Environment  
Public Advocacy for Kids (PAK)  
Public Citizen  
Public Justice  
Public Rights Project  
Rights & Democracy NH  
Rights & Democracy VT  
Santa Clara County Wage Theft Coalition  
Shriver Center on Poverty Law  
Service Employees International Union  
(SEIU)  
South Carolina Appleseed  
SPLC Action Fund  
Sugar Law Center for Economic and Social  
Justice  
Tax March  
Texas Watch  
Towards Justice  
Ujima Inc.: The National Center on  
Violence Against Women in the  
Black Community  
United Food and Commercial Workers  
International Union (UFCW)  
United For Respect  
U.S. PIRG  
Utility Workers Union of America, AFL-  
CIO  
Virginia Citizens Consumer Council  
Workplace Fairness