

MARSH RISK CONSULTING

SAFETY ACT CONSULTING SERVICES



Recent terrorist attacks at an international airport, concert hall, stadium, and office building serve as reminders that it is essential for organizations to establish and maintain a heightened level of preparedness beyond traditional standards. In doing so, organizations also must consider their potential liability should their safeguards fall short.

When Congress enacted the Homeland Security Act of 2002 following the September 11, 2001 terrorist attacks, it initiated a program known as the SAFETY Act (Support Anti-Terrorism by Fostering Effective Technology Act). This act incentivizes the development and deployment of anti-terror technology. In addition, it enables the US Department of Homeland Security (DHS) to award two levels of tort protection through certification and designation. Both levels may offer the awardee substantial tort protection, which may potentially include: exclusion of punitive damages; favorable forum selection; and capped liability.

Private and quasi-governmental entities can be awarded SAFETY Act coverage by the DHS for the security protocols, procedures, and policies utilized to protect their facilities and assets.

SAFETY Act coverage also is available to international companies and can cover international terrorist attacks if the lawsuit is filed in the US.

Organizations of all sizes whose business or operations could potentially be affected by terrorism should consider gaining protection under the SAFETY Act. This is especially true for sports and entertainment venues, where the safety of patrons and event participants is paramount, and technology and risk mitigation strategies play an important role in prevention.

Marsh Risk Consulting (MRC) has the experience and resources to provide consulting services, in conjunction with legal advisers, that support your application to obtain tort protection under the SAFETY Act and prepare for and respond to terrorist risks.

SERVICE HIGHLIGHTS

MRC's SAFETY Act consulting services focus primarily on risk management and crisis risk management, but can include post-loss recovery support in the event of a terrorist incident. Our property risk, enterprise risk, crisis management, reputational risk, business continuity risk, and cybersecurity risk experts work together with you to ensure that assessments, processes, plans, and physical plant meet your industry standards and those of the federal government. With regards to SAFETY Act certification and designation, we will work with your legal advisers or other SAFETY Act legal experts, who can leverage their expertise to provide deep insights into the act provisions and the support needed for a successful application for coverage.

BUSINESS RESILIENCY AND CRISIS MANAGEMENT

A terrorist attack can be a defining moment for an organization. The ability to protect employees, customers/patrons, and physical assets, and manage the crisis successfully, is the result of a full understanding of risks and impacts, comprehensive readiness planning, regular training and exercises, and a strategy for maintaining these capabilities over time.

MRC can help you develop, manage, and maintain an overall preparedness program designed to address your organization's specific needs and circumstances. From business continuity, cybersecurity, and crisis management assessments and planning to real-time crisis response and recovery, we support you before, during, and after an adverse event.

Our team can help you:

- Conduct a business impact analysis of key value chains and business processes.
- Develop business continuity, contingency, and all hazards response plans that document response and continuity actions aimed at reducing and mitigating the impact of disruptive events.
- Assess and help improve cybersecurity risk management through a holistic

preparedness and response program that supports counteraction to a wide range of emerging and traditional cyber risks.

- Validate current crisis management and corporate preparedness programs and procedures.
- Identify potential issues, threats, and vulnerabilities in your programs.
- Develop a roadmap to manage potential crises.
- Define an overall structure and process to guide rapid and coordinated decision making at appropriate levels of the organization.
- Orchestrate and align all of the related incident response plans, including business continuity, emergency response, supply chain, communications, human impact, and others.
- Design a multi-year crisis management program that achieves a crisis preparedness capability and culture of prevention.
- Understand the roles and responsibilities of key personnel during a crisis, in particular by conducting tabletop and full-scale scenario-based exercises with relevant internal and external parties.
- Instill confidence in stakeholders and protect brand and reputation.

To learn more about how our full range of SAFETY Act capabilities and additional services that can help you protect your valuable resources and manage risks at the enterprise level, please contact your local Marsh representative or:

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POST-EVENT LOSS RECOVERY

A terrorist attack can directly impact an organization's assets, people, operational capacity, finances, and reputation or have indirect consequences for an organization's well-being and bottom line. Following such an event, it is essential that recovery plans are quickly activated and that all damage and related costs are quantified and presented accurately to insurers and third parties.

MRC's forensic accounting experts quantify and measure damages to help you achieve a superior recovery and/or minimize losses resulting from a terrorist event. Our team of professionals can respond almost anywhere in the world within 48 hours of an event to provide you with proactive, on-the-ground support to help manage your crisis.

Our team can help you:

- Measure and prepare proof-of-loss claims.
- Coordinate with insurers, adjusters, and other claim stakeholders (first and third party).
- Project manage and engineer claims through on-site assistance, providing timely progress reports and identifying critical claims issues to be resolved.

Additional information about MRC and our range of offerings can be found on www.marshriskconsulting.com.

Marsh is one of the Marsh & McLennan Companies, together with Guy Carpenter, Mercer, and Oliver Wyman.

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