



August 12, 2021

Dear Local Government Officials:

Since March of 2020, the State of North Carolina, its local governments, its citizens and its businesses have fought tirelessly against COVID-19. Earlier this summer, thanks to the widespread availability of the COVID-19 vaccine, North Carolina had progressed to place where all restrictions on businesses were eliminated - including mask mandates. With the Delta variant of COVID-19 resulting in increased COVID-19 cases and hospitalizations, many counties and cities are revisiting mask mandates. The North Carolina Retail Merchants Association (NCRMA) which represents more than 2,500 members totaling over 25,000 store locations in North Carolina continues to oppose mask mandates especially at the local level. With that said, NCRMA does acknowledge the decision to implement a mask mandate is within the statutory purview of local governments and if a local government chooses to go this route it is the policy decision for the local government to make in the best interest of its community.

Should a local government choose to implement a mask mandate in your community, NCRMA strongly urges the local government to not force retailers or other businesses to be the enforcement entity for the mask mandate. The number one priority of North Carolina's retailers is to provide a safe shopping experience for both its customers and its employees. Earlier this year, enforcement of mask mandates by retail employees subjected many front-line retail employees to both physical and verbal attacks by customers who chose not to wear a mask. Just over the North Carolina/South Carolina line, a grocery store employee had a gun pointed at their head due to a dispute of wearing a mask and a security guard was shot in a dollar store in Michigan. In addition to potential violence, there is a tremendous labor shortage in North Carolina and retaining employees who are required to enforce mask mandates is very difficult, further straining an already fragile labor force. Retailers lost an entire class of teenage employees because either they or their parents were afraid, not that their child would contract COVID-19 but rather they would face verbal or physical abuse. Many teenagers get their first work experience at a retail store working a cash register, stocking shelves or bagging groceries and many of these teenagers did not get that opportunity during COVID-19 due to the mask mandate issue.

Additionally, we have heard from numerous retailers that they, as employers, worked with their employees to convince them to get the COVID-19 vaccine. For many employers these were difficult conversations that may have cut against the employee's personal, political, health or faith beliefs. Part of the conversation was that getting vaccinated would get us to a place where masks would no longer be required. Now those employees are second-guessing their employers as mask mandates return. Again, these employer-employee relationships are being strained at a time when there is a tremendous labor shortage and retaining and recruiting employees has never been more difficult.

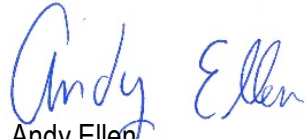
Many businesses, including those businesses most impacted by mask mandates, were also the most detrimentally impacted by COVID-19 restrictions including mask mandates and forced shutdowns. These businesses need the support of local governments to continue to recover and stay in business, providing jobs and collecting and paying taxes in your community. Adding additional requirements on these businesses or placing these businesses in a position to enforce a divisive policy, such as a mask mandate, will only make it more difficult for these businesses to survive post-COVID-19.

NCRMA strongly encourages local governments to:

- 1) Impose any civil or criminal penalty for failure to comply with the mask mandate squarely on the individual.
- 2) Exempt retailers and other businesses from any civil and/or criminal penalties as long the retailer or business makes a good faith effort to implement a mask mandate. Posting signage informing customers masks are required within the establishment would demonstrate such good faith.
- 3) Support your local businesses and make policies that are manageable and not detrimental to them.

We thank you for your consideration and would be willing to talk with you further if you would like. You can reach me at andy@ncrma.org or (919) 389-0136.

Sincerely,



Andy Ellen
President and General Counsel
North Carolina Retail Merchants Association