



April 22, 2020

Office of the Governor
200 W. Washington St., Rm. 206
Indianapolis, IN 46204

Dear Governor Holcomb,

Our nation is facing extraordinary times that rival some of the greatest challenges in our nation's history. Indiana manufacturers, distributors, and their supply chains are operating and making products that are essential for the health, welfare, and protection of our state and nation. Manufacturers are repurposing facilities to make urgently needed supplies of medical devices, nutritional food, components for the power grid, cleaners and sanitizers, vehicles and equipment for our first responders, and more.

During this time of crisis, manufacturers in Indiana continue operating while doing everything possible to assure the health and safety of more than 500,000 employees, their families, and their communities. The country is depending on the many things our members make—from equipment and vehicles needed to combat the current crisis, to items seemingly not critical but very much a part of the supply chain necessary for both comfort and survival during these uncertain times.

Manufacturing accounts for over \$100 billion of the state's economy and provides the quality jobs and investment that drive much of the rest of Indiana's economy. Policies that help ensure manufacturing businesses are operating to the greatest extent possible will have broad, positive effects across our state.

Most manufacturers in Indiana fall under current definitions of “essential business” or “essential infrastructure.” As the state has worked to slow the spread of the virus, these businesses have demonstrated their ability to operate safely while providing the goods and services needed in the economy. Indiana's manufacturing industry remains committed to continued safe operations and the gradual reopening of the rest of the economy.

The Indiana Manufacturers Association recommends the following as sound strategies for Indiana's efforts to return life to normal for Hoosiers:

- ALL manufacturing facilities, supply chains, distribution centers should be allowed to open and operate safely.
- All businesses should establish and implement a workplace safety plan.
- Indiana should make clear rules for the safe operation of a business. Specifically, this can be done with reference to CDC and OSHA guidelines. Furthermore, reference should be made that IOSHA act in support of manufacturers by responding to employee complaints with an expectation of good faith by employers. Only blatant and egregious lack of attempted control should be actively investigated or cited. Indiana should not add additional regulations.

- CDC and OSHA guidelines are being updated as appropriate and generally include the following:
 - o Any employee that becomes sick at work should be immediately sent home.
 - o Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.
 - o For all employees:
 - Practicing sensible social distancing and maintaining 6 feet between co-workers, where possible;
 - Where social distancing controls are not sensible or feasible, physical and/or work method modifications could be made where reasonable and feasible to reduce risk of transmission.
 - Establishing flexible work hours, (e.g., staggered shifts), or a work from home policy where feasible;
 - Training workers on how to properly put on, use/wear, take-off and maintain protective clothing and equipment;
 - Allowing workers to voluntarily wear masks over their nose and mouth to prevent the spread of the virus - where an employer allows for employees to bring their own face coverings to work, they should ensure that those masks otherwise follow the safety requirements for PPE;
 - Monitoring public health communications about coronavirus recommendations for the workplace and ensuring that workers have access to and understand that information;
 - Promoting personal hygiene. Provide disinfectants and effective means of application to workers for use in cleaning work surfaces. If workers do not have access to soap and water for handwashing, provide alternatively effective means of disinfection;
 - Encouraging workers to report any safety and health concerns.
 - o For employees that may reasonably have been exposed as determined by proper review and investigation by the company:
 - Employers should implement an effective employee screening and management process using most recent guidance from the CDC, OSHA, and other medical and workplace health professionals.
 - Employers can consider measuring the employee's temperature and assess symptoms prior to them starting work or institute a daily pre-shift active questionnaire program to gain affirmative response to potential symptoms that may be present.
 - The employer may also make reasonable accommodations without penalty to the exposed employee to manage overall site exposure risk. In other words, move them from at-risk locations where risk of further transmission would be high.

- The availability of personal protective equipment, cleaning products and COVID testing is the single biggest concern for the safe reopening of Indiana industry. Much of the safe work practices outlined above are not possible without these products.
 - o Adequate supplies of personal protective equipment (PPE) are critical to the success of any reopening plan. Many manufacturers donated their existing stock and will need new PPE. Indiana should immediately launch a program to replenish PPE supplies in businesses either through purchase or at no cost to businesses who have donated their supplies.
 - o Adequate supplies of disinfectant and other cleaning products are essential to safe work environments. Indiana must implement a plan to make these products readily available to employers.
 - o Adequate testing capabilities are also critical. The ability to test citizens (even those who are asymptomatic) is necessary to be able to isolate the truly contagious and properly manage the effective containment of the virus.

Establishing a framework whereby businesses can safely reopen is a critical part of any recovery plan. Many businesses are closed or operating at less than full capacity due not to a direct government order, but rather because of a dramatic decrease in demand caused by the government closures and resulting layoffs of large sections of the economy. Addressing economic challenges is also important for Indiana's recovery.

- Continue actions helping to alleviate significant cash-flow challenges for Indiana businesses.
 - o Allow businesses to defer paying use tax for 120 days from the due date for each filer.
 - o Waive the collection of Utility Receipts and Use Taxes until the end of July.
- Explore the creation of manufacturing tax credits for manufacturers who convert or retrofit their facilities or operations in order to produce personal protective equipment to help with the COVID-19 response.
- Explore ways to limit the liability of businesses that follow health and safety guidelines.
 - o Limit lawsuits for COVID-19 exposure in the workplace to those based on claims that companies had actual knowledge that the person would be exposed to COVID-19 and acted with reckless indifference or conscious disregard as to whether the person would contract it, and require that such allegations be pled with particularity.
 - o Acknowledge that the patchwork of advice, industry practices, and state responses during a national emergency creates difficulties to identifying a clear standard of care.

We greatly appreciate your leadership during this time. Thank you for the opportunity to make recommendations for the reopening of Indiana's manufacturing businesses – the largest and most critical sector in the state's economy.

Sincerely,

Brian Burton
President and CEO