

Toronto Insurance Council & Insurance Brokers Association of Canada

Coverages with Limited Availability from Insurers Licenced in Canada

December, 2022

Industry	Line	Available Capacity	Annotations/Revisions
Accounting Firms - performing audits for publicly listed companies	Professional Liability (Errors & Omissions)	Scarce	
Accounting Firms over \$10mm receipts	Professional Liability	Scarce	
Agricultural Supplier - Fertilizer and/or Chemicals	Casualty/ Liability	Limited	
Airlines	Aviation Liability	Limited	
Airport on-site Operations	Liability - Air Traffic Control Liability	Finite	
Airport Security	Liability, General & Professional, including terrorism	Finite	Especially for passenger security screening.
Architects & Engineers	Excess Professional Liability	Limited	
Automotive Sales	Floorplan Hail cover	Scarce	
Automotive Sales - stand-alone ATV/Motorcycle sales	Floorplan	Scarce	
Aviation - Mfrs	Products Liability	Finite	
Aviation - Exposure in Cuba	Property & Casualty	Finite	Challenge to obtaining cover is because of the OFAC rulings
Cannabis - producers	Property, General Liability	Scarce	
Cannabis-related Enterprise with US exposures	Directors & Officers / Management Liability	Scarce	
Cannabis -related Enterprise	Professional Liability, Cyber	Scarce	
Care Homes - Nursing/Retirement Residences	General Liability including Excess & Terrorism	Scarce	
Care Homes - Nursing/Retirement Residences	Abuse	Scarce	
Chemical Exposures - Manufacturing	Excess Liability, Environmental Liability	Limited	
Complex, Large Risks over \$500MM values	Excess Property	Limited	
Crypto-Currency Enterprise	General Liability, E&O, D&O, Cyber	Scarce	
Dentists	Liability, Professional (beyond association Program)	Scarce	
Engineering - Geotechnical	Professional Liability	Scarce	
Financial Institutions	Financial Institution Bonds with unauthorized trading coverage attached.	Limited	
Financial Institutions	Directors & Officers Liability	Limited	
Financial Institutions	Financial Institution Bonds, Employment Practices Liability & Fiduciary (Primary & Excess) Liability	Limited	Required limits greater than \$100 MM either individually or in combination
Financial Institutions	Security Exchange Act liability	Scarce	
Financial Institutions	Security Exchange Act liability - Investment Banking	Scarce	
Fine Arts	Broad Form Property Coverage	Limited	
Geotechnical Professionals	Professional Liability	Scarce	
Greenhouses	Property	Scarce	

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Hospitality - New entrants / High Liquour Receipts as a percentage of income / Adult Entertainment	General & Excess Liability incl. Liquor Liability	Scarce	
Hydro Generation	Liability	Limited	
Insurance Companies	Directors & Officers Liability	Limited	
Law Firms over 100 practitioners:	Professional Liability	Limited	
Leasing Companies	Contingent Lessors Liability	Scarce	
Manufacturing / Contractors - Chair Lifts	Liability	Scarce	
Manufacturing / Distribution - Tobacco and/or Vaping Products	Product Liability, Property, Directors & Officers	Scarce	
Manufacturing / Packaging - Food Products	Product Liability for Food-borne Illness - First Party Liability	Scarce	
Manufacturing - Pharmaceutical Products	Product Liability	Limited	
Manufacturing - Critical Automotive, Aviation parts	Product Recall	Scarce	
Manufacturing - All products	Product Recall	Limited	
Medical Clinical Trials - Contracted	Medical Malpractice Liability	Scarce	
Medical Clinical Trials - Contracted	Pure Financial E&O Liability	Scarce	
Medical Laboratories	Professional Liability (Errors & Omissions)	Scarce	
Medical - Physicians	Medical malpractice liability with or without related general liability coverages -	Scarce	
Medical Products Supplier -Nuclear (Radio Isotopes)	Medical Malpractice Liability	Scarce	
Medical Products Supplier -Nuclear (Radio Isotopes)	Pure Financial E&O Liability	Scarce	
Midwives	Professional Liability	Scarce	
Mining - Operations including Contractors	Mining -Third Party Liability including sudden & accidental pollution coverage on a single policy	Scarce	
Mining	Directors & Officers	Limited	
Mining (Underground)	Property - All Risks Coverage including Business Interruption	Limited	
Mining - Coal	Property - All Risks Coverage including Business Interruption	Scarce	
Mining (Underground)	Property - Builders Risk	Limited	
Nuclear (anything) -	Property or Liability overage beyond minimums provided by government-mandated cover provided by NIAC	Finite	See also notes below
Oil & Gas/Energy - Offshore Construction	Property,	Limited	

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Oil & Gas/Energy - Offshore Construction	Liability, Environmental Impairment Liability	Limited	
Oil & Gas/Energy -	Environmental Impairment Liability	Scarce	
Oil & Gas/Energy -	Environmental Impairment Liability with Extended Discovery and Reporting Periods	Scarce	
Oil & Gas/Energy -	Operator's Extra Expense / Well Blowout cover	Scarce	
Oil & Gas/Energy -	Property especially Course of Construction/Business Interruption	Finite	
Oil & Gas/Energy - pipelines & new oil sands projects	Property especially Course of Construction/Business Interruption	Limited	
Oil & Gas/Energy -	CGL incl products	Limited	
Patents & Intellectual Property	Property coverage - defence & enforcement	Scarce	
Patents & Intellectual Property	Professional Liability	Scarce	
Pharmacies (Internet) -	Professional Liability (Errors & Omissions)	Scarce	
Railroad Operations	Excess Liability including Terrorism	Scarce	
Railroads Property	Property with Earthquake Exposure	Limited	
Restaurants/Clubs with high % of liquor sales (65%^)	Property & Casualty	Scarce	
Sawmills, Pallet & Planer Mills	Property Broad Form including Business Interruption	Limited	
SEC traded Companies who are Multi-listed	Excess Directors & Officers	Limited	
Social Agency / Subsidized Housing	Directors & Officers	Limited	
Stockbrokers	Professional Liability (Errors & Omissions)	Scarce	
Technology - Network Providers	General Liability including Failure to Supply Coverage	Limited	
Technology Services including network security managed services	Cyber Liability - Third Party Network Security & Privacy Liability	Scarce	
Technology Services including network security managed services	Professional Liability (Errors & Omissions)	Scarce	
Telecommunications -	CGL including EMF exposures	Limited	
Utility Providers	Third Party Liability & Directors & Officers	Scarce	
Any	Lead / Silica Liability Insurance	Scarce	
Any	Liability coverage with Punitive Damages expressly included	Scarce	
Any	Umbrella or excess liability NOT excluding terrorism	Scarce	
Any	Business Interruption with Pandemic Coverage	Scarce	
Any	Credit Risk	Limited	

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Any	Stand-Alone Terrorism and/or Political Violence	Limited	
Any	Kidnap & Ransom	Finite	
Any	Contract Frustration	Limited	
Any	Political Risk	Limited	

Notes on Nuclear risks: Nuclear exposures are a standard exclusion on all conventional property policies. Only one insurer (NIAC) is licensed by the Federal Government to write this coverage and their terms are restrictive and their limits are aggregated. Also, worldwide coverage is required to place the coverage required by today's shareholders and lenders. Legislation passed in 2015 increased operator liability responsibilities up to \$1,000,000,000. NIAC has confirmed that they do have government-approved capacity up to \$1,000,000,000 limits however their primary audience is nuclear facility operators, and terms may not satisfy the requirements of all clients needing coverage.

Interpretation:

Finite: Substantial capacity may be available (\$1,000,000,000 and up), but still insufficient for entities requiring very high limits

Limited: Some licenced capacity is available (\$50,000,000 or more) **but frequently insufficient for purchaser requirements**

Scarce: Very little licenced capacity is available (Less than \$50,000,000) and underwriters may be extremely selective in deploying.