



November 17, 2020

The Honorable Andrew Cuomo  
Chair, National Governors Association  
444 North Capitol Street, NW, Suite 267  
Washington, DC 20001

Dear Governor Cuomo:

On behalf of America's restaurant industry, thank you for the work you and your colleagues are doing to protect the health of our communities as our nation endures this pandemic. Since the beginning of this crisis, the National Restaurant Association and our state restaurant association partners have worked with you and health departments across the country to ensure the safety of guests and employees in restaurants. As the scientific research behind COVID-19 continues to develop, our food safety team has collaborated with regulatory authorities across the country to establish industry best practices rooted in science. To date, we have not found any systemic outbreaks of COVID-19 from the hundreds of thousands of restaurants around the country that operate within the Association's guidance and follow local public health and safety regulations.

For decades, restaurants have created safe dining experiences for their guests. Guided by the FDA Food Code, establishments focus on practices in both the kitchen and dining areas that are designed to protect guests. From the outset of the pandemic, restaurants built upon existing practices by adding new and enhanced protocols. Employee health checks, hand hygiene, and surface cleaning and sanitizing were already in place. Our Association's COVID-19 Safe Operating Guidance enhanced these practices to require face coverings for staff, request face coverings for guests, add more frequent hand sanitizing, provide guests with hand sanitizers, and increase frequency of cleaning and sanitizing high-touch surfaces. Restaurants also updated floorplans to ensure social distancing of at least six feet between guests while in a restaurant.

The recent surge of COVID-19 cases has prompted governors to make difficult decisions about how to reduce transmission in the community. We continue to support aggressive steps to protect the nation's public health. But there is an unfounded impression that restaurants are part of the problem, and we are suffering as a result of inconsistent, restrictive mandates. Tens of thousands of additional restaurant bankruptcies—and millions of lost jobs—are now more likely, while the science remains inconclusive on whether any health benefits will accrue. While scientists know far more about the viral exposure risks from homes, workplaces, and commercial establishments over the past eight months, the response from many officials harkens back to the blunt-force approach taken in March. Data tying systemic community outbreaks of COVID-19 to restaurants has yet to emerge, but we are too commonly labelled as "super-spreaders," and have become a convenient scapegoat for reflexive shutdowns.

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As governors determine whether socially facing businesses like restaurants should be closed or scaled back, we urge you to take the following suggestions into consideration:

- Regulations and decisions regarding restaurant operations should be based on facts and contact-tracing data, not hypothetical simulations of transmission.
- When restrictive regulations are imposed, such as capacity restrictions or shutdowns, it should be clear what health metrics must be achieved to return to the previous level.
- Restaurant operations should be treated the same as other retail establishments. Shutting down indoor dining should be considered a last option.
- If a shutdown is mandated, restaurants should be recognized as essential businesses and remain open for off-premise sales (e.g., takeout, delivery, and drive-through), as well as outdoor dining.
- Restaurants should receive as much advance notice as possible of changing regulations.

The coming weeks will challenge leaders in every state along with a restaurant industry that is struggling to remain afloat. The National Restaurant Association stands ready to work with you and your teams on policies and regulations that will enable our industry to safely serve our communities for the duration of the pandemic. To that end, we look forward to working together in the coming weeks and months.

Respectfully yours,

A handwritten signature in blue ink that reads "Tom Bené". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tom Bené  
President & CEO