

May 6, 2020

SC Coalition for COVID-19 Liability Protections

Dear Members of the South Carolina Delegation,

As South Carolina begins to re-open the economy and more workers return to work, every industry sector is faced with an entirely different way of doing business. Many industries have already adjusted to the crisis and continued serving the public while doing their best to follow constantly updated guidelines to keep workplaces safe for workers and the public. However, as all sectors of our economy – from small businesses to healthcare – continue or ramp up operations during times of remarkable legal uncertainty, they risk becoming the targets of coronavirus-related lawsuits. As representatives of thousands of employers and professionals in South Carolina, we ask you to support legislation to ensure that such litigation does not derail our state’s recovery.

South Carolina employers that have continued to operate have faced new and difficult legal questions every day. Constantly evolving guidance at the federal and state level has caused confusion over issues like cleaning a work site and use of personal protective equipment (PPE). Businesses that will reopen in the coming weeks will soon face these same questions. Nonetheless, our members have adapted to the changing health and safety protocols adopted by the CDC, OSHA and other federal agencies, in addition to following state mandates.

Employers and professionals doing their best to control the spread of this disease with the limited guidance available deserve legal protection. Congress should not allow good actors to be held liable for events beyond their control.

We ask you to support legislation with these measures:

- Provide limited and rational safe harbors for good actors to help ensure that critical needs are met, and employers are not punished when following federal and state guidance.
- Expand the scope of the PREP Act, designed to address product and volunteer liability issues, to provide protections for companies that may not normally produce PPE to do so to serve front line health care workers, and meet the demand for PPE to protect the public.
- Recognize the value of modern safety regulation as a far better alternative to one-off lawsuits to give businesses of all kinds clearer expectations on how to manage a safe workplace.
- Provide employers with a safe harbor for collecting and exchanging critical information related to employees’ health status and for implementing reasonable measures such as temperature checks to combat workplace transmission of COVID-19.
- Temporarily suspend suits that threaten to shut down industries—including health care providers, a sensible step to ensure every American has access to basic life essentials without creating new shortages and exacerbating the crisis.

Providing businesses with targeted and limited safe harbors during these difficult times is not the same as shielding companies from all liability. Bad actors that operate in reckless or intentional disregard of available guidance on reducing the spread of coronavirus should not be protected from liability. We support liability protections that are appropriately tailored and limited to the present emergency and a reasonable period of recovery.

We, the undersigned, urge you to quickly pass legislation to protect all sectors of South Carolina’s business and industry and help them reopen and rebuild our state’s economy.

SC Chamber of Commerce	SC Hospital Association	SC Medical Association	SC Trucking Association
SC Retail Association	SC Manufacturers Alliance	SC Realtors	Forestry Association of SC
Palmetto Agribusiness Council	SC Insurance Association	SC Bankers Association	SC Association of CPAs

Carolinas AGC	SC Restaurant & Lodging Association	Independent Insurance Agents & Brokers of SC	SC Timber Producers Association
Aiken Chamber of Commerce	Anderson Area Chamber of Commerce	Batesburg-Leesville Chamber of Commerce	Berkeley County Chamber of Commerce
Greater Chapin Chamber of Commerce	Charleston Metro Chamber of Commerce	Charlotte Regional Business Alliance	Greater Cheraw Chamber of Commerce
Cherokee County Chamber of Commerce	Chester County Chamber of Commerce	Clarendon County Chamber of Commerce	Clemson Area Chamber of Commerce
Columbia Chamber of Commerce	Conway Chamber of Commerce	Greater Easley Chamber of Commerce	Edisto Chamber of Commerce
Greater Florence Chamber of Commerce	Georgetown County Chamber of Commerce	Greenville Chamber of Commerce	Greenwood Chamber of Commerce
Greater Greer Chamber of Commerce	Greater Hartsville Chamber of Commerce	Hilton Head Island Chamber of Commerce	Greater Irmo Chamber of Commerce
Kershaw County Chamber of Commerce	Greater Lake City Chamber of Commerce	Lancaster County Chamber of Commerce	Laurens County Chamber of Commerce
Lexington Chamber of Commerce	Marion Chamber of Commerce	Mount Pleasant Chamber of Commerce	Myrtle Beach Chamber of Commerce
Newberry County Chamber of Commerce	North Augusta Chamber of Commerce	North Myrtle Beach Chamber of Commerce	Simpsonville Chamber of Commerce
Greater Summerville /Dorchester County Chamber of Commerce	Greater Sumter Chamber of Commerce	Tri-County Chamber of Commerce	Upstate Chamber Coalition