

March 1, 2021

Testimony of Brian Moran

Director of Government Affairs, New England Convenience Store & Energy Marketers Association

Rhode Island General Assembly
House Labor Committee

RE: HB 5474 – An Act relating to labor relations – Workers’ compensation – occupational disease

Madame Chair Williams, 1st Chair Messier, 2nd Chair Alzate, and Members of the Committee:

The New England Convenience Store & Energy Marketers Association (NECSEMA) represents convenience store and gasoline retailers, independent transportation fuel distributors, and the businesses which supply them. NECSEMA members own, operate and/or supply the nearly 500 convenience stores in Rhode Island and the majority of all wholesale and retail motor fuel sales.

As proposed, HB 5474 would amend the Workers Compensation list of eligible diseases for essential workers and other employees, and define as a compensable injury, the disability or quarantine related to COVID-19 or any other viral infection, as classified through a state declaration of emergency. The bill also limits employers and insurers rights to rebut claims to only evidence the employee disability or quarantine was from non-employment-connected risk factors or non-employment-connected exposure.

NECSEMA opposes HB 5474. At the inception of the pandemic, convenience stores and gas stations were deemed by federal and state authorities as essential services. Many of our members chose to remain open so they could continue to serve their communities and neighborhoods during the state of emergency. Just like they have always done. As an industry we rose to the challenge by monitoring the daily influx of safety protocols issued by federal and state health officials, scrambled to purchase personal protective equipment, trained our employees, purchased hand sanitizer, monitored capacity and distancing, frequently disinfected surfaces and touchpoints, and constructed shields at the point of sale. These efforts were not inexpensive; however, they were unquestionably necessary to protect our employees and customers.

Against that backdrop, this bill appears to abandon our diligent and responsible efforts. Most importantly its necessity is inconsistent with state contact tracing metrics, and weekly communications to the public by Governor Raimondo and the Department of Public Health where they acknowledge the high rates of COVID-19 transmission are being driven not by businesses, but by private socialization.

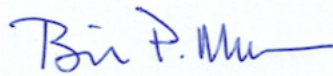
It is likely we can all agree that businesses or individuals, choosing not to comply with required health and safety requirements should be held accountable; however, making all businesses culpable just because they offer essential services is not appropriate. If passed, insurers will have

no choice but to raise premiums and pass this added cost onto employers. The timing for these added costs could not come at a worse time, as many businesses are struggling to remain open and keep people employed. Adequate protections already exist outside of the Workers Compensation program for parties to seek claims for disability and quarantine, and there is no necessity for this bill, nor abandoning the current causation standard, because doing so abandons the science of transmission as evidenced by Rhode Island health experts.

We believe that the business community will continue to do our part protecting our employees and customers, and now we ask the legislature to listen to our concerns with this bill. **We urge the Committee to not support HB 5474.**

Thank you for your thoughtful consideration of our positions on this matter.

Respectfully submitted,



Brian P. Moran
Director of Government Affairs
Brian@necsema.net | (781) 297-9600 ext. 5