



## Legionnaires' Disease and COVID-19 Reopening Concerns: *Know the Facts*

**In the midst of the global pandemic we now find ourselves facing another potential public health threat. Recently, many educational facilities have been struggling with discovery of Legionella pneumophila in water systems which have, due to a curtailed school year in mid-March 2020, grown largely stagnant and untreated.**

Obviously, COVID-19 has demonstrated its lethality and pervasiveness throughout all sectors of life, but in particular, children returning to school has tested the resilience of families and communities. The new normal dictates the wearing of masks, washing hands and practicing safe distancing. Social inflation, the concept of trends and views toward increased litigation, broader contract interpretations, plaintiff friendly legal decisions and larger jury awards, has also played a part. Schools have spent valuable resources on appropriate plans for dealing with potential outbreaks and contingency plans. What public works departments, property managers and school administrators were surprised to learn is that they were also unintentionally exposing their student-bodies to another potentially deadly illness.

Legionnaires' disease can result in severe financial and public relations consequences and ultimately insurance claims. Legionnaires' disease is caused by the presence and dispersal of +/- 40 strains of bacteria. The disease manifests itself in fever, chills, cough, muscle pain, headaches and diarrhea and is often mistaken for pneumonia. First named after a 1976 outbreak at an American Legion convention in Philadelphia, symptoms of Legionnaires' disease may appear anywhere from two to fourteen days after exposure.

The bacteria incubates in heating/ventilating/air conditioning (HVAC) systems, including cooling towers, however showers, drinking water fountains and public water features have also shown to be the causal link for outbreaks. Although common in natural water sources such as rivers, lakes and reservoirs they may also be found in purpose-built water systems such as cooling towers, evaporative condensers, hot and cold-water systems and spa pools. Nearly 50,000 people were infected with Legionnaires' disease between 2000 and 2015, and legionella can be fatal in one in 10 cases according to the U.S. Centers for Disease Control and Prevention (<https://www.cdc.gov/coronavirus/2019-ncov/php/building-water-system.html>).

CDC published, Guidance for Reopening Buildings After Prolonged Shutdown or Reduced Operation, to ensure the safety of your occupants and building water system and devices on May 7, 2020, more information can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/php/building-water-system.html>

In many cases, the sources of Legionella contamination can be resolved from a physical plant perspective by shut down and bleaching of the infected systems. Some experts have indicated that the methods for controlling the impacts to water



systems can be on a continuum from very involved and expensive to time consuming, including: temperature control; utilizing biocides, physical methods (flushing) to infrastructure replacement.

In the event of an occurrence of Legionella, the resulting impact can have far-flung financial and reputational consequences, including:

- Extensive investigation of the source(s) and costly shut-down
- Loss of use
- Reputational damage
- Public relations expense
- Liability to victims for medical, death and related expenses
- Attorney fees
- Civil lawsuits

There are at least 20 Legionnaires' outbreaks reported — and about 5,000 cases diagnosed — every year, according to the Centers for Disease Control and Prevention (cdc.gov).

Liability for an outbreak extends beyond the individual school, the district could be possibly held legally liable, as well as other stakeholders, including but not limited to; school boards, administrators, property managers and contractors.

To learn more about the mitigation of Legionnaire's disease in schools (and other facilities) and other environmental risks, contact [construction@alliant.com](mailto:construction@alliant.com) or:

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In addition to good prior planning and overall risk management, pollution liability (PLL) insurance may provide additional protection for these exposures. Since these types of financial losses would not be covered under Property and Commercial General Liability policies, PLL offerings can be used to fill a substantial gap. Commercial insurers write in excess of \$2B in premiums of these types of policies annually. Coverage offered can include:

- 1st Party: Investigation and clean-up/ remediation of pollution incidents (including mold, legionella and other indoor air threats)
- Diminution of Value (1st and 3rd Party)
- 3rd Party Liability: Bodily Injury / Toxic Tort/ Property Damage
- Defense Costs
- Business Interruption / loss of rents
- Image restoration / public relations support
- Terrorism (including biological)

Alliant offers a wide array of environmental policy solutions that fit your business needs. Pollution policies are available starting at \$5,000 a year.

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