

September 9, 2020

The Honorable Laura Kelly
Governor of the State of Kansas
300 SW 10th Street, Suite
Topeka, KS 66612

Dear Governor Kelly,

On behalf of the Kansas business community, we respectfully ask that you reconsider your decision to disclose the names and locations of active COVID-19 outbreaks in Kansas at business locations.

We are unsure what the benefit of this disclosure offers, other than a public shaming of businesses where an outbreak occurs. That said, we are curious what legal basis or authority exists for the state to adopt this policy and whether has your administration considered any possible legal ramifications against either the state or a business impacted by this policy decision. We have seen Kansas businesses go above and beyond the call to protect their employees, customers, and Kansans during the last five months.

In a June 7th Wichita Eagle article, several local health officials stated it would be very uncommon to name individual businesses or entities where an outbreak occurred. The article quotes Samni Areola, Johnson County Health and Environment Director saying, "Releasing individual information about facilities is very, very, very unusual." Areola previously stated during a county commission meeting. "You will not see a lot of health directors or a lot of health departments doing that. ... It is very unusual."

The article also quotes Ford County's medical officer R.C. Trotter who said in an email, "I agree with (county administrator Jonathan Gilbert) that we do not discuss specific business statistics...I get that data from KDHE and it is considered classified."

In your media release announcing this decision, you stated Kansas will follow White House guidance on releasing this information. However, we were unable to find any guidance publicly released by the White House that recommends disclosing the names and locations of individual businesses.

In fact, U.S. Centers for Disease Control and Prevention (CDC) suggests the opposite, that "businesses and employers are encouraged to coordinate with state and local health officials to obtain timely and accurate information to inform appropriate responses" (Source: Interim Guidance for Businesses and

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Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020). This action by your administration is anything but an effort to coordinate with the business community.

We have made every effort to serve as a resource to the administration during this pandemic, which is why we are so perplexed by this heavy-handed response. What is the ultimate goal of notifying the public of a breakout location? Employers are encouraged to follow CDC guidelines for confidentially notifying their employees of possible exposure. We have not heard of any businesses not following such protocol.

Sincerely,

Associated General Contractors of Kansas
Kansas Livestock Association
Kansas Bankers Association
Kansas Chamber
National Federation of Independent Businesses
The Builders Association
Wichita Regional Chamber of Commerce