



February 2, 2021

The Honorable Michael Gianaris  
Capitol Building, Room 427  
Albany, NY 12247

Re: Opposition to S1034

Dear Senator Gianaris:

As New York’s leading business advocacy organizations, we wish to express our strong opposition to S1034, which would, among other concerns, implement a new and burdensome regulatory framework for businesses of every size, create a new private right of action which will expose distressed employers to predatory lawsuits, and mandates the organization of “workplace health and safety committees” with ambiguous functions, purposes, and authority.

The combination of these burdens will create significant new costs during a period of unprecedented economic distress. Further, this bill makes no distinction between large corporate entities and the small, local businesses that have suffered specific duress during the pandemic.

According to a recent survey by the National Federation of Independent Business (NFIB), 47% of small business owners anticipate that they will not be able to operate longer than 7-12 months under current economic

conditions, a sobering snapshot for the state’s economy, local communities, and our Main Streets which bring life and vibrancy to our neighborhoods.<sup>1</sup>

Another NFIB economic study, conducted immediately before the pandemic, identified “unreasonable government regulations” and “cost of liability insurance” as the 4<sup>th</sup> and 7<sup>th</sup> most significant challenges in New York State out of 75 commonly cited barriers to growth with 32.5% and 23% of small business owners citing these burdens as “critical” problems, respectively.<sup>2</sup> This legislation will only exacerbate these existing concerns.

While the sponsor’s intention to make workplaces safer is laudable, this new mandate on businesses is an overreach that will additionally distress job creators and businesses’ bottom lines at a time when revenue is down and the economic future is rife with uncertainty, our state should be focusing on a full and fast economic recovery.

Further, recent contract tracing data made public by New York State clearly indicates that places of business and the course of general commerce are not significant sources of spread and transmission. This is because businesses value their employees and customers above all else and have prioritized their safety and wellbeing before and during the pandemic.

State legislators should be prioritizing creative ways to ease the cost of doing business for New York’s businesses and job creators to ensure our recovery is fast, full, and fair across the state and across the economy.

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<sup>1</sup> [“Covid-19 Small Business Survey \(14\).” NFIB Research Center, 6-11 Dec. 2020.](#)

<sup>2</sup> <https://assets.nfib.com/nfibcom/NFIB-Problems-and-Priorities-2020.pdf>