

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

1. The reference to words that have special meaning is deleted and replaced by the following:

Refer to Definitions for words and phrases that have special meaning. These words and phrases are shown in quotation marks or bold type.

2. 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".

3. Under Exclusions That Apply to Coverages L and M, item 1. is deleted and replaced by the following War And Military Action Exclusion:

WAR AND MILITARY ACTION EXCLUSION

"We" will not pay for any injury or damage caused directly or indirectly by the following. If the injury or damage is caused by a chain of events, and the dominant cause of such injury or damage is not otherwise excluded, "we" will not deny coverage on the basis that a secondary cause of the injury or damage is excluded under this insurance.

- 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.

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

- a. that involves the use, release, or escape of nuclear materials, or directly or indirectly results in nuclear reaction or radiation or radioactive contamination; or
- b. that is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
- c. 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 any injury 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". If the injury or damage is caused by a chain of events, and the dominant cause of such injury or damage is not otherwise excluded, "we" will not deny coverage on the basis that a secondary cause of the injury or damage is excluded under this insurance.

5. The following provision is added.

In the event of any incident of "non-certified terrorism loss" that is not subject to the Non-certified Act of Terrorism Exclusion, coverage does not apply to any injury or damage that is otherwise excluded under this policy.

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