

Zach Rodriguez: Johnson should help provide liability shield for essential businesses

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As COVID-19 vaccines roll out and case numbers fall, Wisconsin small businesses may soon be able to reopen completely, as those in states from Texas to Maryland have already. However, they could be met with a flood of frivolous lawsuits that would doom many businesses and the jobs they create. As we prepare to get back to normalcy, leaders like Senator Ron Johnson need to work to provide strong liability protections to ensure our economy can get back on track.

Since the start of the pandemic, businesses, particularly those deemed “essential,” were on the front lines to keep society going. Convenience stores and restaurants kept us fed, logistics companies delivered critical supplies, manufacturers made protective equipment and hand sanitizer. As we gradually reopened last year, businesses stepped up to rehire people in their communities. Through all of this, businesses adapted to safety guidelines to protect their employees and customers.

However, businesses have been vulnerable to wasteful litigation since the start of this pandemic. According to a May 2020 [survey](#) from the NFIB, about 70 percent of business owners were concerned about frivolous lawsuits as they reopened.

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What would that litigation look like? For example, someone who contracts the coronavirus could lay blame on any business they may have walked through, despite there being no way to prove where they got sick in the first place. For small

businesses that operate on slim margins in the best of times, lawyer and court fees could drain critical resources they need to get back on their feet.

It goes without saying that businesses that truly violate laws and regulations should be held accountable. However, innocent businesses struggling to survive shouldn't be in the crosshairs because of a pandemic none of us could have expected.

Wisconsin state lawmakers recently passed a [bipartisan measure](#) to shield certain businesses, like long-term care facilities and schools, from needless litigation. This is an encouraging step, but we need to expand it to include all the businesses that have kept our country going this past year.

That's where Congress should come in. Last year, Congressional Republicans like Senator Ron Johnson supported including liability protections in COVID relief bills. However, it was later dropped in negotiations, and Democrats left it out of the sweeping \$1.9 trillion American Rescue Plan.

It's important that Congressional Republicans like Senator Johnson renew their efforts to protect small businesses as quickly as possible, because reopening is likely coming soon. Our country is already vaccinating over two million people a day on average, and we're seeing the results as COVID-related hospitalizations and deaths fall dramatically. However, it's almost certain that the virus will still be out there, leaving plenty of opportunity for frivolous lawsuits to be filed.

Senator Johnson comes from the business community, and he's long been a wise voice of fiscal responsibility in Congress. His support for a liability protection legislation could help build critical momentum towards getting it done.

Small businesses are the engine of our economy, and they've been essential to keeping our country afloat through this time of crisis. As we prepare to reopen, we need to protect these businesses from unwarranted litigation so they can help bring our country back to normal.

- Zach Rodriguez serves on the Kenosha County Board of Supervisors.