



Michigan Fitness Club Association

Newsletter for the Week of September 6, 2020

Background & Purpose

The MFCA was formed in May 2020 by various gym, club and studio owners in response to the coronavirus pandemic and accompanying lockdown and closure of the entire fitness industry in Michigan.

Unlike other industries in Michigan such as manufacturing, hospitality, education and restaurants, Michigan's gyms and fitness studios did not have a state-focused trade association lobbying for our needs and speaking in one voice.

While we appreciate the efforts of the International Health, Racket & Sportsclub Association (IHRSA) lobbying at the federal level, most of our concerns need to be addressed at the state level.

Over 100 of us banded together, forming the MFCA and engaging with our state and federal legislators and Governor Gretchen Whitmer. We intend to remain a united group and trade association under the MFCA banner even after this pandemic and the associated restrictions are long-gone.

Our membership ranges from traditional big-box gyms to private health clubs to boutique fitness studios. While we are all technically competitors in the strictest definition, we are also colleagues and committed to saving the Michigan fitness industry and keeping Michigan healthy.

This is our inaugural newsletter.

Critical Updates

Michigan Governor Gretchen Whitmer issued two executive orders relevant to the fitness industry and permitting gyms and fitness studios in Michigan to reopen on **Wednesday September 9**.

Executive Orders 2020-175 and 2020-176 permit Michigan gyms to reopen at 25% capacity. While each owner and manager must read and implement the regulations provided for in these and other executive orders, the critical items to note are:

1. When exercising indoors, everyone must wear a mask, including customers

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2. Everyone should make an effort to remain at least 6 feet apart
3. Capacity is limited to 25% of fire marshal approved capacity
4. Everyone entering a facility must be tracked with accurate records maintained including date and time of entry and exit, name of patrons, and anyone refusing to provide identifying information – at minimum name and phone number – must be refused entry
5. Cleaners that have been approved by the EPA to kill the coronavirus should be used.
Link to Approved Cleaners: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>
6. Upgrade ventilation to filter the virus and where possible increase circulation and exchange of outdoor air
7. Conduct a daily entry self-screening protocol for all employees and contractors entering the premises and maintain accurate records and logs

This is not intended as a full list of the requirements to comply with Executive Orders 2020-175, 2020-176 and other applicable executive orders, laws, rule and regulations. Please review the full executive orders at the links below:

EO175: https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-538728--,00.html

EO176: https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-538730--,00.html

All EOs for 2020: https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705---,00.html

Events

1. The MFCA will be holding a discussion with several of our federal legislators asking for compensation for Michigan gyms and fitness studios. This discussion will include Senator Stabenow, Senator Peters, Congresswoman Haley Stevens, and Congresswoman Elissa Slotkin.
2. The planned Capitol Lawn Workout-II originally set for Tuesday September 1 was canceled in the anticipation of Governor Whitmer issuing an executive order or orders permitting gyms to reopen.
3. Other than upcoming interviews and comments requested, the MFCA does not have any events planned for this week.

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Media Coverage For The Week

Sample media coverage from the MFCA this week:

Governor's Press Release with quote from MFCA Vice President Alyssa Tushman:

<https://wwjnewsradio.radio.com/articles/news/whitmer-will-allow-gyms-to-reopen-at-25-capacity>

Mlive:

<https://www.mlive.com/public-interest/2020/09/its-about-time-michigan-gym-owners-excited-to-reopen.html>

Crain's Detroit

<https://www.crainsdetroit.com/coronavirus/whitmer-oks-gyms-reopen-sports-resume-theaters-remain-dark>

WNEM

https://www.wnem.com/news/gym-owners-torn-as-whitmer-allows-opening-at-25-percent-capacity/article_c1bc72ca-ee50-11ea-bed2-3b4d846707f7.html

WOOD TV8 in Grand Rapids

<https://www.woodtv.com/health/coronavirus/gym-owners-ready-to-reopen-under-new-protocols/>

Oakland Press

https://www.theoaklandpress.com/news/coronavirus/whitmer-allows-gyms-to-reopen-with-restrictions-after-covid-19-shutdown/article_a4b4483e-ee31-11ea-8821-4b089d90b437.html

WXYZ

<https://www.wxyz.com/news/coronavirus/whitmer-signs-order-reopening-gyms-and-pools-organized-sports-permitted-with-safety-measures>

<https://www.facebook.com/watch/?v=361899568159323&extid=XAThT1xTGMcisWIE>

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WWJ

<https://wwjnewsradio.radio.com/media/audio-channel/time-to-workout-gyms-reopening-in-michigan>

WOOD TV Grand Rapids

<https://www.woodtv.com/health/coronavirus/as-gyms-reopen-industry-association-says-more-to-be-done/>

<https://www.woodtv.com/health/coronavirus/gyms-reopen-in-michigan-with-new-safety-measure>

Fox 2

<https://www.fox2detroit.com/news/michigan-gov-gretchen-whitmer-announces-gyms-can-reopen-sept-9-with-limitations>

More MFCA Media Coverage

<https://mfcafit.org/press>

Other Efforts

The MFCA has not joined or supported any litigation but continues to monitor any such litigation and activities that may impact our industry.

1. The lawsuit filed by LIFFT (League of Independent Fitness Facilities and Trainers, Inc.) against Governor Whitmer, et al is ongoing in the United States District Court for the Western District of Michigan (Case No. 1:2020cv00458) with the Governor's response due September 17.
2. The Michigan Legislature filed a lawsuit against Governor Whitmer seeking to have a court declare that Governor Whitmer exceeded her authority under the 1945 Emergency Powers of Governor Act which the legislature argues was superseded by the 1976 Emergency Management Act. The Court of Appeals has heard arguments from both sides but has yet to issue a ruling.
3. There is an effort generally called Unlock Michigan seeking to repeal the 1945 Emergency Powers of Governor Act by ballot initiative to be put directly to Michigan

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voters. It appears that the ballot initiative will have enough signatures to be included on the November 8, **2022** ballot.

Upcoming Lobbying Efforts

The MFCA has retained two lobbying firms, Public Affairs Associates (<https://www.paa-online.com>) and Midwest Strategies (<https://www.midweststrategy.com>), as well as the public relations firm BJW Strategies, Inc. (<https://bjwstrategiesinc.com>). The MFCA is focused on two items in the next 30 days:

1. **Masks:** Asking Governor Whitmer to amend EO 2020-175 to permit exercise without requiring that clients wear masks. The MFCA is not asking for this amendment simply to promote our businesses. The US Center for Disease Control (CDC) recognizes that wearing a mask during exercise may not be possible with higher intensity exercises and the World Health Organization (WHO) recommends that all exercise should be conducted WITHOUT a mask. We also have actual practical data from 2,877 gyms all over the United States with 49.4 million visits. Relevant links are follow:

WHO: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters#exercising>

CDC: <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/playing-sports.html>

MXM: <https://mxmetrics.com>

2. **Capacity:** We would like to increase the capacity allowed beyond 25% of fire marshal capacity, provided clients maintain a distance of 6 feet apart.
3. **Compensation:** Michigan gyms have been closed continuously for nearly 6 months, longer than any other state. The MFCA will be asking our federal and state legislators for financial compensation in the form of grants.

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Other Initiatives & Issues

Like it or not, all Michigan gyms and fitness studios are tied together and to a real and large extent share the same fate. If one gym has a covid-19 outbreak it could impact every other gym in Michigan and could result in a reclosure of Michigan's fitness industry.

The MFCFA is asking all Michigan gyms and fitness studios to comply with all EOs including 2020-175 and 2020-176.

1. The MFCFA is asking all Michigan gyms and fitness studios to **join the MFCFA**, post the **MFCFA membership sticker in your window**, and **post the Safe Gym Pledge visibly on your wall**. <https://mfcafit.org/pledge-certificate>
2. In the long term, the MFCFA will lobby to address future issues and to hopefully prevent detrimental laws and regulations that have been discussed including a) taxing gym memberships, 2) regulating trainers and staff, and 3) regulating gyms and fitness studios.

To Participate

To participate in MFCFA events please email us at info@mifit.org or call (248) 938-4228.

To Join the MFCFA

To learn more about the MFCFA please visit our website at <https://mfcafit.org>, call (248) 938-4228 or email at info@mifit.org.

If you want to let your voice be heard clearly and are ready to join the MFCFA, visit:

<https://mfcafit.org/join-the-club>

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