

COMMITTEE ON THE BUDGET
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON
IMMIGRATION AND BORDER SECURITY
SUBCOMMITTEE ON REGULATORY REFORM,
COMMERCIAL, AND ANTITRUST LAW

Congress of the United States
House of Representatives
Washington, DC 20515-4707

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April 13, 2020

Mr. Evan Greenberg, Chairman and CEO
Chubb Group
150 Allen Road Suite 203
Basking Ridge, NJ 07920 United States

Mr. Steve Patterson, President and CEO
Oregon Mutual Insurance Company
400 Northeast Baker Street PO Box 808
McMinnville, OR 97128

Mr. Todd Jones, CEO, North American
Operations
QBE Holdings, Inc.
Wall Street Plaza 88 Pine Street
New York, NY 10005 United States

Mr. Alan Schnitzer, Chairman and CEO
Travelers Indemnity Company
One Tower Square
Hartford, CT 06183

Mr. Satoru Komiya, President, Group CEO
and Group CCO
Tokio Marine Insurance Group
800 E. Colorado Blvd
Pasadena, CA 91101

Mr. Joseph Shockey, CEO
BankDirect Capital Finance
150 North Field Drive, Suite 190
Lake Forest, IL 60045

Mr. David Long, Chairman, President &
CEO
Liberty Mutual Insurance Company
175 Berkeley Street
Boston, Massachusetts 02116

Mr. Kirt Walker, CEO
Nationwide Mutual Insurance Company
One Nationwide Plaza
Columbus, Ohio 43215-2220

Mr. Eric Nelson, President and CEO
Mutual of Enumclaw Insurance Company
1460 Wells Street
Enumclaw, WA 98022

Dear Messrs. Greenberg, Jones, Komiya, Long, Nelson, Patterson, Schnitzer, Shockey and Walker:

I write to express my concern about reports that commercial insurance companies are declining to cover COVID-19 related claims filed by small and medium-sized businesses.¹ When businesses do not timely receive commercial insurance payments from their insurers, they may be forced to lay off employees, default on debts owed, miss rent payments or close down completely. I believe that commercial insurance companies should honor all clearly covered coronavirus-related losses; work closely with the offices of state Attorneys General to resolve disputes; and set up accessible means by which policyholders can get answers on their coverage

and resolve disputes quickly without having to resort to time-consuming and expensive litigation.

Business owners buy commercial insurance in order to be responsible to their customers, employees and communities and to ensure they have protection from unforeseen crises.ⁱⁱ These businesses have invested hundreds or even thousands of dollars each month in commercial liability and business interruption insurance policies.ⁱⁱⁱ However, many business owners report that their insurers are not interpreting their commercial liability insurance policies to cover losses related to COVID-19. Instead, business owners report that they are now being denied coverage.

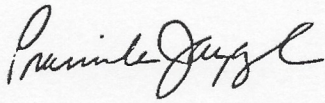
In order to clarify questions about commercial insurance coverage and facilitate the commercial insurance claim process for COVID-19 related claims, we request that you provide responses to the following requests by April 21, 2020:

1. Please provide information from March 1, 2020 on:
 - a. All U.S.-based claims by small and medium-sized businesses for business income or business interruption insurance coverage that your company has received related to COVID-19, including a breakdown of how many claims have been accepted or denied.
 - b. Contingent business interruption coverage claims that your company received related to COVID-19, including a breakdown of how many claims have been accepted or denied.
 - c. All U.S.-based claims for civil authority coverage that your company has received related to COVID-19, including a breakdown of how many claims have been accepted or denied.
2. Please provide your company's U.S. and Washington state policy on:
 - a. Treating insurance claims related to COVID-19 as a covered cause of loss.
 - b. Treating insurance claims related to force majeure, viral or wide-spread disease of a covered cause of loss.
 - c. Treating COVID-19 related damage to the property of others as a covered peril for the purposes of triggering contingent business interruption coverage.
 - d. Treating the following COVID-19 related government orders as covered causes of loss: shelter-in-place orders; quarantine orders; prohibitions of crowds over a certain size; school shutdown orders; facility shut-down orders.
3. Please explain whether your company has a virus and bacteria, pollutant, fungi and bacteria, pathogen, communicable disease or related insurance coverage exception for small and medium-sized businesses in Washington state; provide the exact language of any such exception; and explain whether your company is relying on such policy to deny some or all COVID-19 related claims.
4. Please provide a written explanation detailing how you are working directly with U.S.-based state offices of insurance commissioners, or their equivalents, to resolve disputes over COVID-19 coverage.

5. Please provide a written explanation detailing how whether you have set up a COVID-19 team in your company to resolve U.S.-based disputes and set policy; how you will share coverage determinations and policies made by that team with your insured clients; and your policy for timely handling disputes over coverage when courts are closed or operating on a limited basis.
6. Please detail what portion of your company's yearly profit was earned from U.S.-based commercial property insurance, and from business income coverage in each of the last three calendar years.

Thank you for your consideration. I look forward to your response.

Sincerely,



PRAMILA JAYAPAL
Member of Congress

cc: Chairman Nadler, House Judiciary Committee

ⁱ Wall Street Journal, "Pressure Mounts on Insurance Companies to Pay Out for Coronavirus," (March 30, 2020) Wall Street Journal, https://www.wsj.com/articles/pressure-mounts-on-insurance-companies-to-pay-out-for-coronavirus-11585573938?mod=hp_lead_pos6; "U.S. Businesses Gear Up for Legal Disputes With Insurers Over Coronavirus Claims," (March 6, 2020) <https://www.wsj.com/articles/u-s-businesses-gear-up-for-legal-disputes-with-insurers-over-coronavirus-claims-11583465668>; St. Louis Post-Dispatch, "It's crippling: Restaurants hit by coronavirus won't get insurance cash either," (March 16, 2020) https://www.stltoday.com/business/local/it-s-crippling-restaurants-hit-by-coronavirus-won-t-get/article_c10fad44-1e19-5b2f-928f-35966dc3d3db.html; Philadelphia Inquirer, "Insurance companies may not pay for business losses from coronavirus. NJ bill aims to change that." (March 19, 2020) <https://www.inquirer.com/health/coronavirus/coronavirus-small-business-losses-insurance-claims-coverage-20200319.html>

ⁱⁱ The National Law Review, "Insurance Coverage in the Time of Coronavirus: Business Interruption Coverage May Require Creativity", (March 18, 2020) <https://www.natlawreview.com/article/insurance-coverage-time-coronavirus-business-interruption-coverage-may-require>

ⁱⁱⁱ Reports to the District Office of Congresswoman Jayapal (One business paid their commercial insurer in excess of \$30,000 a year for over a decade, another paid in excess of \$24,000 a year. Both are being denied coverage); Fundera, "The 9 Types of Small Business Insurance Coverage You Need", (Last updated on January 29, 2020 <https://www.fundera.com/blog/small-business-insurance>