



[www.njbia.org/recovery](http://www.njbia.org/recovery)

May 14, 2020

Senator Robert Menendez  
528 Hart Senate Office Building  
Washington, DC 20510

Congressman Frank Pallone  
2107 Rayburn House Office Building  
Washington, DC 20515

Senator Cory Booker  
717 Hart Senate Office Building  
Washington, DC 20510

Congressman Tom Malinowski  
426 Cannon House Office Building  
Washington, DC 20515

Congressman Donald Norcross  
2437 Rayburn House Office Building  
Washington, DC 20515

Congressman Albio Sires  
2268 Rayburn House Office Building  
Washington, DC 20515

Congressman Jeff Van Drew  
331 Cannon House Office Building  
Washington, DC 20515

Congressman Bill Pascrell  
2409 Rayburn House Office Building  
Washington, DC 20515

Congressman Andy Kim  
1516 Longworth House Office Building  
Washington, DC 20515

Congressman Donald Payne  
103 Cannon House Office Building  
Washington, DC 20515

Congressman Christopher Smith  
2373 Rayburn House Office Building  
Washington, DC 20515

Congresswoman Mikie Sherrill  
1208 Longworth House Office Building  
Washington, DC 20515

Congressman Josh Gottheimer  
213 Cannon House Office Building  
Washington, DC 20515

Congresswoman Bonnie Watson Coleman  
2442 Rayburn Office Building,  
Washington, DC 20515

**RE: Business Liability Protections**

Dear New Jersey Congressional Delegation Members,

As the leaders of the Garden State’s major business associations, we believe the health, welfare and safety of New Jersey residents and the American people are the No. 1 priority during this unprecedented public health crisis. We are committed to doing our part to help “flatten the

curve,” support our members, and provide important information that our elected officials need to respond to this emergency.

On behalf of the millions of New Jersey residents that our members collectively employ, who have all been impacted by the necessity to close or limit business operations, we write to you urging support of businesses and workers in our state by passing targeted, common sense liability reforms to protect against abuses of the legal system that would punish employers who are good actors and working tirelessly to combat the COVID-19 pandemic.

Our essential employers in New Jersey have done their best to contribute the products and supplies necessary to serve the public amid a cloud of unclear and shifting rules and requirements placed on essential businesses. Under tough circumstances, our employers have risen to the moment to ensure our state’s continued functioning during this difficult time in our history.

That is why we are asking you to support their economic recovery by providing businesses in New Jersey with limited and rational protections against lawsuits that threaten to shut down or put out of business the industries that have contributed so much in our struggle against the coronavirus. Companies that act in good faith to protect employees and customers and follow available guidelines should not be exposed to unlimited liability and costly legal fees for trying to do the right thing. If Congress does not act to protect businesses from needless lawsuits for a pandemic beyond anyone’s control, we fear that the recovery will be significantly slowed or may never happen.

Experts are all still trying to understand the coronavirus, how it is transmitted and how best to protect the population. The advice given from the CDC and other authorities have changed over time and will continue to be modified as more knowledge is gained. In all likelihood, we will not know all the answers until we are well past the threat, if even then. Against this backdrop, businesses are doing the best they can to comply with applicable guidance and employ the most effective measures for their particular industries. As we begin to reopen our economy, businesses should not be threatened with potential liability for failure to protect persons against a worldwide pandemic, especially after they have acted in good faith based on the best available knowledge.

Providing businesses with targeted and limited liability protections, such as safe harbors, is not the same thing as shielding companies from liability for bad acts. We do not seek any reforms that would protect businesses that operate in reckless or intentional disregard of available guidance on reducing the spread of COVID-19. However, the plaintiff’s bar should not be allowed to take advantage of this worldwide crisis by exploiting the worst public health emergency of our lifetimes.

On behalf of all employers in New Jersey, we urge you to provide our businesses with the certainty that they can continue to lean wholly into the fight against COVID-19 and our coming economic recovery without having to fear those efforts being undone by potential liability and exorbitant legal fees.

Thank you for your consideration and continued support of New Jersey residents during this unprecedented health crisis. If you have questions, please contact Chrissy Buteas, NJBIA Chief Government Affairs Officer, at [cbuteas@njbja.org](mailto:cbuteas@njbja.org) or 908-447-3466.

Sincerely,

African American Chamber of Commerce of New Jersey, Inc.  
American Camp Association NY/NJ  
American Council of Engineering Companies of New Jersey  
American Physical Therapy Association of New Jersey  
Atlantic City Chamber of Commerce  
Bernards Township Regional Chamber of Commerce  
BioNJ  
Burlington County Regional Chamber of Commerce  
Bus Association of New Jersey  
Cape May County Chamber of Commerce  
Capital Region Minority Chamber of Commerce  
Chamber of Commerce Southern New Jersey  
Chemistry Council of New Jersey  
Commerce and Industry Association of New Jersey  
CrossState Credit Union Association  
Early Childhood Education Advocates  
Employers Association of NJ  
Fuel Merchants Association of NJ  
Garden State Pharmacy Owners, Inc.  
Global Business Alliance  
Gloucester County Chamber of Commerce  
Greater Atlantic City Chamber of Commerce  
Greater Toms River Chamber of Commerce  
Greater Westfield Area Chamber of Commerce  
HealthCare Institute of New Jersey  
Health Care Association of New Jersey  
Hoboken Chamber of Commerce  
Home Care & Hospice Association of New Jersey  
Home Health Services Association of New Jersey  
Hudson County Chamber of Commerce

Hunterdon County Chamber of Commerce  
Insurance Council of New Jersey  
Mahwah Regional Chamber of Commerce  
Marine Trades Association of New Jersey  
Meadowlands Chamber  
Medical Society of New Jersey  
Middlesex County Regional Chamber of Commerce  
Monmouth-Ocean Development Council  
Morris County Chamber of Commerce  
NAIOP - NJ  
National Federation of Independent Business  
New Jersey Apartment Association  
New Jersey Asphalt Pavement Association  
New Jersey Association of Mental Health and Addiction Agencies  
New Jersey Association of Osteopathic Physicians and Surgeons  
New Jersey Bankers Association  
New Jersey Builders Association  
New Jersey Business & Industry Association  
New Jersey Campground Owners and Outdoor Lodging Association  
New Jersey Chamber of Commerce  
New Jersey Child Care Association  
New Jersey Civil Justice Institute  
New Jersey Coalition of Automotive Retailers  
New Jersey Concrete and Aggregate Association  
New Jersey Council of County Colleges  
New Jersey Dental Association  
New Jersey Food Council  
New Jersey Gasoline-Convenience-Automotive Association  
New Jersey Hotel and Lodging Industry Association  
New Jersey Independent Electrical Contractors Association  
New Jersey LGBT Chamber of Commerce  
New Jersey Manufacturing Extension Program, Inc.  
New Jersey Motor Truck Association  
New Jersey Pharmacists Association  
New Jersey Podiatric Medical Society  
New Jersey Restaurant & Hospitality Association  
New Jersey Retail Merchants Association  
New Jersey Salon and Spa Coalition  
New Jersey Self Insurers Association  
New Jersey Society of Certified Public Accountants  
New Jersey State Funeral Directors Association

New Jersey Tech Council  
New Jersey Tourism Industry Association  
New Jersey Utilities Association  
New Jersey State Veterans Chamber of Commerce  
New Jersey Warehousemen & Movers Association  
New York Shipping Association, Inc.  
Newark Regional Business Partnership  
North Jersey Jewish Business Alliance  
Ocean City Chamber of Commerce  
Princeton Mercer Regional Chamber of Commerce  
Professional Insurance Agents of NJ  
Salem County Chamber of Commerce  
State Pharmacy Owners, Inc.  
Somerset County Business Partnership  
Southern NJ Development Council  
Southern Ocean County Chamber of Commerce  
Statewide Hispanic Chamber of Commerce of New Jersey  
Sussex County Chamber of Commerce  
The Chamber of Commerce of Greater Philadelphia  
The International Health, Racquet and Sportsclub Association  
Union Township Chamber of Commerce  
Utility & Transportation Contractors Association

cc: Governor Phil Murphy  
New Jersey Legislature