

SERFF Tracking Number: WAUS-125902563 State: Arkansas
First Filing Company: Employers Insurance Company of Wausau, ... State Tracking Number: EFT \$50
Company Tracking Number: GLF-CW-022-08
TOI: 17.2 Other Liability - Occurrence Only Sub-TOI: 17.2001 Commercial General Liability
Product Name: Commercial General Liability
Project Name/Number: Common Restaurant Pollutants-Limited Bodily Injury Pollution Liability Coverage and Pricing/GLF-CW-022-08

Filing at a Glance

Companies: Employers Insurance Company of Wausau, Wausau Business Insurance Company, Wausau Underwriters Insurance Company

Product Name: Commercial General Liability SERFF Tr Num: WAUS-125902563 State: Arkansas
TOI: 17.2 Other Liability - Occurrence Only SERFF Status: Closed State Tr Num: EFT \$50
Sub-TOI: 17.2001 Commercial General Liability Co Tr Num: GLF-CW-022-08 State Status: Fees verified and received
Filing Type: Form Co Status: Reviewer(s): Betty Montesi, Edith Roberts
Author: Michelle Skidmore1 Disposition Date: 03/07/2009
Date Submitted: 11/18/2008 Disposition Status: Approved
Effective Date Requested (New): 02/01/2009 Effective Date (New):
Effective Date Requested (Renewal): 02/01/2009 Effective Date (Renewal):
State Filing Description:

General Information

Project Name: Common Restaurant Pollutants-Limited Bodily Injury Status of Filing in Domicile: Pending
Pollution Liability Coverage and Pricing
Project Number: GLF-CW-022-08 Domicile Status Comments:
Reference Organization: Reference Number:
Reference Title: Advisory Org. Circular:
Filing Status Changed: 03/07/2009
State Status Changed: 12/02/2008 Deemer Date:
Corresponding Filing Tracking Number: GLR-CW-103-08
Filing Description:
PROJECT # GLF-CW-022-08

EMPLOYERS INSURANCE COMPANY OF WAUSAU - 11121458
WAUSAU UNDERWRITERS INSURANCE COMPANY - 11126042
WAUSAU BUSINESS INSURANCE COMPANY - 11126069

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COMMERCIAL GENERAL LIABILITY

GL6541 10-08 Common Restaurant Pollutants Endorsement-Limited Bodily Injury Pollution Liability Coverage

Requested Effective Date: February 1, 2009

The captioned companies submit the enclosed Common Restaurant Pollutants Endorsement for your review and approval for use with the Commercial General Liability coverage part.

The endorsement is optional at the agreement of the insured, and broadens coverage as indicated within the endorsement by providing limited pollution coverage for common restaurant pollutants.

The corresponding pricing rule indicating the premium charge for this endorsement has been submitted accordingly under our project number GLR-CW-103-08.

If you should have any questions or concerns as you review this submission please let me know.

I look forward to your acknowledgment/approval of this filing.

Michelle Skidmore
State Filings Analyst
1-877-792-8728 Ext 3203
Fax: 1-715-842-6828
Michelle.skidmore@wausau.com
Enclosures

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Company and Contact

Filing Contact Information

Michelle Skidmore, State Filings Analyst michelle.skidmore@LibertyMutual.com
 P.O. Box 8017 (877) 792-8728 [Phone]
 Wausau, WI 54402-8017 (715) 842-6828[FAX]

Filing Company Information

Employers Insurance Company of Wausau	CoCode: 21458	State of Domicile: Wisconsin
P O Box 8017	Group Code: 111	Company Type:
Wausau, WI 54402-8017	Group Name:	State ID Number:
(877) 792-8728 ext. [Phone]	FEIN Number: 39-0264050	

Wausau Business Insurance Company	CoCode: 26069	State of Domicile: Wisconsin
P O Box 8017	Group Code: 111	Company Type:
Wausau, WI 54402-8017	Group Name:	State ID Number:
(877) 792-8728 ext. [Phone]	FEIN Number: 36-3522250	

Wausau Underwriters Insurance Company	CoCode: 26042	State of Domicile: Wisconsin
P O Box 8017	Group Code: 111	Company Type:
Wausau, WI 54402-8017	Group Name:	State ID Number:
(877) 792-8728 ext. [Phone]	FEIN Number: 39-1341459	

Filing Fees

Fee Required?	Yes
Fee Amount:	\$50.00
Retaliatory?	No
Fee Explanation:	\$50 per form filing
Per Company:	No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
Employers Insurance Company of Wausau	\$50.00	11/18/2008	23998641
Wausau Business Insurance Company	\$0.00	11/18/2008	
Wausau Underwriters Insurance Company	\$0.00	11/18/2008	

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Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Approved	Edith Roberts	03/07/2009	03/07/2009
Approved	Edith Roberts	12/02/2008	12/02/2008

Filing Notes

Subject	Note Type	Created By	Created On	Date Submitted
Request to re-open-Typographical error noted	Note To Reviewer	Michelle Skidmore1	02/27/2009	02/27/2009

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Disposition

Disposition Date: 03/07/2009

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment: Re-opened for amendment of typographical correction....Original approval date of 12/02/2008, still effective.

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
Form	Common Restaurant Pollutants Endorsement-Limited Bodily Injury Pollution Liability Coverage	Approved	Yes

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Disposition

Disposition Date: 12/02/2008

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment:

Rate data does NOT apply to filing.

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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
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Note To Reviewer

Created By:

Michelle Skidmore1 on 02/27/2009 09:23 AM

Last Edited By:

Edith Roberts

Submitted On:

03/07/2009 01:33 PM

Subject:

Request to re-open-Typographical error noted

Comments:

Good Morning Edith,

Thank you for your review and recent approval of this submission. Unfortunately, after further review on our part, we have located a typographical error within the approved GPO6541 endorsement. As such, I am requesting that you please re-open this submission so I may provide the corrected form along with a side-by-side comparison indicating the correction to this previously approved form. I apologize for this discrepancy and appreciate your assistance in getting this error remedied.

I appreciate your consideration of this request and look forward to your response.
If you should have any questions or direction please let me know.

Thank you in advance for your time and efforts.

Sincerely,

Michelle Skidmore

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Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Approved	Common Restaurant Pollutants Endorsement-Limited Bodily Injury Pollution Liability Coverage	GL6541	10-08	Endorsement/Amendment/Conditions	New	0.00	6541 10-08.pdf

Policy Number
Issued by

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**Common Restaurant Pollutants Endorsement
Limited Bodily Injury Pollution Liability Coverage**

THIS ENDORSEMENT PROVIDES DEFENSE WITHIN LIMITS COVERAGE. AMOUNTS WE SPEND ON DEFENSE OF CLAIMS AND SUITS WILL REDUCE THE LIMITS OF LIABILITY.

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

The terms of this endorsement are subject to all of the provisions of the policy not expressly modified in this endorsement. However, Blanket Additional Insured provisions and Additional Insured endorsements that do not specifically refer to this endorsement will not apply to coverage under this endorsement.

- A. 1.** Exclusion **f.(1)(a)** and **(d)** of Section **I – Coverage A** does not apply to compensatory damages for "bodily injury" arising out of the discharge, release or escape of "common restaurant pollutants" from a contained state, on or from premises you own, lease or occupy or on or from any premise, site or location where any insured or any contractor or subcontractor working directly or indirectly on an insured's behalf is performing operations, but only if the discharge, release or escape:
- a.** Happened entirely "above ground";
 - b.** Begins during the policy period;
 - c.** Begins and ends completely within six days; and
 - d.** We are notified in writing within 30 days of the commencement of the discharge, release or escape of "pollutants", regardless of when the insured becomes aware of the discharge, release or escape.

This reporting provision is a condition precedent to obtaining coverage under this endorsement and failure to comply with this reporting requirement will preclude coverage, regardless of whether or not the failure to satisfy the reporting requirement in this provision results in prejudice to us.

2. Exclusions

- a.** Paragraph **2.** Exclusions of Section **I - Coverage A**, applies to coverage under this endorsement, except that Exclusion **f.**, Pollution of Paragraph **2.** Exclusions of Section **I - Coverage A**, does not apply to coverage expressly granted by this endorsement.
- b.** This endorsement does not apply to:
 - (1)** Damages for actual or alleged "bodily injury" sustained by any contractors or subcontractors working directly or indirectly in an insured's behalf;
 - (2)** "Bodily injury" arising from "hostile fire";
 - (3)** "Bodily injury" arising from "common restaurant pollutants" in food;
 - (4)** Fines, penalties and exemplary or punitive damages;

- (5) Any "bodily injury" determined to be covered, in whole or in part, under any other part of the policy, including any other endorsements, to which policy this endorsement is attached;
- (6) "Bodily injury" arising from the insured's intentional, knowing, or deliberate non-compliance with any statute, regulation, ordinance, administrative complaint, notice of violation, executive order or instruction of any governmental agency or body. However, this exclusion shall not apply to any intentional discharge of "common restaurant pollutants" solely for the purpose of mitigating or avoiding imminent "bodily injury", which would be covered by this endorsement.

B. For purposes of this endorsement, the following definitions apply:

1. "Above ground" means on or above the surface of:
 - a. Ground or land; or
 - b. The basement floor of any building.
2. "Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time. "Bodily injury" does not include: mental anguish; emotional distress; fear of injury or disease; or similar injury.
3. "Common restaurant pollutants" means:
 - a. Ammonia within or released from cooling or refrigeration equipment;
 - b. Material discharged from a fire suppression system on the insured premises;
 - c. Fumes, vapors or gases from flooring or wall covering materials or their installation materials, including adhesives;
 - d. Fumes, vapors or gases from paint, varnish, sealant, adhesive or building maintenance or cleaning materials;
 - e. Carbon monoxide from equipment used within that building; or
 - f. Pesticides, herbicides or fertilizers that meet all standards of any statute, ordinance, regulation or license requirement of any federal, state or local government which apply to the application of pesticides, herbicides or fertilizers.

C. Our right and duty to defend any "suit" by virtue of the coverage afforded by this endorsement shall end when:

1. We have used up the applicable limit of insurance in the payment of judgments or settlements; and
2. We have tendered to you or a court the applicable limit of insurance.

D. Limits of Insurance

1. The Limits of Insurance set forth in this endorsement and the rules below fix the most we will pay under this endorsement regardless of the number of:
 - a. Insureds;
 - b. Claims made or "suits" brought; or
 - c. Persons or organizations making claims or bringing "suits".

2. This endorsement affords limited coverage up to \$25,000 Aggregate. This is the most we will pay under Coverage A for the sum of all damages paid for "bodily injury" and amounts paid under Supplementary Payments covered by this endorsement. For any one "occurrence", this endorsement affords limited coverage up to \$10,000. The Per Occurrence Limit is the most we will pay for the sum of all damages paid for "bodily injury" and amounts paid under Supplementary Payments arising out of the discharge, release or escape of "common restaurant pollutants" or any series of interrelated or associated discharges, releases or escapes of "common restaurants pollutants" arising from the same or similar cause.

If a series of interrelated or associated discharges, release of escapes of "common restaurant pollutants" arising from the same or similar causes includes discharges, release of escapes of "common restaurant pollutants" that commence during the policy period of one or more prior and/or future Time Element Common Restaurant Pollutants Endorsements issued to you by us, then this endorsement's Per Incident Limit will be reduced by the amount of each payment made by us under the other endorsements because of such discharges, release of escapes of "common restaurant pollutants".

3. Any payments made under this endorsement will also reduce the General Aggregate Limit shown in the Declarations.
4. If the Per Incident Limit or Aggregate Limit in this endorsement is used up, Exclusion f. of Section I – Coverage A shall apply as though this endorsement did not exist.

E. Defense Within Limits

1. With respect to claims or "suits" to which Paragraph A. of this endorsement applies, Supplementary Payments is deleted and replaced by the following:

We will pay, with respect to any claim we investigate or settle, or any "suit" we defend:

a. Both:

- (1) Fees, salaries and expenses of attorneys, legal interns and paralegals we retain (including our "employees"); and
- (2) All other expenses, including but not limited to expenses, fees, and/or any other amounts paid to or for experts and consultants, that we incur;

that are directly allocable to the particular claim or "suit".

- b.** Up to \$2,500 for cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which the Bodily Injury Liability Coverage applies. We do not have to furnish these bonds.
- c.** The cost of bonds to release attachments, but only for bond amounts within the applicable limit of insurance. We do not have to furnish these bonds.
- d.** All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to \$500 a day because of time off from work.
- e.** All court costs taxed against the insured in the "suit". These costs do not include attorneys' fees or attorneys' expenses.
- f.** Prejudgment interest awarded against the insured on that part of the judgment we pay. If we make an offer to pay the applicable limit of insurance, we will not pay any prejudgment interest based on that period of time after the offer.
- g.** All interest on the full amount of any judgment that accrues after entry of judgment and before we have paid, offered to pay, or deposited in court the part of the judgment that is within the applicable limit of insurance.

ALL SUPPLEMENTARY PAYMENTS MADE PURSUANT TO THIS ENDORSEMENT WILL REDUCE THE LIMITS OF INSURANCE AVAILABLE AS DESCRIBED IN PARAGRAPH D. ABOVE. However, amounts we pay for the salaries, fees and expenses of (1) independent adjusters we might hire, and (2) any of our "employees" other than those described in Paragraph E.1.a. will not reduce the Limits of Insurance.

2. With respect to claims or "suits" to which this endorsement applies, the following Condition is added to Section IV – Commercial General Liability Conditions:

Transfer of Duties When the Applicable Limit of Insurance is Used Up

- a. When the limit of insurance has been used up in the payment of judgments, settlements and/or Supplementary Payments:
- (1) We will notify the first Named Insured and any insured against which a claim or "suit" is pending, in writing, as soon as practicable, that:
 - (a) Such a limit has been used up; and
 - (b) Our duty under this endorsement to defend any "suits" subject to that limit has also ended.
 - (2) The first Named Insured and any insured against whom a "suit" is pending will, as soon as practicable, arrange for the transfer of control of the defense of all such "suits."
 - (3) We will assist in, and all insureds must cooperate in, the transfer of control of the defense of all such "suits", which are subject to that limit and which are reported to us before that limit is used up.
 - (4) We will take steps we deem appropriate to avoid a default in, or continue defense of, such "suits" until the transfer is completed, provided the appropriate insured is cooperating in the completing of the transfer. The first Named Insured and any insured against whom a "suit" is pending will reimburse us for any expense we incur (for which expenses each Named Insured and each insured against whom a "suit" is pending are jointly and severally liable) to take such steps on and after the date on which the applicable limit of insurance is used up.
 - (5) We will take no action whatsoever with respect to any claim or "suit" reported to us after the applicable limit of insurance has been used up.
- b. The duty to reimburse us will begin on the date the applicable limit of insurance is used up. The exhaustion of any limit of insurance by the payment of judgments, settlements and/or Supplementary Payments, and the resulting end of our duty to defend, will not be affected by our failure to comply with the provisions of this Condition.

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Rate Information

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Supporting Document Schedules

Bypassed -Name:	Uniform Transmittal Document- Property & Casualty	Review Status:	Approved	12/02/2008
Bypass Reason:	NA			
Comments:				