



Reasonable Liability Protection From Covid-19 Lawsuits

Background

In March 2020, the Department of Homeland Security's Cybersecurity, and Infrastructure Security Agency (CISA) issued guidance designating certain businesses and industries as essential critical infrastructure. These industries include energy marketers and heating fuel dealers that are committed to staying open during this time of crisis when Americans need them most to provide food, fuel, beverages and other necessities.

The federal government has urged these businesses to stay open because their services are deemed essential. However, while these businesses are committed to serving their communities during these tough times, they have legitimate concerns about unsubstantiated lawsuits that may arise from continuing to stay open during the COVID-19 health crisis. Unfortunately, many of these essential businesses, who are taking every precaution necessary to ensure its employees and customers are protected, could face civil lawsuits from employees or customers claiming they were exposed to COVID-19 at those business locations.

Liability Protections

Congress has a duty to solve this problem and ensure that essential workers continue to serve America. Many states have laws protecting good Samaritans from lawsuits. During the COVID-19 crisis, businesses that make up the nation's essential critical infrastructure are acting as good Samaritans. Energy marketers are an essential link in the motor fuel distribution chain operating on both the wholesale and retail level. They operate the majority of fuel stations nationwide in addition to supplying the motor fuel needs of state and local governments, emergency responders, utility repair fleets, school bus fleets, hospital emergency generators, and fleets transporting essential goods throughout local and regional areas. Furthermore, heating fuel dealers also play a large role during the pandemic by supplying heating fuels, renewable fuels and propane to millions of homes and businesses across the country. Heating fuel dealers also service and install residential and commercial heating, ventilation, and air conditioning (HVAC) as well as emergency generator systems. These businesses are busy providing critical supplies to the American people and they should not have to worry about being sued for doing so.

Essential businesses like energy marketers, convenience stores and heating fuel dealers should not have to struggle to stay open and afloat during the national emergency while conducting their essential services only to face costly and bogus litigation for transmission of a contagious virus. Provided there is not gross negligence or willful misconduct, businesses, who are designated as essential critical infrastructure by the CISA guidance, need liability protection for the duration of the national emergency.

"THE ASK" (Committees: House and Senate Judiciary Committees; All lawmakers)

Urge all members to support liability protection for essential businesses in the next COVID-19 stimulus bill.

EMA STAFF CONTACT: Rob Underwood, runderwood@emamerica.org, Sherri Stone sstone@emamerica.org