

PLEASE READ THIS ENDORSEMENT CAREFULLY, AS IT MODIFIES THE POLICY.

BIOLOGICAL AND CHEMICAL EXCLUSION WITH FIRE EXCEPTION

Your policy is amended as indicated.

1. DEFINITIONS

The following is added:

- a. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. The federal Terrorism Risk Insurance Act of 2002 sets forth the following criteria for a "certified act of terrorism":
 - (1) The act resulted in aggregate losses in excess of \$5 million; and
 - (2) The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.
- b. "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.

2. EXCLUSIONS

The following is added:

Regardless of the amount of damage and losses, the insurance afforded by this policy for covered property does not apply to loss, damage, costs, or expense directly or indirectly caused by, contributed to by, resulting from, or arising out of or in connection with any "certified act of terrorism" or "non-certified act of terrorism" directly or indirectly caused by, contributed to by, resulting from, or arising out of or in connection with biological or chemical pollution or contamination, including but not limited to:

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

3. EXCEPTION COVERING CERTAIN FIRE LOSSES

If a "certified act of terrorism" or "non-certified act of terrorism" results in fire, "we" will pay for the loss or damage caused by that fire. Such coverage for fire applies only to direct loss or damage by fire to covered property.

With respect to fire resulting from any one or more "certified acts of terrorism" under the federal Terrorism Risk Insurance Act of 2002, "we" will not pay any amounts for which "we" are not responsible under the terms of that Act (including subsequent action of Congress pursuant to the Act) due to the application of any clause which results in a cap on our liability for payments for terrorism losses.

4. APPLICATION OF EXCLUSIONS

- 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 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 any other exclusion.

All other terms and conditions of this policy apply.