

July 2020

TSIB Talking Points

Special Bulletin

Insurers Alert to Avoiding Legionnaire's Disease Outbreaks as Buildings Reopen

When you finally return to work after the lockdown, COVID-19 might not be the only illness you need to worry about contracting at the office. Office buildings, schools, and hotels once filled with people emptied out in many cities and states as shelter-in-place orders were issued. The pandemic shutdown of businesses, schools, and hotels, since mid-March has led to an unprecedented amount of stagnant water in dormant buildings. It becomes a breeding ground for Legionella bacteria, which can be spread from toilets, sinks, showers and air-conditioning systems.

Environmental insurers, which collect roughly \$2 billion in annual premiums, would be on the hook for damages if there are outbreaks at buildings they cover. Nearly 50,000 people have been infected with Legionnaires' disease between 2000 and 2015. Prior to the start of COVID-19 pandemic, Legionnaires' disease sickened and killed more people in the U.S than any other reportable waterborne disease. Legionella could be the deadliest waterborne illness in the U.S and another deadly consequence of COVID.

For full article, please highlight link and open

<https://www.insurancejournal.com/news/national/2020/06/19/572840.htm>

New Data Reveals Hidden Flood Risk Across America

First Street Foundation, a group of academics and experts based in New York City created a new database of Flood risks that takes into account other factors such as sea level rise, rainfall, and flooding along smaller creeks that may not be mapped federally. This information can significantly differ from the information that Federal Government Maps provides on their FEMA Flood Mapping but is not intended to replace the FEMA maps, but only compliment it. Using this information nearly twice as many properties are exposed to a significant flood risk.

First Street Foundation has created a [website](#) where people can check their own address.

For full article, please highlight link and open

<https://www.nytimes.com/interactive/2020/06/29/climate/hidden-flood-risk-maps.html>

D&O liability prices up sharply: Marsh report

Director's and Officer's Liability is expected to continue to increase from their 2019 levels. In some instances, there have been increases as much as 95% for renewals in the first quarter of 2020.

Rate increases were expected prior to the COVID-19 Pandemic and are expected to continue to increase through the end of the year.

For full article, please highlight link and open:

https://www.businessinsurance.com/article/20200624/NEWS06/912335283/D&O-liability-pricing-up-sharply-Marsh-report-COVID-19?utm_campaign=BI20200624BreakingNewsAlert&utm_medium=email&utm_source=ActiveCampaign&utm_campaign=BI20200624BreakingNewsAlert&utm_medium=email&utm_source=ActiveCampaign

Rival Wholesale Brokers Ryan Specialty Group and All Risks to Merge

The deal will unite Chicago based Ryan Specialty Group with \$12 billion in premium, with All Risks, out of Delray Beach Florida \$2.6 billion in premium. RSG celebrating its 10th anniversary, consists of RT Specialty, a wholesale brokerage firm, and RSG Underwriting Managers. All Risks, is a national wholesale broker, managing general agency and program administrator with more than 850 employees. Our Strengths are complementary, in coming together to form one unified company, we are positioning ourselves to the greater benefits of our employees, our retail partners and our carriers partners, said All Risks executives Nick Cortezi and Matt Nichols.

For full article, please highlight link and open:

<https://www.insurancejournal.com/news/national/2020/06/24/573270.htm>

Claims Corner

Will COVID-19 Liability Releases Hold Up?

Hospitals, medical facilities and large organized political gatherings all have one thing in common, they have invoked exculpatory clauses for public participation. What is an exculpatory clause? It is a clause that requires waiver of exposure to a known risk. Sporting events, hazardous activities such as sky diving or bungee jumping all contain similar language, due to the hazardous nature of this activity we will not be responsible for risk or injury to ones' self.

Will this clause hold up in the face of COVID-19? Enforceability will greatly vary by jurisdiction, causality and the general risk assumed. Litigation has already ensued testing this very notion. This will be case law in the making.

For full article, please highlight link and open:

<https://www.claimsjournal.com/news/national/2020/06/23/297818.htm>

Hurricane season as Pandemic Continues:

Businesses and states have developed and deployed risk management strategies to address the risk of hurricane. As the season emerges those plans will need to be adjusted to take into consideration the risk of COVID-19 during evacuations and sheltering. To go bags should include, masks, gloves and sanitizer. Social distancing considerations will be needed for Shelters, evacuation plans and transportation methods. Hotels can be potentially used for those that may have been exposed to the virus. Preparation and awareness during this hurricane season will be paramount.

For full article, please highlight link and open:

<https://www.claimsjournal.com/news/southcentral/2020/06/09/297522.htm>