

## **Lawmakers must protect manufactures during the pandemic**

By Steve Jurash

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Manufacturing has long been the backbone of Philadelphia's economy, as well as countless communities and families nationwide. And now, despite stepping up during uncertain and difficult times, these essential businesses are being threatened by potentially baseless lawsuits related to COVID-19.

When COVID-19 hit, manufacturers responded quickly and kept producing necessities, like food, medication, medical equipment, and personal protective gear. These businesses did their utmost to keep their employees safe, while still adhering to frequent changes in public health guidance and coping with the relatively unknown nature of the virus. Manufacturers are implementing countermeasures like plexiglass between workstations, reconfiguring shop floors, providing masks or other protective equipment, and cleaning their facilities even more frequently and extensively.

But some lawyers are now looking to capitalize on the unclear legal environment the virus has created. By targeting manufacturers and other critical businesses with allegations of responsibility for the spread of COVID-19, opportunistic and potentially costly lawsuits could damage Philadelphia's economy and slow our COVID-19 recovery efforts. Our lawmakers need to step up to protect manufacturers from profit-seeking, ill-intentioned lawsuits during this critical time.

Under normal circumstances, we have clear standards for workplace liability. Businesses that behave irresponsibly or which don't adhere to the law are subject to legal action. That's the right standard, but COVID-19 has introduced a whole new set of circumstances that complicates matters. The alarmingly fast community spread of the virus has made it hard to determine the source of a new infection, even when contact tracing is employed. This and the legal gray area that sprung up as a result of evolving government regulations and guidance has made manufacturers vulnerable to lawsuits. And even if the lawsuits are baseless, many small or mid-sized businesses simply don't have the resources needed to go to court to defend themselves. Costly settlements could easily force many of them to go out of business or downsize and cut jobs across Philadelphia.

Honest manufacturers operating with caution and employee safety as their top priority deserve protection from profit-seeking lawsuits. They don't need special treatment, just clear, consistent and realistic rules in response to the virus.

While state law-based protections are an important start, we need federal action to provide true certainty. To that end, the National Association of Manufacturers has

created a set of policy proposals that addresses liability protections, providing a foundation for manufacturers to do the right thing without fear of opportunistic suits. This plan is temporary and only designed to last as long as the pandemic does. And it's not meant to shield bad actors from being held responsible for reckless acts — it only protects those businesses that clearly take every reasonable precaution against the spread of COVID-19.

Our representatives in Washington D.C. should show us that they have manufacturers' backs and strongly consider legislation that provides certainty and protection in the face of baseless legal challenges. The Senate's proposed SAFE TO WORK Act is a good start to addressing these challenges. It builds on the liability-related recommendations proposed by manufacturers and establishes clear standards for what is considered responsible behavior during the pandemic.

Unfounded accusations and needless litigation can destroy livelihoods and disrupt supply chains, and that's the last thing we need during a global crisis. The health and economic challenges that COVID-19 has created demand action, not acquiescence.

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