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MICHIGAN HOUSE OF REPRESENTATIVES

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SPEAKER OF THE HOUSE

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April 18, 2020

Governor Gretchen Whitmer
State of Michigan
P.O. Box 30013
Lansing, MI 48909

Dear Governor Whitmer:

We understand that no manual was given to the Legislature or any Governor on how to efficiently handle the COVID-19 pandemic. Though we disagree with many aspects of your recent orders, we still appreciate your service to our state and you performing your duties the best that you can. We do, however, believe that several changes need to be made soon before it's too late. With thousands of Michigan families suffering, unemployment skyrocketing and uncertainty in every county, we know that government can do better. And the people of our state deserve that.

Your expansion of the stay-at-home order, without adopting many of our recommendations, has made Michigan a national outlier with its COVID-19 response. This decision has put additional people out of work and hindered the basic freedoms and liberties of more citizens than the data justifies. Despite repeated requests from members of the Legislature for a more tailored approach and the clear trend towards states adopting scientifically-informed federal standards for essential critical services, your order arbitrarily restricts products from being purchased in a safe manner, eliminates services that could be performed safely under the latest CDC protocols and infringes on constitutional rights without a clear and compelling justification. There are more reasonable and effective ways to protect the public health.

I urge you again to reconsider your overly broad approach for the sake of the people we represent and bring Michigan in line with other states that are handling this issue more sensibly. We can and must continue to improve our public health efforts, while also safeguarding civil liberties and the paychecks of Michigan families. More than one million Michigan residents are now unemployed, and that means far too many families staring down a looming disaster. We all know it will take far longer to put hard-working Michiganders back to work than it took for them to be laid off, which is why the people who have been affected by this deserve immediate answers. It is well past time for a forward-thinking plan to give the people of this state peace of mind and limit the damage done wherever possible.

As stated in my April 9, 2020 letter, the number of people who are scared and hurting right now and reaching out to members of the Legislature for help is growing every day. More and more, they are looking for a legislative check against the exercise of your authority. Absent reasonable restrictions or at least a defined path forward from this administration, they simply see no other option.

To that end, we believe there are three straightforward action steps that we can take together to protect public health and make immediate improvements to your stay-at-home order. Those suggestions include the following:

1. **Amend your current executive order (EO-42) to adopt the most updated federal CISA guidance for essential services.** Doing this would permit essential services like construction and construction-related supply chains, additional energy sectors, realtors, certain seasonal lawn care services, forest products, garden materials, as well as health services like optometry and chiropractic care to continue. That change would make a very real difference in the lives of thousands of Michigan families without negatively impacting the public health. Nearly every other state that utilizes this federal guidance has updated to these best practices already, including states that share a border with Michigan. We are an outlier, and families are suffering unnecessarily for it.
2. **Alter your “essential vs. non-essential” stay at home order to instead define “safe vs. unsafe” activities.** The simple truth is that many of the jobs and activities that are now banned can be done safely and productively just by following strict social distancing guidelines and workplace safety best practices. There is no compelling reason for the state to ignore new best practices and continue to ban people who could be working safely from earning a paycheck. Instead of state government laying off as many people as it can, it should be focused on protecting as many livelihoods as possible.
3. **Adopt a regional, risk-based scientific and medical approach to any future stay at home restrictions.** As additional PPE, testing and health data is gathered from different regions across Michigan, we must appropriately regionalize stay at home orders based upon each region’s medical preparedness, per-capita positive case ratios, tests administered, immunity rates (antibody tests) and track and trace methodologies. This scientific and medically based information can then guide the more appropriate stay at home restrictions by region. MDHHS already utilizes an eight-region trauma system that can be utilized for this purpose. This will allow us to match risk conditions with the proper return to work guidelines. As both the virus and our ability to respond to it change, so too must our strategies for moving forward.

Although well-intentioned, the current one-size-fits-all approach to battling this pandemic is already outdated and falling further behind every day. Adopting these changes will move Michigan toward the forefront of innovation and give the people we represent every possible chance to make it through this crisis in a safer and stronger position.

House Republicans have been listening to the people of this state and working with them to address the challenges they face from this crisis. We will soon send you a larger, more comprehensive plan with a new approach for managing our state’s recovery. Our hope is that you are willing to take those suggestions and work with us on a real, meaningful plan to move Michigan into the future. We want to partner with you.

Sincerely,

A handwritten signature in black ink that reads "Lee Chatfield". The signature is written in a cursive, flowing style.

Speaker Lee Chatfield and the House Republican Caucus