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**Testimony of Michael Diamond**  
**AffinEco LLC**

**For the Judiciary Committee**

**Reference Bill: 5125**

**Immunity from Civil Liability**  
**March 22, 2021**

Dear Judiciary Committee:

My name is Michael Diamond and I own a janitorial firm in CT. I am writing in support of this bill that discusses civil liability protection for entities in Connecticut having operated with proper health and safety guidelines. Immunity for contractors such as us allows our firm to continue sanitization work for the real estate community. The cleaning industry provides a vital role in maintaining the cleanliness and good health of facilities such as office buildings, health care facilities, schools, residential complexes, and many other similar sites. Our services also provide confidence for building occupants to return to work in a safe way and to reopen the economy. If such a proposal were to be put into legislative form and enacted into law, the liability immunity allows us to continue to perform these services. If immunity is not provided, cleaning firms are threatened with this liability and will not be able to perform these services due to the risk of high expenses.

My company employees roughly 1000 employees in Connecticut performing janitorial work. We service over 350 client facilities that include, office buildings, stadiums and arenas hospitals, public transit systems, K-12 schools and universities, airports, and other spaces. Most of our staff are part time evening shift workers and some day porters/matrons. I have been in conversations with similar owners of service firms throughout the state whose employee base exceeds 10,000 workers.

Since last March, professional cleaners have played an important role in sanitizing essential facilities during the COVID-19 crisis. Traditionally our industry cleans surfaces for most environments except medical facilities and restrooms/kitchens. In 2020 as the real estate community reacted to the pandemic, and our industry has been hired to sanitizing surfaces in additional to cleaning. The critical difference being, cleaning is to remove dirt, whereas sanitizing kills germs. Going forward, professional cleaners will ensure that facilities are properly disinfected to allow workers to return to their jobs with confidence that their worksites are safe, and to mitigate any future outbreaks. If liability protect is not in place, contractors will either opt out of sanitizing or dramatically reduce sanitizing services as part of their offerings. If the contemplated is not passed, a serious threat to the continuation of this necessary work arises and puts the state's economy and public health at risk.



The professional cleaning industry is highly competitive. The industry operates on tight cash flow and low profit margins. To stay competitive, many contractors carry very high deductibles plans. General liability expenses, and associated client pricing, are based on normally expected workplace risks which do not include normal societal risks of community spread colds, influenza, or virus outbreaks. There is no existing cushion to absorb the massive costs that would be associated with liability for services to fight COVID-19 exposures. Those costs will impose significant cash and cash-reserve requirements which could threaten liquidity, increase insurance rates, and could make it impossible for business owners to stay in business. Such additional exposure also will make it difficult for cleaning companies that do stay in business to accept the risks of cleaning future waves of COVID-19 and similar outbreaks. The additional costs compared to the industry's low profit margins would cause many cleaning companies to avoid the risk of cleaning in such a financially risky environment. Any future outbreak in Connecticut, therefore, could be virtually impossible to mitigate due to a lack of available cleaning companies.

It is well-documented that the COVID-19 virus is highly contagious and can be contracted through numerous public and private sources, to the point that it is nearly impossible to determine how an individual contracted the virus. A protection from liability for private sector employers is fundamentally correct.

Experts in liability have called legislation presuming work site causation for COVID-19 to be unprecedented and an unfair burden on employers. Placing such a burden for such community spread health issues – especially one so widespread as COVID-19 – creates an enormous cost for employers that they never expected to carry and that they are powerless to control.

Most companies in the private sector, cannot bear this burden and continue to stay in business to fight covid or future disease. They are not positioned in the same way as a public employer like the State, where costs can be allocated across a broad tax base. Cleaning contractors, by contrast, typically are party to multi-year fixed-price client agreements which do not permit price increases to cover the extraordinary additional expenses which would be created by losing civil immunity. Absent any ability to increase client pricing, cleaning companies could be forced to terminate existing client agreements and simply depart the market. This, in turn, could lead to the arrival of bottom-feeder non-union contractors, who are often uninsured or under-insured, and are known to cut corners with respect to service delivery, employee protections and regulatory compliance.

For all these reasons, if discussions of a Civil immunity bill advance in the Legislature, we strongly support that private-sector employers, including commercial cleaning companies, be included for consideration.

Sincerely,  
Michael Diamond, CBSE  
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