

SERFF Tracking Number: BEAC-125549715 State: Arkansas
 First Filing Company: The Employers' Fire Insurance Company, ... State Tracking Number: EFT \$50
 Company Tracking Number: 2008-ML-AR-FO-526
 TOI: 05.0 Commercial Multi-Peril - Liability & Non- Sub-TOI: 05.0000 CMP Sub-TOI Combinations
 Liability
 Product Name: Terrorism Risk Insurance Program Reauthorization Act of 2007
 Project Name/Number: Terrorism Risk Insurance Program Reauthorization Act of 2007 /2008-ML-AR-FO-526

Filing at a Glance

Companies: The Employers' Fire Insurance Company, OneBeacon America Insurance Company, Atlantic Specialty Insurance Company

Product Name: Terrorism Risk Insurance Program Reauthorization Act of 2007 SERFF Tr Num: BEAC-125549715 State: Arkansas

TOI: 05.0 Commercial Multi-Peril - Liability & Non-Liability SERFF Status: Closed State Tr Num: EFT \$50

Sub-TOI: 05.0000 CMP Sub-TOI Combinations Co Tr Num: 2008-ML-AR-FO-526 State Status: Fees verified and received

Filing Type: Form Co Status: Reviewer(s): Betty Montesi, Llyweyia Rawlins, Brittany Yielding
 Authors: Judith Carrasco, John Cordner, Linda Jordan-Dow, Sharon Kennedy Disposition Date: 04/07/2008
 Date Submitted: 03/24/2008 Disposition Status: Approved

Effective Date Requested (New): 04/01/2008 Effective Date (New): 04/01/2008
 Effective Date Requested (Renewal): 04/01/2008 Effective Date (Renewal): 04/01/2008

State Filing Description:

General Information

Project Name: Terrorism Risk Insurance Program Reauthorization Act of 2007 Status of Filing in Domicile: Pending

Project Number: 2008-ML-AR-FO-526

Domicile Status Comments:

Reference Organization:

Reference Number:

Reference Title:

Advisory Org. Circular:

Filing Status Changed: 04/07/2008

State Status Changed: 04/01/2008

Deemer Date:

Corresponding Filing Tracking Number: 2008-ML-AR-RU-526

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Filing Description:

We are filing revisions of previously approved forms related to Certified Acts of Terrorism. These revisions are reflective of the changes brought about by the 2007 Reauthorization of the Terrorism Risk Insurance Act and are applicable to all of our Commercial Lines Programs.

The revisions will apply to all affected policies providing commercial property, commercial general liability, commercial inland marine and umbrella coverage. The rules applicable to terrorism coverage have been amended to reflect the new definition of a Certified Act as well as the new additional disclosure requirements. Further details regarding this submission are explained in greater detail in the enclosed Explanatory Memo.

A companion rule filing has been submitted under separate cover and is identified under company file number 2008-ML-AR-RU-526.

We are proposing to implement this revision to be effective April 1, 2008 under the expedited filing procedures authorized by your state.

Should you have any questions regarding this submission, please contact me.

Company and Contact

Filing Contact Information

Judith A. Carrasco, jcarrasco@onebeacon.com
 1 Beacon Lane (781) 332-8937 [Phone]
 Canton, MA 02021-1030 (888) 475-9817[FAX]

Filing Company Information

The Employers' Fire Insurance Company	CoCode: 20648	State of Domicile: Massachusetts
One Beacon Lane	Group Code: 1129	Company Type:
Canton, MA 02021-1030	Group Name:	State ID Number:
(781) 332-7000 ext. [Phone]	FEIN Number: 04-1288420	

OneBeacon America Insurance Company	CoCode: 20621	State of Domicile: Massachusetts
One Beacon Lane	Group Code: 1129	Company Type:

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Canton, MA 02021-1030
(781) 332-7000 ext. [Phone]

Group Name:
FEIN Number: 04-2475442

State ID Number:

Atlantic Specialty Insurance Company
One Beacon Lane
Canton, MA 02021-1030
(781) 332-7000 ext. [Phone]

CoCode: 27154
Group Code: 1129
Group Name:
FEIN Number: 13-3362309

State of Domicile: New York
Company Type:
State ID Number:

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Filing Fees

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

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
The Employers' Fire Insurance Company	\$50.00	03/24/2008	18883290
OneBeacon America Insurance Company	\$0.00	03/24/2008	
Atlantic Specialty Insurance Company	\$0.00	03/24/2008	

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Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Approved	Llyweyia Rawlins	04/07/2008	04/07/2008

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	Llyweyia Rawlins	04/01/2008	04/01/2008	Judith Carrasco	04/07/2008	04/07/2008

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Disposition

Disposition Date: 04/07/2008
Effective Date (New): 04/01/2008
Effective Date (Renewal): 04/01/2008
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	Terrorism - Explanatory Memos	Approved	Yes
Form	Cap On Losses From Certified Acts Of Terrorism	Approved	Yes
Form	Exclusion Of Certified Acts Of Terrorism	Approved	Yes
Form	Limited Exclusion of Acts of Terrorism (Other Than Certified Acts of Terrorism); Cap on Losses From Certified Acts of Terrorism	Approved	Yes
Form	Exclusion of Acts of Biological or Chemical Terrorism; Cap on Losses From Certified Acts of Terrorism	Approved	Yes
Form	Exclusion of Certified Acts and Other Acts of Terrorism	Approved	Yes
Form	Exclusion of Certified Acts of Terrorism and Biological or Chemical Acts of Terrorism	Approved	Yes
Form	Conditional Exclusion of Terrorism (Relating to Disposition of Federal Terrorism Risk Insurance Act)	Approved	Yes
Form	Conditional Exclusion of Terrorism Involving Nuclear, Biological or Chemical Terrorism (Relating to Disposition of Federal Terrorism Risk Insurance Act)	Approved	Yes
Form	Conditional Limitation of Coverage For Terrorism - Sub-Limit on Annual Aggregate Basis (Relating to Disposition of Federal Terrorism Risk Insurance Act)	Approved	Yes
Form	Exclusion of Terrorism	Approved	Yes
Form	Exclusion Of Terrorism Involving Nuclear, Biological Or Chemical Terrorism	Approved	Yes
Form	Limitation Of Coverage For Terrorism – Sub-Limit On Annual Aggregate Basis	Approved	Yes
Form	Cap on Losses From Certified Acts of	Approved	Yes

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Terrorism

Form	Exclusion of Certified Acts of Terrorism	Approved	Yes
Form	Exclusion of Other Acts of Terrorism Committed Outside The United States; Cap on Losses From Certified Acts of Terrorism	Approved	Yes
Form	Exclusion of Certified Acts of Terrorism and Other Acts of Terrorism Committed Outside The United States	Approved	Yes
Form (revised)	Arkansas - Exclusion of Punitive Damages Related to a Certified Act of Terrorism	Approved	Yes
Form	Exclusion of Punitive Damages Related to a Certified Act of Terrorism	Approved	No
Form	Amended Terrorism Coverage - Covered Autos	Approved	Yes
Form	Exclusion of Certified Acts of Terrorism and Other Nuclear, Biological or Chemical Acts of Terrorism	Approved	Yes
Rate	Arkansas - Additional Rule 01. Terrorism	Approved	Yes

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Objection Letter

Objection Letter Status Pending Industry Response
Objection Letter Date 04/01/2008
Submitted Date 04/01/2008
Respond By Date 04/12/2008

Dear Judith A. Carrasco,

Form: VCU 307 - Exclusion Punitive Damages

This filing must be amended to comply with Bulletin 4-82 which requires punitive or exemplary damages to be defined. An acceptable definition would be "Those damages imposed to punish a wrongdoer and to deter others from similar conduct.

Thank You

Llyweyia Rawlins

Please feel free to contact me if you have questions.

Sincerely,

Llyweyia Rawlins

Response Letter

Response Letter Status Submitted to State
Response Letter Date 04/07/2008
Submitted Date 04/07/2008

Dear Llyweyia Rawlins,

Comments:

Response 1

Comments: The following is in response to your Objection Letter dated 4/1/08.

We are requesting withdrawal of VCU 307 01 08 from this submission and in its place we request review and approval of VCU 402 01 08 Arkansas- Exclusion of Punitive Damages Related to a Certified Act of Terrorism.

In addition, due to this change, we have revised the Arkansas Exception Page to reflect the replacement of VCU 307

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 with VCU 402.

We trust you will find this response to be satisfactory and can now approve this submission.

Thank you.
 Judy Carrasco

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
Arkansas - Exclusion of Punitive Damages Related to a Certified Act of Terrorism	VCU402 01 08	01 08	Endorsement/Amendment/Conditions	Replaced		0	VCU402 0108.pdf
Previous Version							
Exclusion of Punitive Damages Related to a Certified Act of Terrorism	VCU307 01 08	01 08	Endorsement/Amendment/Conditions	Replaced		0	VCU307 0108.pdf

Rate/Rule Schedule Item Changes

Exhibit Name	Rule # or Page #	Rate Action	Previous State Filing #
Arkansas - Additional Rule 01. Terrorism	@V4UMBADD01AR	Replacement	

Sincerely,
 John Cordner, Judith Carrasco, Linda Jordan-Dow, Sharon Kennedy

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Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability Attachment
Approved	Cap On Losses From Certified Acts Of Terrorism	VCP403 0205	02 05	Endorsement/Amendment/Conditions	Withdrawn Replaced Form #:0.00 Previous Filing #:	
Approved	Exclusion Of Certified Acts Of Terrorism	VCP404 0205	02 05	Endorsement/Amendment/Conditions	Withdrawn Replaced Form #:0.00 Previous Filing #:	
Approved	Limited Exclusion of Acts of Terrorism (Other Than Certified Acts of Terrorism); Cap on Losses From Certified Acts of Terrorism	VCP401 0205	02 05	Endorsement/Amendment/Conditions	Withdrawn Replaced Form #:0.00 Previous Filing #:	
Approved	Exclusion of Acts of Biological or Chemical Terrorism; Cap on Losses From Certified Acts of Terrorism	VCP402 0205	02 05	Endorsement/Amendment/Conditions	Withdrawn Replaced Form #:0.00 Previous Filing #:	
Approved	Exclusion of Certified Acts and Other Acts of Terrorism	VCP 406 0205	02 05	Endorsement/Amendment/Conditions	Withdrawn Replaced Form #:0.00 Previous Filing #:	
Approved	Exclusion of Certified Acts of Terrorism and Biological or	VCP407 0205	02 05	Endorsement/Amendment/Conditions	Withdrawn Replaced Form #:0.00 Previous Filing #:	

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Chemical Acts of
Terrorism

Approved Conditional VCP412 02 05 Endorsement/Amendment/Withdrawn Replaced Form #:0.00
 Exclusion of 0107
 Terrorism (Relating to Disposition of Federal Terrorism Risk Insurance Act)
 Previous Filing #:

Approved Conditional VCP413 02 05 Endorsement/Amendment/Withdrawn Replaced Form #:0.00
 Exclusion of 0107
 Terrorism Involving Nuclear, Biological or Chemical Terrorism (Relating to Disposition of Federal Terrorism Risk Insurance Act)
 Previous Filing #:

Approved Conditional VCP414 02 05 Endorsement/Amendment/Withdrawn Replaced Form #:0.00
 Limitation of Coverage For Terrorism - Sub-Limit on Annual Aggregate Basis (Relating to Disposition of Federal Terrorism Risk Insurance Act)
 Previous Filing #:

Approved Exclusion of Terrorism VCP450 01 06 Endorsement/Amendment/Withdrawn Replaced Form #:0.00
 0106
 Previous Filing #:

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Approved	Exclusion Of Terrorism Involving Nuclear, Biological Or Chemical Terrorism	VCP451 01 06	01 06	Endorsement/Amendment/Conditions	Withdrawn	Replaced Form #:0.00	
Approved	Limitation Of Coverage For Terrorism – Sub-Limit On Annual Aggregate Basis	VCP452 01 06	01 06	Endorsement/Amendment/Conditions	Withdrawn	Replaced Form #:0.00	
Approved	Cap on Losses From Certified Acts of Terrorism	VCU301 01 08	01 08	Endorsement/Amendment/Conditions	Replaced	Replaced Form #:0.00	VCU301 0108.pdf
Approved	Exclusion of Certified Acts of Terrorism	VCU302 01 08	01 08	Endorsement/Amendment/Conditions	Replaced	Replaced Form #:0.00	VCU302 0108.pdf
Approved	Exclusion of Other Acts of Terrorism Committed Outside The United States; Cap on Losses From Certified Acts of Terrorism	VCU303 01 08	01 08	Endorsement/Amendment/Conditions	Replaced	Replaced Form #:0.00	VCU303 0108.pdf
Approved	Exclusion of Certified Acts of Terrorism and Other Acts of Terrorism Committed Outside The United States	VCU306 01 08	01 08	Endorsement/Amendment/Conditions	Replaced	Replaced Form #:0.00	VCU306 0108.pdf
Approved	Arkansas -	VCU402 01 08	01 08	Endorsement/Amendment/Conditions	Replaced	Replaced Form #:0.00	VCU402

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	Exclusion of Punitive Damages Related to a Certified Act of Terrorism	01 08		nt/Amendm ent/Condi tions	VCU307 11 04 Previous Filing #:	0108.pdf
Approved	Amended Terrorism Coverage - Covered Autos	VCU398 01 08	01 08	Endorseme nt/Amendm ent/Condi tions	Replaced Form #:0.00 VCU398 08 06 Previous Filing #:	VCU398 0108.pdf
Approved	Exclusion of Certified Acts of Terrorism and Other Nuclear, Biological or Chemical Acts of Terrorism	VCU305 11 04	11 04	Endorseme nt/Amendm ent/Condi tions	Replaced Form #:0.00 Previous Filing #:	

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

COMMERCIAL UMBRELLA LIABILITY COVERAGE PART

If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

"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. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:

1. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; 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 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.

EXCLUSION OF CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

COMMERCIAL UMBRELLA LIABILITY COVERAGE FORM

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM

"Any injury or damage" arising, directly or indirectly, out of a "certified act of terrorism".

B. The following definitions are added:

1. For the purposes of this endorsement, "any injury or damage" means any injury or damage covered under any Coverage Part or underlying insurance to which this endorsement is applicable, and includes but is not limited to "bodily injury", "property damage", "personal and advertising injury", "injury" or "environmental damage" as defined in any applicable Coverage Part or underlying insurance.
2. "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. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:
 - a. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
 - b. 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 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.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

EXCLUSION OF OTHER ACTS OF TERRORISM COMMITTED OUTSIDE THE UNITED STATES; CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

COMMERCIAL UMBRELLA LIABILITY COVERAGE PART

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM

"Any injury or damage" arising, directly or indirectly, out of an "other act of terrorism" that is committed outside of the United States (including its territories and possessions and Puerto Rico), but within the "coverage territory". However, this exclusion applies only when one or more of the following are attributed to such act:

1. The total of insured damage to all types of property exceeds \$25,000,000 (valued in U.S. dollars). In determining whether the \$25,000,000 threshold is exceeded, we will include all insured damage sustained by property of all persons and entities affected by the terrorism and business interruption losses sustained by owners or occupants of the damaged property. For the purpose of this provision, insured damage means damage that is covered by any insurance plus damage that would be covered by any insurance but for the application of any terrorism exclusions; or
2. Fifty or more persons sustain death or serious physical injury. For the purposes of this provision, serious physical injury means:
 - a. Physical injury that involves a substantial risk of death; or
 - b. Protracted and obvious physical disfigurement; or
 - c. Protracted loss of or impairment of the function of a bodily member or organ; or
3. The terrorism involves the use, release or escape of nuclear materials, or directly or indirectly results in nuclear reaction or radiation or radioactive contamination; or
4. The terrorism is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
5. Pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the terrorism was to release such materials.

With respect to this exclusion, Paragraphs **1.** and **2.** describe the thresholds used to measure the magnitude of an incident of an "other act of terrorism" and the circumstances in which the threshold will apply for the purpose of determining whether this exclusion will apply to that incident.

B. The following definitions are added:

1. For the purposes of this endorsement, "any injury or damage" means any injury or damage covered under any Coverage Part or underlying insurance to which this endorsement is applicable, and includes but is not limited to "bodily injury", "property damage", "personal and advertising injury", "injury" or "environmental damage" as may be defined in any applicable Coverage Part or underlying insurance.
2. "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. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:
 - a. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act;

- b.** The act resulted in damage:
 - (1)** Within the United States (including its territories and possessions and Puerto Rico); or
 - (2)** Outside of the United States in the case of:
 - (a)** An air carrier (as defined in Section 40102 of title 49, United States Code) or United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), regardless of where the loss occurs; or
 - (b)** The premises of any United States mission; and
- c.** 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 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.

- 3.** "Other act of terrorism" means a violent act or an act that is dangerous to human life, property or infrastructure that is committed by an individual or individuals and that 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 the act is not a "certified act of terrorism".

Multiple incidents of an "other act of terrorism" which occur within a seventy-two hour period and appear to be carried out in concert or to have a related purpose or common leadership shall be considered to be one incident.

- C.** In the event of an "other act of terrorism" that is not subject to this exclusion, coverage does not apply to any loss or damage that is otherwise excluded under this Coverage Part.
- D.** If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

EXCLUSION OF CERTIFIED ACTS OF TERRORISM AND EXCLUSION OF OTHER ACTS OF TERRORISM COMMITTED OUTSIDE THE UNITED STATES

This endorsement modifies insurance provided under the following:

COMMERCIAL UMBRELLA LIABILITY COVERAGE PART

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM

"Any injury or damage" arising, directly or indirectly, out of a "certified act of terrorism" or out of an "other act of terrorism" that is committed outside of the United States (including its territories and possessions and Puerto Rico), but within the "coverage territory". However, with respect to an "other act of terrorism", this exclusion applies only when one or more of the following are attributed to such act:

1. The total of insured damage to all types of property exceeds \$25,000,000 (valued in U.S. dollars). In determining whether the \$25,000,000 threshold is exceeded, we will include all insured damage sustained by property of all persons and entities affected by the terrorism and business interruption losses sustained by owners or occupants of the damaged property. For the purpose of this provision, insured damage means damage that is covered by any insurance plus damage that would be covered by any insurance but for the application of any terrorism exclusions; or
2. Fifty or more persons sustain death or serious physical injury. For the purposes of this provision, serious physical injury means:
 - a. Physical injury that involves a substantial risk of death; or
 - b. Protracted and obvious physical disfigurement; or
 - c. Protracted loss of or impairment of the function of a bodily member or organ; or
3. The terrorism involves the use, release or escape of nuclear materials, or directly or indirectly results in nuclear reaction or radiation or radioactive contamination; or
4. The terrorism is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
5. Pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the terrorism was to release such materials.

With respect to this exclusion, paragraphs 1. and 2. describe the thresholds used to measure the magnitude of an incident of an "other act of terrorism" and the circumstances in which the threshold will apply for the purpose of determining whether this exclusion will apply to that incident.

B. The following definitions are added:

1. For the purposes of this endorsement, "any injury or damage" means any injury or damage covered under any Coverage Part or underlying insurance to which this endorsement is applicable, and includes but is not limited to "bodily injury", "property damage", "personal and advertising injury", "injury" or "environmental damage" as may be defined in any applicable Coverage Part or underlying insurance.
2. "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. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:
 - a. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and

- b.** The act resulted in damage:
 - (1)** Within the United States (including its territories and possessions and Puerto Rico); or
 - (2)** Outside of the United States in the case of:
 - (a)** An air carrier (as defined in Section 40102 of title 49, United States Code) or United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), regardless of where the loss occurs; or
 - (b)** The premises of any United States mission; and
- c.** 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 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.

- 3.** "Other act of terrorism" means a violent act or an act that is dangerous to human life, property or infrastructure that is committed by an individual or individuals and that 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 the act is not a "certified act of terrorism".

Multiple incidents of an "other act of terrorism" which occur within a seventy-two hour period and appear to be carried out in concert or to have a related purpose or common leadership shall be considered to be one incident.

- C.** In the event of any incident of a "certified act of terrorism" or an "other act of terrorism" that is not subject to this exclusion, coverage does not apply to any loss or damage that is otherwise excluded under this Coverage Part.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

ARKANSAS – EXCLUSION OF PUNITIVE DAMAGES RELATED TO A CERTIFIED ACT OF TERRORISM

This endorsement modifies insurance provided under the following:

COMMERCIAL UMBRELLA LIABILITY COVERAGE FORM

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM PUNITIVE DAMAGES

Damages arising, directly or indirectly, out of a "certified act of terrorism" that are awarded as "punitive damages".

B. The following definition is added:

1. "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. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:
 - a. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
 - b. 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 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.
2. "Punitive damages" mean damages that may be imposed to punish a wrongdoer and to deter others from similar conduct.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

AMENDED TERRORISM COVERAGE – COVERED AUTOS

This endorsement modifies insurance provided under the following:

COMMERCIAL UMBRELLA LIABILITY COVERAGE PART

SCHEDULE

- A. If any of the endorsements shown in the schedule are attached to the policy, those endorsements do not apply to "bodily injury" or "property damage" arising out of the ownership, maintenance or use of any "auto" which is a "covered auto".
- B. With respect to "bodily injury" or "property damage" arising out of the ownership, maintenance or use of any "auto" which is a "covered auto", coverage provided under this Coverage Part for acts of terrorism (however defined) will follow the provisions, exclusions and limitations of the "underlying insurance" unless otherwise directed by this insurance.

SERFF Tracking Number: BEAC-125549715 State: Arkansas
First Filing Company: The Employers' Fire Insurance Company, ... State Tracking Number: EFT \$50
Company Tracking Number: 2008-ML-AR-FO-526
TOI: 05.0 Commercial Multi-Peril - Liability & Non- Sub-TOI: 05.0000 CMP Sub-TOI Combinations
Liability
Product Name: Terrorism Risk Insurance Program Reauthorization Act of 2007
Project Name/Number: Terrorism Risk Insurance Program Reauthorization Act of 2007 /2008-ML-AR-FO-526

Rate/Rule Schedule

Review Status:	Exhibit Name:	Rule # or Page #:	Rate Action	Previous State Filing Attachments Number:
Approved	Arkansas - Additional Rule 01. Terrorism	@V4UMBADD0 1AR	Replacement	@V4UMBADD01AR 0108.pdf

**COMMERCIAL LINES MANUAL
@vantageSM FOR POLICIES
UMBRELLA COVERAGE DIVISION**

**ADDITIONAL RULE 01
TERRORISM**

B. Coverage Options

1. Paragraphs **B.1.a.(3)** is replaced by the following:

- (3)** To also exclude punitive damages arising out of a certified act of terrorism, use VCU 402, Arkansas Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism.

SERFF Tracking Number: BEAC-125549715 State: Arkansas
First Filing Company: The Employers' Fire Insurance Company, ... State Tracking Number: EFT \$50
Company Tracking Number: 2008-ML-AR-FO-526
TOI: 05.0 Commercial Multi-Peril - Liability & Non- Sub-TOI: 05.0000 CMP Sub-TOI Combinations
Liability
Product Name: Terrorism Risk Insurance Program Reauthorization Act of 2007
Project Name/Number: Terrorism Risk Insurance Program Reauthorization Act of 2007 /2008-ML-AR-FO-526

Supporting Document Schedules

Satisfied -Name: Uniform Transmittal Document-
Property & Casualty **Review Status:** Approved 04/07/2008

Comments:

Attachment:

T Doc - TRIPRA_All Lines _Forms.pdf

Satisfied -Name: Terrorism - Explanatory Memos **Review Status:** Approved 04/07/2008

Comments:

Attachments:

2008 EM CP Forms (AR) - TRIPRA (CP).pdf

2008 EM UMB Forms (MU) - TRIPRA.pdf

**EXPEDITED FILING TRANSMITTAL DOCUMENT
FOR TERRORISM RISK INSURANCE FORMS AND PRICING**

This page applies to the following state(s) _____

Indicate Type of Filing
<input type="checkbox"/> Filing Related to <i>Certified Losses</i>
<input type="checkbox"/> Filing Related to <i>Non-Certified Losses</i>
<input checked="" type="checkbox"/> Filing Applicable to Both Certified and Non-Certified Losses

Department Use only

Company Name(s)	Domicile	NAIC #	FEIN #
OneBeacon America Insurance Company	MA	1129-20621	04-2475442
The Employers' Fire Insurance Company	MA	1129-20648	04-1288420
Atlantic Specialty Insurance Company	NY	1129-27154	

Contact Info for Filer

Name and address of Filer(s)	Telephone #	FAX #	e-mail
Judith A. Carrasco OneBeacon Insurance Group One Beacon Lane Canton, MA 02021	781-332-8937	888-475-9817	jcarrasco@onebeacon.com

Filing information

Line of Insurance (see attachment)	1.0, 2.1, 5.1, 5.2, 18.0
Company Program Title (Marketing title) (if applicable)	Terrorism Risk Insurance Program Reauthorization Act of 2007
Filing Type ** see note below	Rule
This application is used with:	Property and Umbrella coverages and endorsements
Effective Date Requested	4/1/08 New and Renewal
Filing date	3/24/08
Company Tracking Number	2008-ML-AR-FO-526
Date filing approved in domiciliary state, if applicable	Filing Pending

	<u>Component/Form Name /Description/Synopsis</u>	<u>Form # or Rate Page Include edition date</u>	<u>Replacement Or withdrawn?</u>	<u>If replacement, give form # or rate page(s) it replaces</u>	<u>Previous State Filing Number, if required by state</u>
01	Please refer to Form Schedule tab on SERFF		<input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither		

To be complete, a filing must include the following:

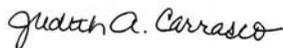
- A completed Expedited Filing Transmittal Document for each insurer or advisory organization.
- One copy of each endorsement, disclosure form or other policy language, unless the insurer has given an advisory organization authorization to file them on its behalf.
- A copy of the rates, rating systems and supporting documentation.
- The appropriate filing fees, if required
- A postage-paid, self-addressed envelope **large enough to accommodate the return.**

The insurer(s) submitting this filing certifies that it:

- Is in compliance with the terms of the Terrorism Risk Insurance Act as amended and the laws of this state; and
- Is in compliance with the requirements of the bulletin containing the voluntary expedited filing procedures.

Judith A. Carrasco

Senior Compliance Analyst



Signature

Print Name:

Title:

Explanatory Memorandum

Terrorism

Commercial Property Forms Revisions 200801

MULTISTATE

To enact changes necessitated by approval of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the OneBeacon companies will utilize ISO forms to provide or exclude terrorism coverage instead of using its own independent forms (which were duplicates of ISO forms). Due to this change, we are withdrawing the independent company forms listed below. A corresponding rules revision is being submitted to reflect this ISO form usage.

Therefore, this filing enables us to implement the forms submitted under ISO filing CL-2007-OTRP1, except as provided in the state supplements. This will also enable us to use the ISO conditional terrorism forms under ISO filing CL-2006-OTF01 and those that would apply when the terrorism risk insurance program has terminated (ISO filing CL-2004-OTIPP). See state supplements for state exceptions to these filing numbers as well as the insurance department's assigned filing number (if any).

The following company forms are being withdrawn, as well as those listed in state supplements. See state supplement for exceptions.

- VCP401 0205 Limited Exclusion of Acts of Terrorism (Other Than Certified Acts of Terrorism); Cap on Losses From Certified Acts of Terrorism
- VCP402 0205 Exclusion of Acts of Biological or Chemical Terrorism; Cap on Losses From Certified Acts of Terrorism
- VCP403 0205 Cap On Losses From Certified Acts Of Terrorism
- VCP404 0205 Exclusion Of Certified Acts Of Terrorism
- VCP406 0205 Exclusion of Certified Acts and Other Acts of Terrorism
- VCP407 0205 Exclusion of Certified Acts of Terrorism and Biological or Chemical Acts of Terrorism
- VCP412 0107 Conditional Exclusion of Terrorism (Relating to Disposition of Federal Terrorism Risk Insurance Act)
- VCP413 0107 Conditional Exclusion of Terrorism Involving Nuclear, Biological or Chemical Terrorism (Relating to Disposition of Federal Terrorism Risk Insurance Act)
- VCP414 0205 Conditional Limitation of Coverage For Terrorism - Sub-Limit on Annual Aggregate Basis (Relating to Disposition of Federal Terrorism Risk Insurance Act of 2002)
- VCP450 0106 Exclusion of Terrorism
- VCP451 0106 Exclusion Of Terrorism Involving Nuclear, Biological Or Chemical Terrorism
- VCP452 0106 Limitation Of Coverage For Terrorism – Sub-Limit On Annual Aggregate Basis

Explanatory Memorandum

Terrorism

Commercial Property Forms Revisions 200801

The following ISO forms will be used in place of certain, corresponding company forms being withdrawn. See forms list for replacement relationship.

- | | |
|-------------|--|
| IL0952 0108 | Cap On Losses From Certified Acts Of Terrorism |
| IL0953 0108 | Exclusion Of Certified Acts Of Terrorism |
| IL0995 0107 | Conditional Exclusion of Terrorism (Relating to Disposition of Federal Terrorism Risk Insurance Act) |
| IL0996 0107 | Conditional Exclusion of Terrorism Involving Nuclear, Biological or Chemical Terrorism (Relating to Disposition of Federal Terrorism Risk Insurance Act) |
| IL0997 0107 | Conditional Limitation of Coverage For Terrorism - Sub-Limit on Annual Aggregate Basis (Relating to Disposition of Federal Terrorism Risk Insurance Act) |
| IL0030 0106 | Exclusion of Terrorism |
| IL0031 0106 | Exclusion Of Terrorism Involving Nuclear, Biological Or Chemical Terrorism |
| IL0032 0106 | Limitation Of Coverage For Terrorism – Sub-Limit On Annual Aggregate Basis |

Explanatory Memorandum
Terrorism
Commercial Property Rules Revisions 200801

ARKANSAS

No state exceptions to multistate changes

Explanatory Memorandum

Terrorism

Commercial Umbrella Forms Revisions 200801

MULTISTATE

This filing revises certain terrorism endorsements, and withdraws others, in response to enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007. The following changes are made (where appropriate) to the forms submitted in this filing::

- Remove reference to the original enactment of TRIA, the Act "of 2002".
- Revise the definition of certified act of terrorism to:
 - Delete the text "acting on behalf of any foreign person or foreign interest", in line with the revision to Section 102(1)(A)(iv) of the Act.
 - Reflect the fact that the definition includes appropriate details, but not all of the statutory wording, in setting forth the criteria for a certified act of terrorism.
 - Elaborate on the reference to aggregate losses, which are aggregate insured losses attributable to all types of insurance subject to TRIA.
- Revise the language expressing the existence and effect of the cap. As revised, the language explicitly refers to the amount of the cap and addresses allocation of insured losses, pursuant to Sections 103(e)(2)(A) and 103(e)(2)(B) of the Act. This change does not apply to forms which provide an exclusion for certified acts of terrorism.
- Added the word "Radiological" to the title of certain forms in order to recognize the contemporary expression of the so-called NBCR exposure.
- Revise the scope of the exclusion of other acts of terrorism to only apply to other acts of terrorism committed outside the jurisdictional boundaries of the federal program. Such acts do not meet the criteria of a certified act of terrorism under the federal program and thus would not be subject to federal participation in losses.
- Revised titles of certain forms to reflect the revised scope of the other acts of terrorism exclusion.
- Indicate that the \$25 million reference in certain endorsements will be valued in U.S. dollars.

The following forms have been revised, as well as those listed in state supplements. See state supplement for exceptions.

- VCU301 0108 Cap On Losses From Certified Acts Of Terrorism
- VCU302 0108 Exclusion Of Certified Acts Of Terrorism
- VCU303 0108 Exclusion Of Other Acts Of Terrorism Committed Outside The United States; Cap On Losses From Certified Acts Of Terrorism
- VCU 306 0108 Exclusion Of Certified Acts Of Terrorism And Other Acts Of Terrorism Committed Outside The United States
- VCU307 0108 Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism
- VCU398 0108 Amended Terrorism Coverage - Covered Autos

The schedule is left blank to allow use of state-specific versions of the countrywide forms.

The following forms are being withdrawn, as well as those listed in state supplements. See state supplement for exceptions.

- VCU304 1104 Nuclear, Biological Or Chemical Terrorism Exclusion (Other Than Certified Acts Of Terrorism); Cap On Losses From Certified Acts Of Terrorism
- VCU305 1104 Exclusion Of Certified Acts Of Terrorism And Other Nuclear, Biological Or Chemical Acts Of Terrorism