

## BIOLOGICAL AND CHEMICAL NON-CERTIFIED ACT OF TERRORISM EXCLUSION AND WAR AND MILITARY ACTION EXCLUSION

1. The following definitions are added.

a. "Non-certified act of terrorism" means a violent act or an act that is dangerous to human life, property, or infrastructure that:

- 1) is committed by an individual or individuals; and
- 2) appears to be part of an effort to coerce a civilian population or to influence the policy or affect the conduct of any government by coercion; and
- 3) is not certified as a terrorist act pursuant to the Federal Terrorism Risk Insurance Act of 2002 or any amendments thereto.

b. "Non-certified terrorism loss" means any loss that results from a "non-certified act of terrorism".

2. Exclusions relating to loss caused by or resulting from war, wherever they appear, are deleted and replaced by the War And Military Action Exclusion that follows:

### WAR AND MILITARY ACTION EXCLUSION

"We" will not pay for loss or damage caused directly or indirectly by the following. A loss may be caused by a chain of causes. If a covered peril is the dominant cause of such a loss, "we" will not deny coverage on the basis that a secondary cause in that chain is not a covered peril.

- a. War, including undeclared or civil war; or
- b. Warlike action by a military force, including action in hindering or defending against an actual or expected attack, by any government, sovereign, or other authority using military personnel or other agents; or

c. Insurrection, rebellion, revolution, usurped power, or action taken by governmental authority in hindering or defending against any of these.

With respect to any action that comes within the "terms" of this exclusion and involves nuclear reaction or radiation or radioactive contamination, this War And Military Action Exclusion supersedes the Nuclear Hazard Exclusion.

3. The following Non-certified Act of Terrorism Exclusion is added. The Non-certified Act of Terrorism Exclusion applies only to an incident of "non-certified terrorism loss":

- a. that is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
- b. in which pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the terrorism was to release such materials.

However, the Non-certified Act of Terrorism Exclusion does not apply to any loss that results from an act that is not certified by the Secretary of the Treasury to be an act of terrorism solely because the property and casualty insurance losses resulting from that act do not exceed \$5,000,000 in the aggregate.

### NON-CERTIFIED ACT OF TERRORISM EXCLUSION

"We" will not pay for loss or damage caused directly or indirectly by a "non-certified act of terrorism", including action in hindering or defending against an actual or expected "non-certified act of terrorism". A loss may be caused by a chain of causes. If a covered peril is the dominant cause of such a loss, "we" will not deny coverage on the basis that a secondary cause in that chain is not a covered peril.

4. The following provisions are added.
- a. Neither the "terms" of this endorsement nor the "terms" of any other terrorism endorsement attached to this policy provide coverage for any loss that would otherwise be excluded by this policy under:
    - 1) exclusions that address war, military action, or nuclear hazard; or
    - 2) any other exclusion; and
  - b. the absence of any other terrorism endorsement does not imply coverage for any loss that would otherwise be excluded by this policy under:
    - 1) exclusions that address war, military action, or nuclear hazard; or
    - 2) any other exclusion.

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