



June 12, 2020

The Honorable Gavin Newsom  
Governor, State of California

The Honorable Anthony Rendon  
Speaker, California State Assembly

The Honorable Toni Atkins  
President Pro Tem, California State Senate

Members,  
California State Legislature

**SUBJECT: RESPONSE TO CHAMBER'S MAY 26 "ECONOMIC RECOVERY" LETTER**

Dear Governor, Speaker, President Pro Tem and Members of the California Legislature,

On behalf of the undersigned organizations, we write in response to a recent letter from the California Chamber of Commerce, asking state regulators to take the unprecedented step of suspending numerous laws meant to protect workers, and the public, in order to provide "financial relief" for businesses affected by COVID-19. Among their asks: sweeping immunity from liability for businesses who follow state or local guidance, weakening of AB 5 and employer misclassification laws, limiting OSHA standards for employees who work from home, suspending enforcement of Private Attorney General Act (PAGA) claims (which protect workers from wage theft), postponing the minimum wage increase, suspending ongoing rulemaking on key environmental standards and suspending the enforcement of laws like the California Consumer Privacy Act, among other things.

We urge you to resist this blatant attempt to exploit the current public health crisis facing California. The Chamber's letter is an affront to the very frontline workers keeping this economy functioning during the pandemic and to every Californian who suffered economic loss to uphold the public health orders during the shelter in place period.

Our nation has suffered over 114,000 deaths to the COVID-19 pandemic to date. As advocates for consumers, workers and vulnerable populations we all share a common goal. We want people to go back to work safely.

The economy will not recover and jobs will not return until the public has confidence in the safety of businesses. Although most businesses take their health and safety responsibilities seriously and will continue doing everything they can do protect their workers and customers, many other businesses will not and this could have serious repercussions for our long-term recovery.

COVID-19 has already highlighted the many inequities in the imbalanced relationship between modern businesses and workers. Grocery stores, supermarkets, fast food restaurants, and other businesses deemed "essential" have been at the front lines of this pandemic. Workers at these businesses have struggled to maintain their health and safety as both corporate policies and individual plant bosses have failed to protect them. As a result, shoppers and diners who wish to support businesses with their wallets are nervous, and with good reason.

Many workers have been forced to work in unsafe conditions, risking their lives for near-minimum wage pay. Further, meat, food packing, and food processing plants around the country are one of the worst spreaders of COVID-19, and the companies that run

them are among the worst offenders. According to a May 25, 2020 Washington Post analysis, "Over the past month, the number of infections tied to three of the country's biggest meat processors – Tyson Foods, Smithfield Foods and JBS – has gone from just over 3,000 to more than 11,000," with the largest – Tyson – seeing cases "explode" to 7,000. Yet even those numbers may underestimate the problem as lack of transparency has been an ongoing problem with the industry. Removing legal accountability will only exacerbate these problems and leave workers and the public without any means of ensuring companies take steps to keep them safe.

As workers struggle with job loss and unemployment, further weakening of AB 5 misclassification laws would be even more harmful to California workers. Emergency federal intervention was necessary to offer even basic protections for millions of purported "independent contractors," who now find themselves without work, income, or the customary protections of employment. Many of these workers have been marched into harm's way without the benefit of sick leave, leave to care for sick family, worker's compensation, or unemployment insurance. Those misclassification schemes have imperiled millions of workers for years, while depriving the State of contributions that are now desperately needed. The Chamber's proposal on employer misclassification is meant to roll back progress made in California and we cannot abandon these workers at this time.

Further, California cannot follow the Trump administration's lead in suspending enforcement of environmental laws amid the COVID-19 crisis. Just last week President Trump signed a sweeping order to set aside environmental restraints and speed up construction of oil and gas pipelines. California must resist the Chamber's call to do the same in our state.

Lastly, suspending enforcement of wage and hour laws (like PAGA) and key consumer protection statutes like the California Consumer Privacy Act, will delay progress meant to propel our state forward.

We are mindful that businesses are under enormous stress and will continue to be in the months of recovery that lie ahead. As California's economy carefully reopens we continue to see a concerning increase in COVID-19 cases that continue to give significant pause to California's consumers, employees and businesses alike. We recognize that workers and businesses alike must cooperate in response to these times. Cooperation does not mean, however, that workers should be silenced or consumer's rights suspended in the name of a speedier economic recovery.

Taking the actions recommended by the Chamber will have devastating effects on workers, the public and our state's long-term recovery. Now is not the time to strip workers of their rights. Nor is this the time to weaken laws meant to protect Californians

and our environment. Millions of Californians have already sacrificed so much; we cannot ask them to sacrifice their rights and safety in the name of a speedy recovery.

Sincerely,

Consumer Attorneys of California  
California Rural Legal Assistance Foundation  
Voices for Progress  
Consumers for Auto Reliability and Safety  
Disability Rights California  
California Advocates for Nursing Home Reform  
Courage Campaign  
Indivisible California: Statestrong  
Equal Rights Advocates  
Western Center on Law & Poverty  
ACLU Center for Advocacy and Policy-California  
Coalition for Humane Immigrant Rights (CHIRLA)  
UFCW Western States Council  
National Council of Jewish Women  
California Employment Lawyers Association (CELA)  
Environmental Working Group  
Environmental Defense Fund  
California Releaf  
Clean Water Action  
Consumer Federation of California  
California League of Conservation Voters  
Sierra Club California  
California Environmental Justice Alliance  
Teamsters Public Affairs Council  
The Alliance of Californians for Community Empowerment (ACCE)