

SERFF Tracking Number: ZURC-125321056 State: Arkansas  
First Filing Company: American Guarantee and Liability Insurance State Tracking Number: AR-PC-07-026401  
Company, ...  
Company Tracking Number: CW GL 26681  
TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0001 Commercial General Liability  
Product Name: Diacetyl and Other Flavorings Exclusion for Use with the ISO Commercial General Liability Coverage Part  
Project Name/Number: CW GL 26681 - Diacetyl and Other Flavorings Exclusion for Use with the ISO Commercial General Liability Coverage Part/CW  
GL 26681

## Filing at a Glance

Companies: American Guarantee and Liability Insurance Company, Colonial American Casualty & Surety Company, Fidelity and Deposit Company of Maryland, Zurich American Insurance Company of Illinois, Zurich American Insurance Company, Empire Fire and Marine Insurance Company, American Zurich Insurance Company

Product Name: Diacetyl and Other Flavorings SERFF Tr Num: ZURC-125321056 State: Arkansas

Exclusion for Use with the ISO Commercial

General Liability Coverage Part

TOI: 17.0 Other Liability - Claims

SERFF Status: Closed

State Tr Num: AR-PC-07-026401

Made/Occurrence

Sub-TOI: 17.0001 Commercial General Liability Co Tr Num: CW GL 26681

State Status:

Filing Type: Form

Co Status: Not Applicable

Reviewer(s): Betty Montesi, Edith Roberts, Brittany Yielding

Author: Patricia Chudik

Disposition Date: 11/30/2007

Date Submitted: 10/11/2007

Disposition Status: Approved

Effective Date Requested (New): 12/01/2007

Effective Date (New):

Effective Date Requested (Renewal): 12/01/2007

Effective Date (Renewal):

State Filing Description:

## General Information

Project Name: CW GL 26681 - Diacetyl and Other Flavorings Exclusion Status of Filing in Domicile: Pending for Use with the ISO Commercial General Liability Coverage Part

Project Number: CW GL 26681

Domicile Status Comments:

Reference Organization: NA

Reference Number: NA

Reference Title: NA

Advisory Org. Circular: NA

Filing Status Changed: 11/30/2007

State Status Changed: 10/12/2007

Deemer Date:

Corresponding Filing Tracking Number:

Filing Description:

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The purpose of this filing is to introduce our new form, Diacetyl and Other Flavorings Exclusion. This form will be used with the ISO Commercial General Liability Coverage Part.

Please see the explanatory memorandum for a complete description of this filing.

We request that this filing becomes effective December 1, 2007, for new and renewal business.

## Company and Contact

### Filing Contact Information

Patricia Chudik, Product Analyst pat.chudik@zurichna.com  
 1400 American Lane (847) 605-7714 [Phone]  
 Schaumburg, IL 60196-1056 (847) 605-7768[FAX]

### Filing Company Information

American Guarantee and Liability Insurance Company	CoCode: 26247	State of Domicile: New York
1400 American Lane	Group Code: 212	Company Type:
Schaumburg, IL 60196	Group Name:	State ID Number:
(847) 605-6000 ext. [Phone]	FEIN Number: 36-6071400	
	-----	

Colonial American Casualty & Surety Company	CoCode: 34347	State of Domicile: Maryland
1400 American Lane	Group Code: 212	Company Type:
Schaumburg, IL 60196	Group Name:	State ID Number:
(847) 605-6000 ext. [Phone]	FEIN Number: 52-1096670	
	-----	

Fidelity and Deposit Company of Maryland	CoCode: 39306	State of Domicile: Maryland
1400 American Lane	Group Code: 212	Company Type:
Schaumburg, IL 60196	Group Name:	State ID Number:
(847) 605-6000 ext. [Phone]	FEIN Number: 13-3046577	
	-----	

Zurich American Insurance Company of Illinois	CoCode: 27855	State of Domicile: Illinois
1400 American Lane	Group Code: 212	Company Type:

SERFF Tracking Number: ZURC-125321056 State: Arkansas  
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Schaumburg, IL 60196 (847) 605-6000 ext. [Phone]	Group Name: FEIN Number: 36-2781080 -----	State ID Number:
Zurich American Insurance Company 1400 American Lane Schaumburg, IL 60102 (847) 605-6000 ext. [Phone]	CoCode: 16535 Group Code: 212 Group Name: FEIN Number: 36-4233459 -----	State of Domicile: New York Company Type: State ID Number:
Empire Fire and Marine Insurance Company 13810 FNB Parkway Omaha, NE 68154-5202 (402) 963-5000 ext. [Phone]	CoCode: 21326 Group Code: 212 Group Name: FEIN Number: 47-6022701 -----	State of Domicile: Nebraska Company Type: State ID Number:
American Zurich Insurance Company 1400 American Lane Schaumburg, IL 60196 (847) 605-6000 ext. [Phone]	CoCode: 40142 Group Code: 212 Group Name: FEIN Number: 36-3141762 -----	State of Domicile: Illinois Company Type: State ID Number:



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## Correspondence Summary

### Dispositions

Status	Created By	Created On	Date Submitted
Approved	Edith Roberts	11/30/2007	11/30/2007
Approved	Edith Roberts	10/18/2007	10/18/2007

### Objection Letters and Response Letters

Objection Letters				Response Letters		
Status	Created By	Created On	Date Submitted	Responded By	Created On	Date Submitted
Pending Industry Response	Edith Roberts	11/21/2007	11/21/2007	Patricia Chudik	11/29/2007	11/29/2007
Pending Industry Response	Edith Roberts	11/06/2007	11/06/2007	Patricia Chudik	11/14/2007	11/14/2007
Pending Industry Response	Edith Roberts	10/18/2007	10/18/2007	Patricia Chudik	10/26/2007	10/26/2007

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## Disposition

Disposition Date: 11/30/2007

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment:

Rate data does NOT apply to filing.

### Overall Rate Information for Multiple Company Filings

Overall Percentage Rate Indicated For This Filing	0.000%
Overall Percentage Rate Impact For This Filing	0.000%
Effect of Rate Filing-Written Premium Change For This Program	\$0
Effect of Rate Filing - Number of Policyholders Affected	0

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Item Type	Item Name	Item Status	Public Access
Supporting Document	Uniform Transmittal Document-Property & Casualty	Approved	Yes
Supporting Document	Explanatory memorandum	Approved	Yes
Form (revised)	Diacetyl and Other Flavorings Exclusion	Approved	Yes
Form	Diacetyl and Other Flavorings Exclusion	Approved	Yes

SERFF Tracking Number: ZURC-125321056 State: Arkansas  
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## Disposition

Disposition Date: 10/18/2007

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment:

Rate data does NOT apply to filing.

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## Objection Letter

Objection Letter Status Pending Industry Response  
Objection Letter Date 11/21/2007  
Submitted Date 11/21/2007  
Respond By Date

Dear Patricia Chudik,

This will acknowledge receipt of the captioned filing.

Thank you for your most recent response of November 16, 2007.

We understand your position regarding the wording "other flavorings"... If you will change to "any related flavorings" or any terminology that it will make it clear that the "other" flavorings are directly in use with Diacetyl or related to, however, you would like to word it, we can approve.

Please feel free to contact me if you have questions.

Sincerely,  
Edith Roberts

## Response Letter

Response Letter Status Submitted to State  
Response Letter Date 11/29/2007  
Submitted Date 11/29/2007

Dear Edith Roberts,

### Comments:

#### Response 1

Comments: Dear Ms. Roberts:

Thank you for your correspondence regarding this filing, and for your assistance and suggestions.

We have revised our form so that we now refer to "related flavorings". We have also changed the form number to U-GL-1328-A AR.

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We hope you will now be able to approved this filing. Please contact me if you have additional questions or concerns.

Thank you,  
 Pat Chudik

**Changed Items:**

No Supporting Documents changed.

**Form Schedule Item Changes**

Form Name	Form Number	Edition Date	Form Type	Action	Action Specific Data	Readability Score	Attach Document
Diacetyl and Other Flavorings Exclusion	U-GL-1328-A AR	11 07	Endorsement/Amendment/Conditions	New		0	AR exclusion.pdf
<b>Previous Version</b>							
Diacetyl and Other Flavorings Exclusion	U-GL-1328-A CW	11 07	Endorsement/Amendment/Conditions	New		0	UGL 1328.pdf

No Rate/Rule Schedule items changed.

Sincerely,  
 Patricia Chudik

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GL 26681

## Objection Letter

Objection Letter Status Pending Industry Response  
Objection Letter Date 11/06/2007  
Submitted Date 11/06/2007  
Respond By Date  
Dear Patricia Chudik,

Thank you for your response and request for reconsideration of the rescission of approval.

If you will change this wording to make it specific to Diacetyl and the chemical involved and be specific to that only, removing "Other Flavorings", I will be able to approve.

Thank you!

Please feel free to contact me if you have questions.

Sincerely,  
Edith Roberts

## Response Letter

Response Letter Status Submitted to State  
Response Letter Date 11/14/2007  
Submitted Date 11/14/2007

Dear Edith Roberts,

### Comments:

### Response 1

Comments: Dear Ms. Roberts:

Thank you for your last correspondence regarding this filing.

Since identifying diacetyl as an emerging risk in 2001, we have received numerous lawsuits filed against several insureds, which are in the business of manufacturing and/or supplying diacetyl and other related flavoring products.

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While the early actions were limited to plaintiffs with bronchiolitis obliterans (BO) exposed to diacetyl, recent trends show the litigation is becoming much broader. This includes the expansion of the causative agent from Diacetyl to Butter Flavoring Vapors (BFV) and other related flavoring products and the expansion of the resulting injury or disease from BO to various respiratory injuries. Included in this expansion are specific allegations involving Acetoin and Acetaldehyde (but approx. 200+ chemicals comprise butter flavoring). The field of defendants has also been expanded from the flavoring manufacturers to diacetyl and acetaldehyde suppliers and manufacturers, and employers.

US governmental agencies have determined that diacetyl and BFV are the cause of severe respiratory illness in workers handling the product. Even industry advocates appear to concede that there is a possible connection. Given the recent exposure in the national media and pressure from Congress, it is likely that additional regulations regarding the product and/or its component chemicals will be enacted.

In light of the above information, we are hoping you might reconsider your objection to the "other flavorings" language. Please contact me with your decision, or if you have additional questions or concerns.

Thank you,  
Pat Chudik

**Changed Items:**

No Supporting Documents changed.

No Form Schedule items changed.

No Rate/Rule Schedule items changed.

Sincerely,  
Patricia Chudik

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GL 26681

## Objection Letter

Objection Letter Status Pending Industry Response  
Objection Letter Date 10/18/2007  
Submitted Date 10/18/2007  
Respond By Date  
Dear Patricia Chudik,

This will acknowledge receipt of the captioned filing.

My director has advised that at this time there is insufficient information concerning this specific flavoring and too broad to include "other" flavorings. I must rescind the approval previously sent.

Please provide further documentation to support this exclusion.

Thank you.

Please feel free to contact me if you have questions.

Sincerely,  
Edith Roberts

## Response Letter

Response Letter Status Submitted to State  
Response Letter Date 10/26/2007  
Submitted Date 10/26/2007

Dear Edith Roberts,

### Comments:

### Response 1

Comments: Dear Ms. Roberts:

Thank you for your correspondence regarding this filing.

*SERFF Tracking Number:* ZURC-125321056 *State:* Arkansas  
*First Filing Company:* American Guarantee and Liability Insurance *State Tracking Number:* AR-PC-07-026401  
*Company, ...*  
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As you have recognized, there are very few risks that would require this endorsement to be applied. However, since our rates do not contemplate this exposure and since the Flavor and Extract Manufacturers Association encourages its membership to discontinue use of these flavorings and additives, we feel there is a significant enough concern to warrant our use of this exclusion.

We respectfully request that you reconsider your position on this filing.

Thank you,  
Pat Chudik

**Changed Items:**

No Supporting Documents changed.

No Form Schedule items changed.

No Rate/Rule Schedule items changed.

Sincerely,  
Patricia Chudik

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## Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Approved	Diacetyl and Other Flavorings Exclusion	U-GL-1328-A AR	11 07	Endorsement/Amendment/Conditions	New	0.00	AR exclusion.pdf



**ZURICH**

## Diacetyl and Other Related Flavorings Exclusion

Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer	Add'l. Prem	Return Prem.
					\$	\$

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

This endorsement modifies insurance provided under the:

### **Commercial General Liability Coverage Part**

The following exclusion is added to Paragraph 2. Exclusions of Section I – Coverage A – Bodily Injury And Property Damage Liability and Coverage B – Personal And Advertising Injury Liability:

#### **2. Exclusions**

This insurance does not apply to:

##### **Diacetyl and Other Related Flavorings Substances**

- A.** "Bodily injury", "property damage" or "personal and advertising injury" arising out of or which would not have occurred, in whole or in part, but for the actual, alleged or threatened discharge, dispersal, release, leakage, leaching, escape or presence of:
  - 1.** Unsaturated aldehydes and ketones, including but not limited to diacetyl (2, 3 - butanedione) and acetoin (3 - hydroxybutanone); or
  - 2.** Aliphatic aldehydes, including but not limited to acetaldehyde,
 regardless of whether any other cause, event, material or product contributed concurrently or in any sequence to the injury or damage; or
- B.** Any sums that any insured or other entity must pay, repay or reimburse because of any:
  - 1.** Request, demand, order, statutory or regulatory requirement, direction or determination that any insured or others test for, investigate, monitor, clean up, remove, study, contain, treat, control or take any other action regarding unsaturated aldehydes and ketones or aliphatic aldehydes; or
  - 2.** Claim or "suit" for damages arising out of or relating in any way to any request, demand, order, statutory or regulatory requirement, direction or determination that any insured or others test for, investigate, monitor, clean up, remove, study, contain, treat, control or take any other action regarding unsaturated aldehydes and ketones or aliphatic aldehydes; or
- C.** Any other loss, cost or expense arising out of or relating in any way to unsaturated aldehydes and ketones or aliphatic aldehydes.

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## **Rate Information**

Rate data does NOT apply to filing.

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## Supporting Document Schedules

**Satisfied -Name:** Uniform Transmittal Document-  
Property & Casualty

**Review Status:**

Approved 10/18/2007

**Comments:**

**Attachment:**

NAIC transmittal.pdf

**Satisfied -Name:** Explanatory memorandum

**Review Status:**

Approved 10/18/2007

**Comments:**

**Attachment:**

Diacetyl Explanatory Memorandum.pdf

## Property & Casualty Transmittal Document

<b>1. Reserved for Insurance Dept. Use Only</b>	<b>2. Insurance Department Use only</b>				
	a. Date the filing is received:				
	b. Analyst:				
	c. Disposition:				
	d. Date of disposition of the filing:				
	e. Effective date of filing:				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;">New Business</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">Renewal Business</td> <td style="border: none;"></td> </tr> </table>	New Business		Renewal Business	
New Business					
Renewal Business					
	f. State Filing #:				
	g. SERFF Filing #:				
	h. Subject Codes				

<b>3. Group Name</b>	<b>Group NAIC #</b>
Zurich North America	212

4.	Company Name(s)	Domicile	NAIC #	FEIN #	State #
	American Guarantee and Liability Insurance Company	NY	26247	36-6071400	
	American Zurich Insurance Company	IL	40142	36-3141762	
	Colonial American Casualty and Surety Insurance Company	MD	34347	52-1096670	
	Empire Fire and Marine Insurance Company	NE	21326	47-6022701	
	Fidelity and Deposit Company of Maryland	MD	39306	13-3046577	
	Zurich American Insurance Company	NY	16535	36-4233459	
	Zurich American Insurance Company of Illinois	IL	27855	36-2781080	

<b>5. Company Tracking Number</b>	CW GL 26681
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**Contact Info of Filer(s) or Corporate Officer(s)** [include toll-free number]

6.	Name and address	Title	Telephone #s	FAX #	e-mail
	Patricia E. Chudik Regulatory Services Analyst Zurich North America 1400 American Lane Schaumburg, Illinois 60196	Regulatory Services Analyst	847 605-7714	847 605-7768	pat.chudik@zurichna.com

7. Signature of authorized filer	<i>Patricia E. Chudik</i>
8. Please print name of authorized filer	Patricia E. Chudik

**Filing information** (see General Instructions for descriptions of these fields)

9. Type of Insurance (TOI)	17.0000
10. Sub-Type of Insurance (Sub-TOI)	17.0001
11. State Specific Product code(s)(if applicable)[See State Specific Requirements]	
12. Company Program Title (Marketing title)	Diacetyl and Other Flavorings Exclusion for use with the Commercial General Liability Coverage Part

<b>13. Filing Type</b>	<input type="checkbox"/> Rate/Loss Cost <input type="checkbox"/> Rules <input type="checkbox"/> Rates/Rules <input type="checkbox"/> Forms <input checked="" type="checkbox"/> Combination Rates/Rules/Forms <input type="checkbox"/> Withdrawal <input type="checkbox"/> Other (give description)		
<b>14. Effective Date(s) Requested</b>	New:	12-01-2007	Renewal: 12-01-2007
<b>15. Reference Filing?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>16. Reference Organization (if applicable)</b>	NA		
<b>17. Reference Organization # &amp; Title</b>	NA		
<b>18. Company's Date of Filing</b>	10-11-2007		
<b>19. Status of filing in domicile</b>	<input type="checkbox"/> Not Filed <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Authorized <input type="checkbox"/> Disapproved		

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## Property & Casualty Transmittal Document—

<b>20. This filing transmittal is part of Company Tracking #</b>	CW GL 26681
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<b>21. Filing Description</b> [This area can be used in lieu of a cover letter or filing memorandum and is free-form text]
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In accordance with the filing requirements of your state, we enclose for your review and approval our new form, Diacetyl and Other Flavorings Exclusion.

This exclusion will be used with the ISO Commercial General Liability Coverage Part.

Please see the explanatory memorandum for a complete description of this filing.

We request an effective date of December 1, 2007, for new and renewal business, or as soon as statutes permit.

**22. Filing Fees** (Filer must provide check # and fee amount if applicable)  
[If a state requires you to show how you calculated your filing fees, place that calculation below]

**Check #: EFT**  
**Amount: \$50.00**

**Refer to each state's checklist for additional state specific requirements or instructions on calculating fees.**

**\*\*\*Refer to the each state's checklist for additional state specific requirements (i.e. # of additional copies required, other state specific forms, etc.)**

PC TD-1 pg 2 of 2

## FORM FILING SCHEDULE

(This form must be provided ONLY when making a filing that includes forms)  
 (Do not refer to the body of the filing for the forms listing, unless allowed by state.)

<b>1.</b>	<b>This filing transmittal is part of Company Tracking #</b>	CW GL 26681
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<b>2.</b>	<b>This filing corresponds to rate/rule filing number</b> <small>(Company tracking number of rate/rule filing, if applicable)</small>	NA
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3.	Form Name /Description/Synopsis	Form # Include edition date	Replacement Or withdrawn?	If replacement, give form # it replaces	Previous state filing number, if required by state
01	Diacetyl and Other Flavorings Exlcusion	U-GL-1328-A CW (11/07)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn	NA	NA
02			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
03			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
04			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
05			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
06			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
07			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
08			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
09			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
10			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		

PC FFS-1

EXPLANATORY MEMORANDUM  
**Diacetyl and Other Flavorings Exclusion, form U-GL-1328**

Diacetyl is a natural substance produced by yeast during fermentation, and is found in cheese, milk, coffee, vegetables and other foods.

Diacetyl is also the common name for 2,3 butanedione, which is produced synthetically from a solvent for use as a buttery-smelling flavor additive in a wide variety of prepared foods, such as microwave popcorn, baked goods, and margarine. The U.S. FDA has approved diacetyl as a "synthetic flavoring substance," and has deemed it "Generally Recognized As Safe" (GRAS).

Information on diacetyl indicates that breathing this substance can irritate the nose and throat. High exposure may cause headaches, drowsiness, lack of coordination and seizures. Repeated exposure may cause anemia and damage to red blood cells. It is suspected and alleged that diacetyl may cause a serious lung disease called bronchiolitis obliterans (BO) that is irreversible. Inflammation and scarring may occur in the small airways of the lungs and can lead to severe and permanent shortness of breath. In severe cases, the individual may require a lung transplant. BO is an extremely rare disease, and has been named "popcorn worker's lung" in the popular press, due to the high incidence of this disease found in microwave popcorn processing plants.

The first lawsuit was filed in 2001 against both the popcorn facility owner and the manufacturer of the flavoring additives used in the popcorn, including diacetyl. In March 2004, a jury returned a verdict of \$20M in favor of one of the plaintiffs who is currently on a lung transplant list. Since the initial verdict, a number of the other plaintiffs in that lawsuit have received verdicts or settlements ranging from \$5M-15M.

Since March 2004, a number of similar lawsuits have been filed against various defendants relative to various microwave popcorn manufacturing plants located in the U.S., alleging liability for worker respiratory diseases. The litigation has extended beyond microwave popcorn facilities and now includes:

- Manufacturers of various food flavoring additives, extracts and chemicals
- Manufacturers of other food products using diacetyl (e.g., baked goods and cooking oils)
- Wholesale distributors of these products
- Manufacturers of popcorn popper concession equipment

There are numerous formulations of artificial butter flavorings, containing over 100 constituents. The Flavors and Extracts Manufacturers Association (FEMA) classifies two groups of compounds for butter flavoring:

- Unsaturated aldehydes and ketones – Diacetyl (2,3-butanedione) is the most dominant constituent, followed by acetoin (3-hydroxybutanone).
- Aliphatic aldehydes – Acetaldehyde is the most dominant constituent.

More recent lawsuits include allegations of injury caused by acetaldehyde and acetoin, two flavoring constituents related to diacetyl.

Our rates do not contemplate exposure from unsaturated aldehydes and ketones or aliphatic aldehydes. No adjustment of premium is necessary when the Diacetyl and Other Flavorings Exclusion, form U-GL-1328, is used.

We request an effective date of December 1, 2007, for new and renewal business.

SERFF Tracking Number: ZURC-125321056 State: Arkansas  
 First Filing Company: American Guarantee and Liability Insurance State Tracking Number: AR-PC-07-026401  
 Company, ...  
 Company Tracking Number: CW GL 26681  
 TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0001 Commercial General Liability  
 Product Name: Diacetyl and Other Flavorings Exclusion for Use with the ISO Commercial General Liability Coverage Part  
 Project Name/Number: CW GL 26681 - Diacetyl and Other Flavorings Exclusion for Use with the ISO Commercial General Liability Coverage Part/CW  
 GL 26681

## Superseded Attachments

Please note that all items on the following pages are items, which have been replaced by a newer version. The newest version is located with the appropriate schedule on previous pages. These items are in date order with most recent first.

Original Date:	Schedule	Document Name	Replaced Date	Attach Document
No original date	Form	Diacetyl and Other Flavorings Exclusion	10/11/2007	UGL 1328.pdf



**ZURICH**

## Diacetyl and Other Flavorings Exclusion

Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer	Add'l. Prem	Return Prem.
					\$	\$

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

This endorsement modifies insurance provided under the:

### **Commercial General Liability Coverage Part**

The following exclusion is added to Paragraph 2. Exclusions of Section I – Coverage A – Bodily Injury And Property Damage Liability and Coverage B – Personal And Advertising Injury Liability:

#### **2. Exclusions**

This insurance does not apply to:

##### **Diacetyl and other Flavorings Substances**

- A.** "Bodily injury", "property damage" or "personal and advertising injury" arising out of or which would not have occurred, in whole or in part, but for the actual, alleged or threatened discharge, dispersal, release, leakage, leaching, escape or presence of:
  - 1.** Unsaturated aldehydes and ketones, including but not limited to diacetyl (2, 3 - butanedione) and acetoin (3 - hydroxybutanone); or
  - 2.** Aliphatic aldehydes, including but not limited to acetaldehyde,
 regardless of whether any other cause, event, material or product contributed concurrently or in any sequence to the injury or damage; or
- B.** Any sums that any insured or other entity must pay, repay or reimburse because of any:
  - 1.** Request, demand, order, statutory or regulatory requirement, direction or determination that any insured or others test for, investigate, monitor, clean up, remove, study, contain, treat, control or take any other action regarding unsaturated aldehydes and ketones or aliphatic aldehydes; or
  - 2.** Claim or "suit" for damages arising out of or relating in any way to any request, demand, order, statutory or regulatory requirement, direction or determination that any insured or others test for, investigate, monitor, clean up, remove, study, contain, treat, control or take any other action regarding unsaturated aldehydes and ketones or aliphatic aldehydes; or
- C.** Any other loss, cost or expense arising out of or relating in any way to unsaturated aldehydes and ketones or aliphatic aldehydes.