

# PROGRAM DIVISION BULLETIN

2007-33

November 15, 2007

## FUNGUS EXCLUSIONS FOR UMBRELLA

There have been several inquiries to the proper use of Fungus Endorsements with our umbrella policy.

Outlined below are the proper endorsements.

Form 78691 (8/01) is for use with **all** states **except** as noted below.

**Alaska and New York** - no endorsements available.

**Kansas and New Hampshire** - no endorsements available but you must attach the Follow-Form Endorsement 60427 (05/94).

**Washington State** - 79279 (3/02) - state specific.



UMBRELLA 78691  
Fungus Exclusion.doc



Umbrella follow form  
60427.rtf



79279 - Washington  
Fungus End. .doc

Please contact your Program Manager with any questions.

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**AIG**

**PROGRAM DIVISION**

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## ENDORSEMENT #

This endorsement, effective 12:01 A.M.

forms a part of

Policy No.

issued to:

by

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

### **COMMERCIAL UMBRELLA POLICY FUNGUS EXCLUSION**

Section V. Exclusions is amended by adding the following exclusion to the policy:

This insurance does not apply to "bodily injury", "property damage", "personal injury", "advertising injury" or any other loss, injury, damage, cost or expense, including but not limited to, losses, costs or expenses related to, arising from or associated with clean-up, remediation, containment, removal or abatement, caused directly or indirectly, in whole or in part, by:

- a. Any "fungus(i)", "molds(s)", mildew or yeast, or
- b. Any "spore(s)" or toxins created or produced by or emanating from such "fungus(i)", "mold(s)", mildew or yeast, or
- c. Any substance, vapor, gas, or other emission or organic or inorganic body or substance produced by or arising out of any "fungus(i)", "mold(s)", mildew or yeast, or
- d. Any material, product, building component, building or structure, or any concentration of moisture, water or other liquid within such material, product, building component, building or structure, that contains, harbors, nurtures or acts as a medium for any "fungus(i)", "mold(s)", mildew, yeast, or "spore(s)" or toxins emanating therefrom,

regardless of any other cause, event, material, product and/or building component that contributed concurrently or in any sequence to that loss, injury, damage, cost or expense.

For the purposes of this exclusion, the following definitions are added to the Policy:

"Fungus(i)" includes, but is not limited to, any of the plants or organisms belonging to the major group fungi, lacking chlorophyll, and including "molds", rusts, mildews, smuts and mushrooms.

"Mold(s)" includes, but is not limited to, any superficial growth produced on damp or decaying organic matter or on living organisms, and "fungi" that produce molds.

“Spore(s)” means any dormant or reproductive body produced by or arising or emanating out of any “fungus(i)”, “mold(s)”, mildew, plants, organisms or microorganisms.

**ALL OTHER TERMS AND CONDITIONS SHALL REMAIN UNCHANGED.**

\_\_\_\_\_  
Authorized Representative

**ENDORSEMENT**

This endorsement, effective  
policy No.:

forms a part of  
issued to

by

**FOLLOW-FORM ENDORSEMENT**

This insurance does not apply to **Bodily Injury , Property Damage, Personal Injury or Advertising Injury** arising out of:

However, if insurance for such **Bodily Injury , Property Damage, Personal Injury or Advertising Injury** is provided by a policy listed in the Schedule of Underlying Insurance:

1. This exclusion shall not apply; and
2. The insurance provided by our policy will not be broader than the insurance coverage provided by the policy listed in the Schedule of Underlying Insurance.

All other terms and conditions of this policy remain unchanged.

60427 (05/94)

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Authorized Representative

## WASHINGTON ENDORSEMENT #

This endorsement, effective 12:01 A. M. forms a part of Policy

No. issued to by

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

### COMMERCIAL UMBRELLA POLICY

#### FUNGUS EXCLUSION

This insurance does not apply to **bodily injury, property damage, personal and advertising injury**, or any other loss, cost or expense, including but not limited to, losses, costs or expenses related to, arising from or associated with clean-up, remediation, containment, removal or abatement, caused directly or indirectly, in whole or in part, by:

- a. Any **fungus(i), mold(s)**, mildew or yeast, or
- b. Any **spore(s)** or toxins created or produced by or emanating from such **fungus(i), mold(s)**, mildew or yeast, or
- c. Any substance, vapor, gas, or other emission or organic or inorganic body or substance produced by or arising out of any **fungus(i), mold(s)**, mildew or yeast, or
- d. Any material, product, building component, building or structure, or any concentration of moisture, water or other liquid within such material, product, building component, building or structure, that contains, harbors, nurtures or acts as a medium for any **fungus(i), mold(s)**, mildew, yeast, or **spore(s)** or toxins emanating therefrom;

regardless of any other cause, event, material, product and/or building component that contributes concurrently to that **bodily injury, property damage, personal and advertising injury**, loss, cost or expense as long as the excluded perils listed above either directly or solely results in, or initiates the sequence of events that results in such **bodily injury, property damage, personal and advertising injury**, loss, cost or expense.

For the purposes of this exclusion, the following definitions are added to the Policy:

**Fungus(i)** includes, but is not limited to, any of the plants or organisms belonging to the major group fungi, lacking chlorophyll, and including **mold(s)**, rusts, mildews, smuts, and mushrooms.

**Mold(s)** includes, but is not limited to, any superficial growth produced on damp or decaying organic matter or on living organisms, and **fungi** that produce molds.

**Spore(s)** means any dormant or reproductive body produced by or arising or emanating out of any **fungus(i)**, **mold(s)**, mildew, plants, organisms or microorganisms.

**ALL OTHER TERMS AND CONDITIONS SHALL REMAIN UNCHANGED.**

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Authorized Representative