

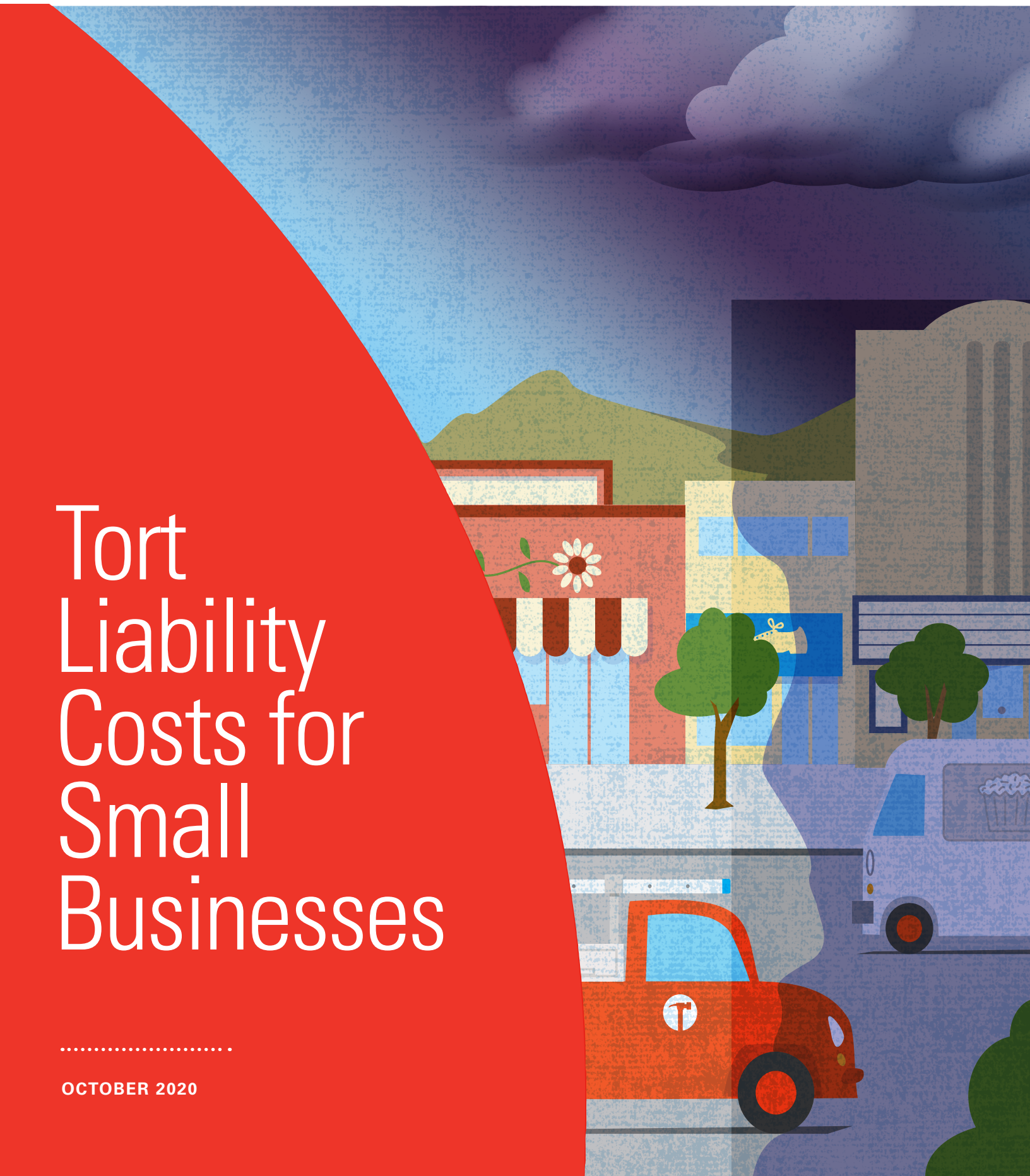


U.S. CHAMBER

Institute for Legal Reform

Tort Liability Costs for Small Businesses

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OCTOBER 2020





U.S. CHAMBER
Institute for Legal Reform

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Prepared for the U.S. Chamber Institute for Legal Reform by

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Foreword by ILR

Unemployment in the United States reached a post-Depression record of 14.7 percent in April 2020 due to the COVID-19 pandemic, and though it has recovered somewhat in the intervening months, it continues at historically high levels.¹

Small businesses have a key role to play in boosting job growth and aiding the recovery, but aside from the daunting array of health and safety challenges they face in doing so, they will also face lawsuits. Many of those lawsuits will certainly be related to COVID-19, but many more will spring from the same sources of liability that small businesses have long contended with in the United States.

The U.S. Chamber of Commerce and its Institute for Legal Reform (ILR) work to elevate the voices of the business community, including small businesses, and to highlight the important role they play in the economy. Small businesses account for 64 percent of the net new jobs in the United States over the past 15 years.² Especially during a time when the American economy is straining to recover from the

economic damage inflicted by the COVID-19 pandemic, it is critical to understand the challenges facing our most important engine for job growth.

This report contains findings that estimate the tort liability costs that fall on small businesses. It was commissioned by ILR and conducted by The Brattle Group. The data reveals that tort liability costs are a significant drain on the American economy in general and small businesses in particular.

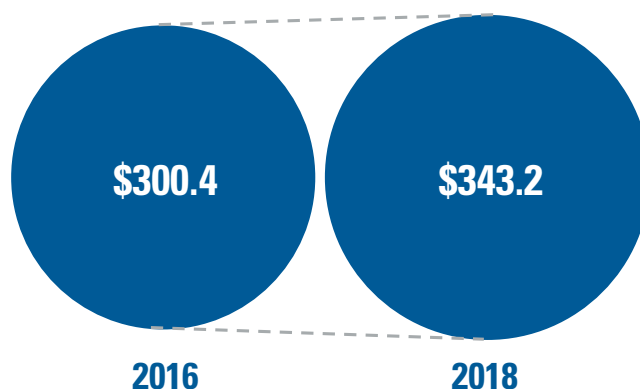
The tort cost estimates and the report describing the methods used to develop those estimates are the work product of The Brattle Group. The Foreword, Afterword, and Conclusion, including the policy analysis, are the work of ILR.

Executive Summary

The Brattle Group estimated in a previous study that in 2016, the total size of the U.S. tort system including both commercial and personal liabilities was \$429 billion, of which \$300 billion related to commercial liabilities.³ In this study, we estimate how commercial liability insurance costs changed between 2016 and 2018, and we use those changes to estimate the aggregate commercial liability component of U.S. tort system costs in 2018.

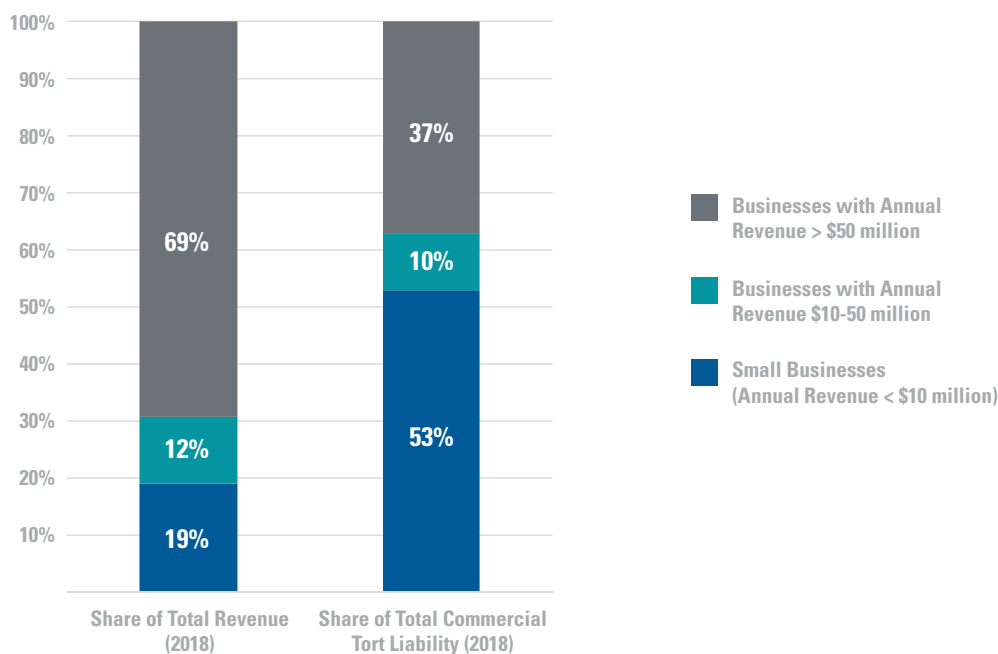
We find that the total costs and compensation in the tort system relating to commercial liabilities (referred to hereafter as “commercial tort liability”) grew from \$300 billion in 2016 to \$343 billion in 2018 (Figure 1), the most recent year for which data was available at the time of this study.

FIGURE 1: CHANGE IN COMMERCIAL TORT LIABILITY (\$ BILLIONS)



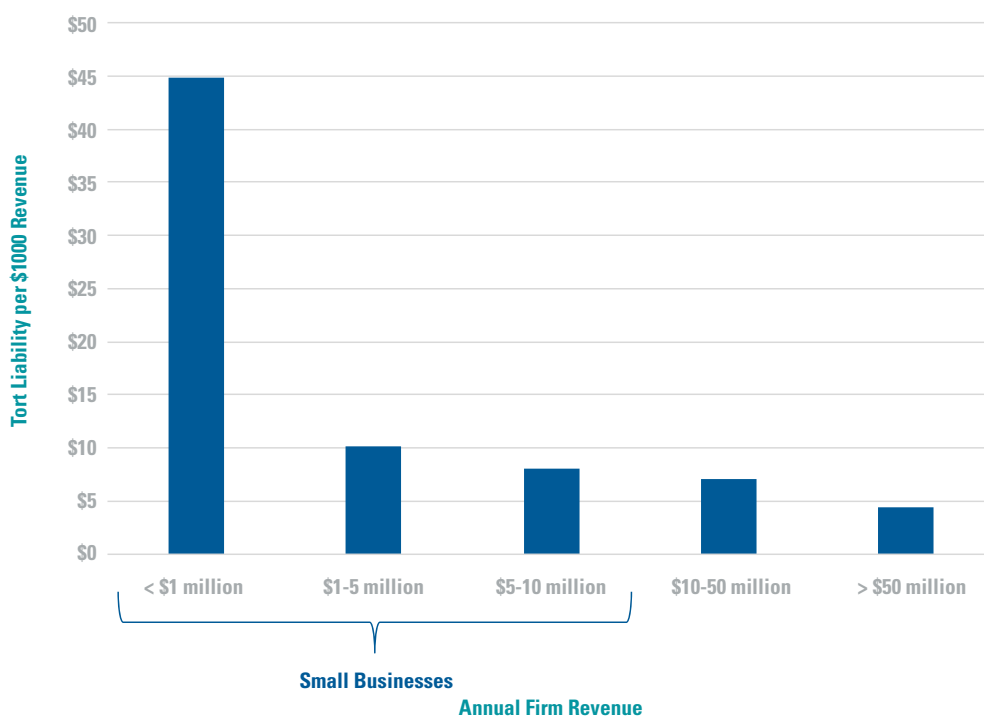
Using data developed by ISO MarketStance (MarketStance), we compute commercial tort liabilities for small businesses and find that while small businesses accounted for 19 percent of the business revenues earned in 2018, they bore 53 percent of the costs of the commercial tort system (Figure 2), or \$182 billion. In other words, small businesses bear a disproportionate burden of the costs of the tort system.

FIGURE 2: REVENUE AND COMMERCIAL TORT LIABILITY BY FIRM SIZE⁴



As illustrated in Figure 3, the burdens of the tort system vary significantly across firms of different sizes, and the smallest businesses have disproportionately higher costs. The tort liability per thousand dollars in revenue (price of tort liability) for companies with under \$1 million in annual revenue is more than 10 times larger than that of companies with over \$50 million in annual revenue.

FIGURE 3: COMMERCIAL TORT LIABILITY PER THOUSAND DOLLARS OF REVENUE BY FIRM SIZE



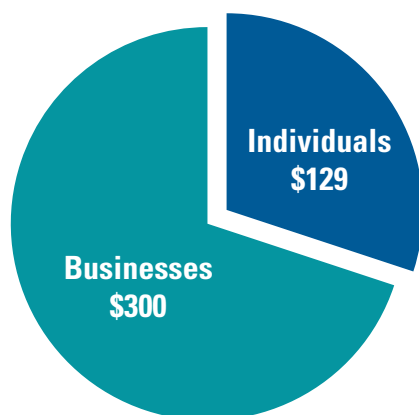
Introduction

In October 2018, ILR released a study, conducted by the Brattle Group, estimating the size of the U.S. tort system using insurance data and estimates of uninsured costs.⁵

That study found that the costs and compensation paid in the tort system in 2016 amounted to \$429 billion, or 2.3

percent of U.S. gross domestic product. Of that amount, \$300 billion related to commercial tort liability (Figure 4).

FIGURE 4: 2016 DIRECT ECONOMIC COSTS AND COMPENSATION BY INSURED TYPE (\$ BILLIONS)



Given the magnitude of the liability costs borne by businesses, this study seeks to expand upon our prior work by updating the estimates of the costs and compensation related to commercial liability, and investigating how those costs are distributed across businesses of different sizes and industries.

Small businesses are important contributors to the U.S. economy and accounted for nearly a fifth of the revenues earned by all

businesses in 2018. The U.S. Small Business Administration (SBA) defines small businesses based on either the average annual receipts or the average employment of a firm. While the SBA's size standards are periodically updated and vary across industries, since August 2019 the SBA has defined small businesses as those with annual revenues of less than \$41.5 million in select industries, but for most industries the revenue caps are lower.⁶

For purposes of this study, we define small businesses to be those with less than \$10 million in annual revenue independent of industry, but we also report results by firm size up to \$50 million in annual receipts.

In addition to composing a large fraction of the U.S. economy, small businesses are often important innovators and drivers of growth. For these reasons, U.S. policymakers and researchers are keenly interested in identifying ways to help small businesses succeed and prosper. One area of particular interest to policymakers is the extent to which the costs of the tort system fall disproportionately on small businesses. Motivated by this concern, we similarly studied commercial tort liability for

small businesses in 2010 and found that they bear a disproportionately large share of tort liability costs.⁷ In addition to updating our estimates of commercial tort liability, this study updates the small business analysis from 2010 and comes to similar conclusions.

This report proceeds as follows: In Section II, we discuss how we estimate commercial tort liability for 2018; in Section III, we estimate the proportion of commercial tort liabilities that are borne by small businesses; and in the Afterword, ILR provides a policy analysis of opportunities and challenges for small businesses in light of this data.

“ One area of particular interest to policymakers is the extent to which the costs of the tort system fall disproportionately on small businesses.”

Costs and Compensation of Commercial Tort Liability

In our 2018 study, we estimated that commercial tort liability in 2016 totaled \$300 billion. Using data on growth in economic activity and changes in the price of tort liability, we estimate how commercial tort liability has changed between 2016 and 2018. We use this change as a basis to estimate commercial tort liability in 2018.

Model of Commercial Tort Liability

In order to estimate the change in the size of the tort system, we rely on data provided by MarketStance, a leading provider of market intelligence to the insurance industry. MarketStance uses data on the cost of liability insurance based on rate filings and detailed information about the number and size of businesses from the economic census to compute the total amount of insurable risks within each state.

Based in part on survey data, MarketStance then estimates the percentage of exposures that are retained either by companies choosing to self-insure, or through deductibles, policy exclusions, and exposures in excess of carried limits.

MarketStance scales the estimated insured exposures to match total premiums written into each state by domestic (incorporated in the U.S.) and alien (incorporated elsewhere) insurance companies using data collected by the National Association of Insurance Commissioners (NAIC). The same scaling factor is then used to develop estimates of retained liabilities for all lines of insurance. The resulting dataset provides detailed estimates of the amount of insured and retained liability that businesses face. A detailed description of the data and methodology employed by MarketStance can be found in our 2018 study of the U.S. tort system.⁸

The lines of commercial liability exposure included in this study are listed in Table 1 below.

TABLE 1: LINES OF INSURANCE INCLUDED IN COMMERCIAL TORT LIABILITY ESTIMATES

Type of Insurance	NAIC Line
Operating Liability	
Commercial General Liability	17.0001
Completed Operations	17.0002
Environmental Pollution Liability	17.0011
Personal Injury Liability	17.0017
Premises and Operations (OL&T and M&C)	17.0018
Umbrella and Excess (Commercial)	17.0020
Cyber Liability	17.0028
Other Liability Lines	17.*
Product Liability	18.0000
Commercial Multiple Peril (Liability Portion)	5.2000
Farm Owners (Liability Portion)	3.0000
Employers Liability (within Workers Comp)	16.0002
Equipment Breakdown (Liability Portion)	27.0000
Professional Liability	
Directors & Officers Liability	17.0006
Employment Practices Liability	17.0010
Professional Errors and Omissions Liability	17.0019
Fiduciary Liability	17.0029
Medical Professional Liability	
Medical Malpractice	11.*
Commercial Automobile Liability	
Commercial Auto	20.*

***Note:** Other liability lines include: 17.0004 Contractual Liability, 17.0005 Day Care Centers, 17.0007 Elevators and Escalators Liability, 17.0008 Employee Benefit Liability, 17.0009 Employers Liability, 17.0012 Fire Legal Liability, 17.0013 Kidnap and Ransom Liability, 17.0014 Liquor Liability, 17.0015 Municipal Liability, 17.0016 Nuclear Energy Liability, 17.0022 Other, 17.0023 Veterinarian, 17.0024 Internet Liability, 17.0025 Provider Excess Stop Loss, 17.0026 Excess Stop Loss, and 17.0027 Other Excess Stop Loss.

A novel feature of the MarketStance data is that it provides detailed estimates of the cost of liability insurance for companies of different sizes and across industries. MarketStance is a Verisk company and as such has access to a rich source of data on actual placements of liability insurance. Verisk, a data analytics and risk assessment firm, operates its Insurance Services Office (ISO), which specializes in assisting

insurance companies with product development, underwriting, rating, and reserving. In particular, ISO aggregates information on pricing and losses of insurance products from its contributing customers—typically small insurers—in its ISO Statistical Plan database. This ISO Statistical Plan includes the premiums paid and losses incurred on actual commercial liability insurance policies sold throughout the

U.S. Through its relationship with ISO, MarketStance incorporates the ISO Statistical Plan data from Verisk in its data, which allows for accurate reporting of the cost of liability insurance across companies of different sizes.

MarketStance combines data from Dunn and Bradstreet and the Economic Census to link between individual establishment-level data and headquarters (e.g., to determine whether a local coffee shop is owned by a large corporation, such as Starbucks, or is independently owned). Large companies will generally manage risk and purchase insurance on a firm-wide basis. This allows large companies to diversify risks across their operations, and to negotiate for better prices when purchasing liability insurance.

Establishments that are part of larger corporations will benefit from these advantages and have lower liability costs than independent firms. Accordingly, modelling the relationship between establishments and headquarters is crucial when identifying costs specific to small businesses. The data developed by MarketStance provides sufficient scope and detail to measure the commercial tort liability borne by small businesses.

“Applying these changes to our estimate of the costs and compensation paid in the tort system in 2016, we estimate that commercial tort liability increased from \$300 billion in 2016 to \$343 billion in 2018.”

Estimate of 2018 Commercial Tort Liability

We compute the growth in economic activity and the price of tort liability between 2016 and 2018 controlling for firm size, industry, and type of liability. Applying these changes to our estimate of the costs and compensation paid in the tort system in 2016, we estimate that commercial tort liability increased from \$300 billion in 2016 to \$343 billion in 2018 (Figure 5).

FIGURE 5: CHANGE IN COMMERCIAL TORT LIABILITY (\$ BILLIONS)

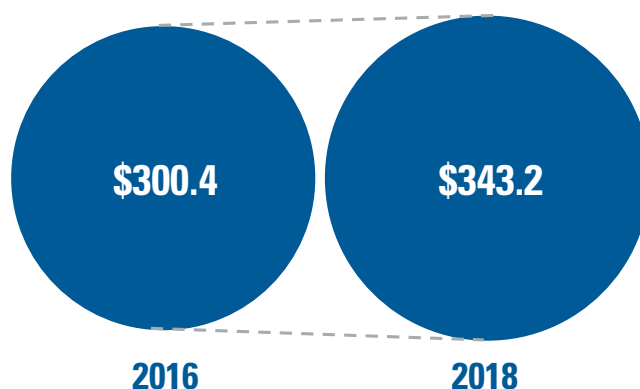


Table 2 below summarizes our estimate of commercial tort liability in 2018. Commercial automobile and operating

liability saw the highest growth, while medical malpractice liability was nearly unchanged.

TABLE 2: PROJECTED 2018 COMMERCIAL TORT LIABILITY (\$ BILLIONS)

Revenue Categories	2016 Costs and Compensation of the Tort System	Estimated Growth	2018 Costs and Compensation of the Tort System
Operating and Professional Liability	\$246.3 [†]	13%	\$279.3
<i>Operating Liability</i>	\$54.3	20%	\$65.1
<i>Professional Liability</i>	\$22.2	10%	\$24.5
<i>Retained</i>	\$169.8	12%	\$189.7
Medical Malpractice	\$19.1	1%	\$19.3
Commercial Auto	\$35.1	27%	\$44.7
<i>Insured</i>	\$24.4	25%	\$30.5
<i>Retained</i>	\$10.7	33%	\$14.2
Total	\$300.4	14%	\$343.2

[†] **Note:** Results in this and other tables may not sum due to rounding.

Of the \$343 billion in commercial tort liability, \$279 billion relates to liabilities covered by operating and professional liability, while \$19 billion relates to medical malpractice liability, and \$45 billion relates to commercial automobile liability. Over 60 percent of the total commercial tort liability relates to retained exposures, which shows that many businesses choose not to

purchase insurance. Of the insured exposures, \$25 billion relates to professional liability lines, which include: directors and officers (D&O) liability, employment practices liability, and professional errors and omissions liability. The \$65 billion of operating liability primarily includes coverages that relate to commercial property, commercial general liability, and product liability lines.

“In addition to the amount of economic activity, the cost of commercial tort liability will depend on the overall liability climate.”

Components of Commercial Tort Liability

Conceptually, the costs that a firm faces as a result of commercial tort liability depend on the amount of economic activity it engages in and the price of insuring against those risks. Greater economic activity gives

rise to greater commercial tort liability because firms with larger operations, more employees, and higher revenues have a larger footprint and—all else being equal—more exposure to potential litigation. Therefore, as the U.S. economy grows and the amount of economic activity increases, so too does expected commercial tort liability. In addition to the amount of economic activity, the cost of commercial tort liability will depend on the overall liability climate. The liability climate includes, among other things, the laws and regulations that govern which liability claims can be brought, the litigiousness of the parties that are allegedly injured, the amount of compensation generally paid for

each alleged injury, and the overall cost of processing each liability claim. These factors can have a profound effect on the cost of the tort system. This is why commercial tort liability can vary greatly across states and countries even when controlling for the amount of economic activity.⁹ Altogether, we can think of the liability climate and relative cost of the tort system as the price of tort liability. The relationship between commercial tort liability, economic activity, and the price of tort liability is illustrated in Figure 6 below. This framework is useful because it allows us to isolate changes in commercial tort liability and better understand the fundamental causes.

FIGURE 6: COMPONENTS OF TORT COSTS



For purposes of this study, we measure economic activity by looking at the total revenues of a firm. This measure of economic activity is consistent with how many of the largest lines of liability insurance are priced, as total sales is one of the most important factors in pricing those policies. Between 2016 and 2018, commercial revenues grew 6.9 percent. The growth in revenue was larger for businesses with greater than \$50 million in annual sales. Revenues for those large and mid-sized companies grew 7.2 percent. Over the same period, revenues for small businesses with less than \$10 million in annual sales only grew 5.9 percent.

In this study, we define the price of tort liability as the amount of commercial tort liability a firm can expect to incur per dollar of revenue the firm generates. In 2016, for every one thousand dollars of revenue earned by a firm, the associated commercial tort liability was \$7.70. Between 2016 and 2018, the price of tort liability increased by 6.9 percent to \$8.26. This increase did not fall onto all companies evenly. The price of tort liability increased at a much higher rate for small businesses than it did for firms with over \$50 million in revenue.

Based on the overall growth in economic activity and the price of tort liability, we

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estimate that on average commercial tort liability grew 14 percent between 2016 and 2018. While this growth is significant, almost all of the growth in the tort system was for small businesses. As illustrated in

Figure 7 below, tort costs for small businesses with under \$10 million in annual revenue grew from \$144 billion to \$182 billion.

FIGURE 7: CHANGE IN TORT LIABILITY BY FIRM SIZE (\$ BILLIONS)



For small firms with less than \$10 million in revenue, the majority of increased tort spending was a result of higher tort prices. While firms of all sizes saw increased

revenue in the 2016-2018 period, small businesses also saw a significant increase in tort liability.

Tort Liability Costs for Small Businesses

As discussed above, a key feature of the MarketStance data and the methods employed in this study is that they allow us to measure the costs of the tort system for firms of different sizes. Larger companies often have a number of tools that small businesses do not when it comes to the tort system, typically including more robust financial reserves and more flexibility in choosing how to manage litigation risk.

In contrast, small businesses typically can only protect themselves from the risks of the tort system by purchasing liability insurance. However, many small businesses either find that the cost of insurance is too great or fail to appreciate the level of risk they are assuming, and choose to be uninsured. For all of these reasons, we can expect that the costs of tort liability will be greater for smaller companies.

Through its access to the ISO Statistical Plan database, and novel combination of data from Dunn and Bradstreet and the Economic census, the MarketStance data allows us to accurately measure the revenues and tort costs for small

businesses separate from mid-sized and large businesses. Table 3 below shows both the total revenues and commercial tort liability for firms of different sizes. As expected, this analysis reveals that small businesses pay a disproportionate share of the costs of the tort system. While small businesses account for only 19 percent of the revenue, they bear 53 percent of commercial tort liability costs, which amounts to \$182 billion. This pattern is even more pronounced for the smallest companies. Businesses with under \$1 million in annual revenues account for only 7 percent of revenues and yet bear 39 percent of the commercial tort liability costs.

TABLE 3: ESTIMATED 2018 COMMERCIAL TORT COSTS

Revenue Categories	2018 Estimates of Number and Size of Businesses			Estimated 2018 Commercial Tort Liability (\$ billions)			
	Number of Businesses	Revenues (\$ billions)	Percent of Revenues	Insured Costs	Self-Insured or Uninsured	Total	% Total Commercial Tort Liability
< \$1 million	32,198,762	\$3,009	7%	\$26.5	\$108.5	\$134.9	39%
\$1 to \$5 million	1,536,208	\$3,209	8%	\$19.8	\$12.9	\$32.7	10%
\$5 to \$10 million	245,930	\$1,720	4%	\$9.2	\$4.7	\$13.9	4%
< \$10 million	33,980,900	\$7,937	19%	\$55.4	\$126.1	\$181.5	53%
\$10 to \$50 million	234,133	\$4,871	12%	\$22.1	\$12.4	\$34.5	10%
> \$50 million	70,791	\$28,749	69%	\$57.4	\$69.8	\$127.2	37%
Total	34,285,825	\$41,558	100%	\$134.9	\$208.4	\$343.2	100%

The fact that small businesses bear a disproportionately large share of the costs of the tort system implies that the price of tort liability, as measured by expected tort liability per thousand dollars of revenue, is higher for small businesses. As shown in Table 4 below, for every thousand dollars that a small business earns it can expect to incur \$22.90 in tort liability. In contrast, companies with over \$50 million in annual

revenue only incur \$4.40 in tort liability for an equivalent amount of economic activity. The difference in cost is even more pronounced for the smallest businesses, with under \$1 million in annual revenue. Those businesses can expect to incur \$44.80 in tort liability per thousand dollars of revenue they generate. In other words, the tort system is more than 10 times as expensive for the smallest businesses.

“ [T]his analysis reveals that small businesses pay a disproportionate share of the costs of the tort system. While small businesses account for only 19 percent of the revenue, they bear 53 percent of commercial tort liability costs, which amounts to \$182 billion. ... Businesses with under \$1 million in annual revenues account for only 7 percent of revenues and yet bear 39 percent of the commercial tort liability costs. ”

TABLE 4: ESTIMATED COMMERCIAL TORT LIABILITY PER THOUSAND DOLLARS OF REVENUE

Revenue Categories	Total 2018 Tort Liability (\$ billions)	Total 2018 Revenue (\$ trillions)	Price of Tort Liability (\$ per \$1000 Revenue)
< \$1 million	\$134.9	\$3.0	\$44.8
\$1 to \$5 million	\$32.7	\$3.2	\$10.2
\$5 to \$10 million	\$13.9	\$1.7	\$8.1
< \$10 million	\$181.5	\$7.9	\$22.9
\$10 to \$50 million	\$34.5	\$4.9	\$7.1
> \$50 million	\$127.2	\$28.7	\$4.4
Total	\$343.2	\$41.6	\$8.3

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Afterword: Opportunities and Challenges for Small Businesses

Small businesses are central to the health of the U.S. economy and play a significant role in employment and new job creation.

A focus on small business is supported by some important facts. According to the Small Business Administration's 2019 Small Business Profile, there are more than 30 million small businesses¹⁰ in the United States, providing nearly half of the country's private workforce.¹¹ Small businesses also account for a majority of the country's new jobs, adding 9.3 million new jobs from 2005 to 2019, or 64 percent of the new jobs created during that period.¹²

With regard to small business exports, SBA data from 2016 showed that small businesses made up 97.5 percent of the companies in the U.S. that export goods and generated 33.3 percent of total exports.¹³ However, there is still tremendous potential for growth. A 2019

study from the U.S. Chamber and Google shows that only nine percent of nonfarm small businesses export goods, and that among small businesses that export, only 17 percent said they had excellent or good access to technology. With regulatory relief and increased access to digital tools and technology, it is estimated that small business exports could add 900,000 jobs and increase economic output by \$81 billion.¹⁴

Small businesses also drive increased diversity and inclusion in the economy. The number of women-owned small businesses is growing rapidly, showing an increase of 45 percent between 2007 and 2016. In 2018, 39 percent of small businesses operating in the U.S. were owned by women.¹⁵ The number of minority-owned small businesses is also growing. The SBA has reported that in 2016 there were over one million minority-owned small businesses that have employees in the U.S., an 11 percent increase from 2014.¹⁶

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Small businesses inspire more public confidence than ever, according to Gallup's yearly Confidence in Institutions poll. For the last decade, small businesses had consistently come in second place, behind the military, in this poll. However, the 2020 poll results reveal an increase in confidence in small businesses, bringing them to a tie with the military as the institutions that inspire the greatest amount of public confidence.¹⁷ The public recognizes the important role that small businesses play in our society, and have a great deal of trust and respect for small business leaders.

Small Businesses Face Additional Challenges As a Result of COVID-19

Small businesses are more susceptible to the effects of recessions and negative economic events than larger businesses. During the recession in 2008 for example, small businesses accounted for 64 percent of the 1.5 million jobs lost.¹⁸ The harm to small businesses from the COVID-19 pandemic has been even more severe. Most small businesses keep a month or two of cash reserves on hand, with many having only enough cash buffer to last two weeks.¹⁹ Without a larger buffer, small businesses have been forced to lay off

employees or even close permanently as a result of the pandemic. Estimates predict that if the crisis continues through the end of 2020, one-third of U.S. small businesses may be forced to close. Continued closures and loss of revenue could result in an estimated loss of 35 million jobs.²⁰

There have been some improvements in the small business outlook since early spring. The MetLife and U.S. Chamber of Commerce Small Business Coronavirus Impact Poll shows that in July 2020, almost 90 percent of small businesses reported they were open in some capacity. However, about 65 percent of small businesses reported that they were concerned about having to close again if there is a resurgence of COVID-19, and 58 percent were worried about having to close permanently.²¹

The pandemic has been especially hard on female and minority-owned small businesses. Special reports published by the U.S. Chamber and MetLife in August 2020 reveal that less than half (47 percent) of female-owned small businesses reported that the overall health of their business was “somewhat or very good,” while 62 percent of male-owned businesses reported that the health of their business

“ [A]bout 65 percent of small businesses reported that they were concerned about having to close again if there is a resurgence of COVID-19, and 58 percent were worried about having to close permanently.”

was somewhat or very good. Minority-owned small businesses are more concerned about having to close permanently (66 percent) than non-minority small businesses (57 percent).²²

Many small businesses are also worried about the increased threat of litigation that comes along with the pandemic.²³ America's small businesses are doing their best to comply with constantly changing public information and health standards, but despite their diligence, it is possible that COVID-19 exposure could occur. The resulting lawsuits against already struggling small businesses could force them to close permanently, adding to the already high estimates of jobs lost in the small business

sector. It is important to provide small businesses who are acting in compliance with applicable government guidelines with temporary protections from COVID-19 lawsuits, so that they may contribute fully to the national recovery. Many states have already chosen to protect their small business community by providing a safe harbor from COVID-19 lawsuits,²⁴ and these important protections are currently being considered by many more states and at the federal level.²⁵

Small businesses are in a precarious position because of the COVID-19 pandemic and will need both time and help from policymakers in order to recover.

Conclusion

Small businesses play a central role in job creation and the overall health of the U.S. economy. Policymakers have a stake in protecting them from excessive costs imposed by the tort litigation system, especially given the additional burdens they bear as a result of the COVID-19 pandemic.

Meaningful civil justice reforms at the state and federal levels should be considered and implemented. Leaders and policymakers should also be alert to attempts to expand liability that could harm small businesses. For more information on specific opportunities for reform, see ILR's website at <https://www.instituteforlegalreform.com/>.

“Policymakers have a stake in protecting [small businesses] from excessive costs imposed by the tort litigation system, especially given the additional burdens they bear as a result of the COVID-19 pandemic.”

Endnotes

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- 3 Paul Hinton, David McKnight, and Lawrence Powell, “Cost and Compensation of the U.S. Tort System,” U.S. Chamber Institute for Legal Reform, October 2018.
- 4 Business revenue categories for this and all other charts and tables in this report include companies with annual revenues greater than or equal to the bottom and less than the top of the reported range. For example, the business revenue category of \$5-10 million includes all firms with at least \$5 million and less than \$10 million in annual revenue.
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 - 24 See, e.g., S.B. 359, Reg. Sess. (Ga. 2020); H.B. 2016, Special Sess. (Kan. 2020); S.B. 435, Reg. Sess. (La. 2020); H.B. 606, 133rd Gen. Assemb. (Ohio 2020), and S.B. 8002, Second Extraordinary Sess. (Tenn. 2020).
 - 25 See, e.g., H.B. 6030, Reg. Sess. (Mich. 2020), S.B. 2634, Reg. Sess. (N.J. 2020), S.B. 1239, Reg. Sess. (Pa. 2020), SAFE TO WORK Act S.4317, 116th Cong. (2020), S.B. 1259, 123rd Gen. Assemb. (S.C. 2020), and H.B. 5074, Special Sess. I (Va. 2020).



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