



Coronavirus (COVID-19) Grocery Industry FAQs

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Gallagher

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As shelter-in-place orders continue, essential store employees are risking their own health to maintain operations and stock at grocery stores. Unlike some other industries, there is growing demand on retailers, from inventory management to staffing, with most retailers hiring more people. This also brings an inherent risk of increased exposure. During this uncertain time, retailers may have many questions. This document will address some of those questions using information from credible industry sources as listed. The document contains many hyperlinks for your convenience to access related resources for the industry sources listed below.

Key Resources

| Questions | Guidance |
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| Where can I find general information about Gallagher’s response to COVID-19 and policy coverages? | <ul style="list-style-type: none"> • Coronavirus (COVID-19) Pandemic FAQ for Businesses • Gallagher’s Coronavirus (COVIS-19) Pandemic Information Hub |
| Where can I get industry-specific information about the impact of COVID-19? | <ul style="list-style-type: none"> • FMI - The Food Industry Association • National Grocers Association (NGA) • US Food & Drug Administration (FDA) |
| Where can I go to find official information on COVID-19? | <ul style="list-style-type: none"> • World Health Organization • Centers for Disease Control and Prevention (CDC) • Occupational Safety and Health Administration |

Frequently Asked Questions (FAQs) From the Food Industry Association (FMI)

| Questions | Guidance |
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| What happens if a grocery associate is identified to have COVID-19? | <p>According to FMI, “the food industry is a part of our nation’s “critical infrastructure” and must remain operational to feed the country. If an employee is diagnosed with COVID-19, physicians work with state or local health departments, and public health personnel will follow up to interview and assess these individuals. A store will also work with its local health department to determine the best course of action since there will be variability depending on the level of community spread in the given area. Importantly, the associate will be asked to stay home and not return to work until they are asymptomatic for at least 72 hours and meet the CDC guidelines along with any state/local health department requirements for returning to work. For specific protocols that a company in the food industry should take if an employee or customer tests positive for COVID-19, visit: https://www.feedingus.org/.”</p> <p>You will find many more FAQs like this and FMI’s responses by clicking here: Coronavirus (COVID-19) FAQs</p> <p>In addition, you can follow the CDC Guidelines for Businesses. For specific requirements for returning to work based on your local circumstances, contact your local health department.</p> |

| Questions | Guidance |
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| <p>If an employee has a confirmed case of COVID-19, is it an OSHA recordable event?</p> | <p>Per OSHA, COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties. However, employers are only responsible for recording cases of COVID-19 if all of the following are met:</p> <ol style="list-style-type: none"> 1. The case is a confirmed case of COVID-19 (see CDC information on persons under investigation and presumptive positive and laboratory-confirmed cases of COVID-19); 2. The case is work-related, as defined by 29 CFR 1904.5; and 3. The case involves one or more of the general recording criteria set forth in 29 CFR 1904.7 (e.g. medical treatment beyond first-aid, days away from work). <p>Visit OSHA's Injury and Illness Recordkeeping and Reporting Requirements page for more information.</p> |

Key Coverage Considerations

| Questions | Guidance |
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| <p>Will I be liable if a customer files a liability claim for contracting COVID-19 from my store?</p> | <p>Commercial general liability policies provide coverage for injury to persons (other than your employees) and damage to property of a third party for which you are legally liable. Liability for such injury or damage involving the coronavirus or a similar health emergency will arise chiefly out of a failure to protect others and their property against exposure to infection. Other claim scenarios can emerge based the type of business or on fear of contamination that could become problematic if no actual injury or damage occurs.</p> <p>Many liability policies have some form of pollution exclusion that relates to the escape, release or dispersal of “contaminants or irritants” of any kind. Careful review of the policy’s coverage terms and conditions will be necessary to determine whether the exclusion applies. Additionally, umbrella and/or excess liability policies will contain a separate pollution exclusion, and may also contain a communicable disease exclusion. How the insurance industry responds to the first claims will create a precedent that other carriers will likely follow.</p> <p>Pollution policies (or coverage endorsements) may reveal opportunities for payment of clean-up costs for contamination by virus.</p> <p>For more information, visit Gallagher’s Coronavirus (COVIS-19) Pandemic Information Hub.</p> |

| Questions | Guidance |
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| <p>As a retailer, what can I do to demonstrate “reasonable care” to help avoid liability related to COVID-19?</p> | <p>Examples of “reasonable care” could include:</p> <ul style="list-style-type: none"> • Reiterate and require employees that feel ill to stay home. • Follow CDC guidelines for allowing ill workers to return to work. • Consider screening employees by measuring body temperature. • Requiring gloves for cashiers. However, gloves would need to be changed each time the cashier handles money, vouchers, coupons, etc., before working with the next customer. • Require cashiers to use hand sanitizer between customer transactions. • Install protective plexiglass barriers between cashiers and customers. • Prominently display notices requiring shoppers to shop alone when possible. • Prominently display notices about social distancing. • Delineate 6-foot spacing marks in checkout lanes, customer service area, and on sidewalks (for lined up customers). • Restrict the number of shoppers in the store in the interest of social distancing. • Shorten store hours to allow for cleaning and disinfecting the store overnight. • Require frequent handwashing for employees. • Conduct frequent cleaning and sanitizing of “high-touch” surfaces throughout the day. • Provide hand sanitizer dispensers and wipes for customer use. • Reserving times exclusive for senior citizen shopping. |

This is an evolving risk that Gallagher continues to monitor through the CDC and the WHO. Please visit ajg.com/pandemic for the latest information or contact your Gallagher representative.

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