

FORMS – APPROVED

DECEMBER 3, 2021

GENERAL LIABILITY

LI-GL-2021-377

## WASHINGTON INTRODUCTION OF OPTIONAL VIRAL OR BACTERIAL EXCLUSION ENDORSEMENTS FILED AND APPROVED

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### KEY MESSAGE

Forms filing GL-2021-OEND1 to be implemented for May 1, 2022.

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### UPGRADE TO WORD AND EXCEL DOCUMENTS

As previously noted, ISO is implementing changes to our authoring and delivery systems so that **newly created** documents will be delivered in Office 365 .docx/.xlsx format to be phased in by product/service. In addition to **form** documents, we are pleased to announce that during the third quarter 2021, you will be receiving **circular cover letter** and **Notice To Manualholders (NTM)** documents in .docx format delivered/accessed via Circulars, CLM, EFD, ERC, Filings, FIRST, Forms Library, PRM and Suite +. Changes continue for other document types to be phased in by product/service. Products impacted include, but are not limited to, documents delivered/accessed via Circulars, CLM, EFD, ERC, Filings, FIRST, Forms Library (including PolicyWriting Support Forms Instructional Supplement), PRM, Statistical Plans and Suite +.

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### ISO ACTION

We have introduced the following optional endorsements for use with the Commercial General Liability and Products/Completed Operations Liability Coverage Parts.

The first endorsement, **CG 40 43 – Washington – Exclusion – Viral Or Bacterial Infections – Exception For Designated Infection, Ongoing Operations Or Products** (for use with the Commercial General Liability Coverage Part):

- Generally excludes coverage for liability for bodily injury, property damage or personal and advertising injury arising out of the actual or alleged transmission of any of the following:
  - ◆ A viral or bacterial infection that is transmitted through aerosol particles or respiratory droplets; or
  - ◆ A viral or bacterial infection that is transmitted through any individual or animal (including insects) by any means, other than through aerosol particles or respiratory droplets, including but not limited to viral or bacterial infections that are sexually transmitted.
- This exclusion will apply even if there is a claim for negligence or other wrongdoing in the:
  - ◆ Supervising, hiring, employing, training or monitoring of others that may be infected with and spread the viral or bacterial infection;
  - ◆ Testing for the viral or bacterial infection;
  - ◆ Failure to prevent the spread of the viral or bacterial infection; or

- ◆ Failure to report the viral or bacterial infection to authorities.
- The exclusion will not apply to bodily injury, property damage or personal and advertising injury arising out of any infection, ongoing operations or named insured's product described in the schedule of this endorsement.

The counterpart endorsement, **CG 34 94 – Washington – Exclusion – Viral Or Bacterial Infections – Exception For Designated Infection, Ongoing Operations Or Products** (for use with the Products/Completed Operations Liability Coverage Part), generally follows similar design contours of endorsement **CG 40 43**.

## **INSURANCE DEPARTMENT ACTION**

The Washington Office of the Insurance Commissioner has approved this revision as filed.

## **EFFECTIVE DATE**

The ISO revision is subject to the following rule of application:

These changes are applicable to all policies written on or after May 1, 2022.

## **COMPANY ACTION**

If you have authorized us to file on your behalf and decide:

- To use our revision and effective date, you are not required to file anything with the Insurance Department.
- To use our revision with a different effective date, to use our revision with modification or to not use our revision, you must make an appropriate submission with the Insurance Department.

For guidance on submission requirements, consult the ISO State Filing Handbook.

In all correspondence with the Insurance Department on this revision, you should refer to ISO Filing Designation Number GL-2021-OEND1, not this circular number. Communications with the regulator concerning a filing affecting multiple lines of business (i.e., CL, PL, AL filing designation) should specify the line(s) of business that you are addressing.

## **RATING SOFTWARE IMPACT**

New attributes being introduced with this revision:

- New forms are being introduced.

## **POLICYHOLDER NOTIFICATION**

If you decide to implement this revision, you should check all applicable laws for the state(s) to which this revision applies, to determine whether or not a specific policyholder notice requirement may apply. Please note that circular [LI-CL-2021-004](#) contains the ISO Guide To Renewals With Changed Conditions For Commercial Lines, which is available only as a guide to assist participating companies in complying with various conditional renewal statutes or regulations, for the major commercial lines of insurance serviced by ISO. The information in the Guide does not necessarily reflect all requirements or exceptions that may apply, and it is not intended as a substitute for your review of all applicable statutes and regulations concerning policyholder notification.

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## REVISION DISTRIBUTION

We will issue a Notice to Portfolioholders with an edition date of 5-22 (or the earliest possible subsequent date), along with any new and/or revised forms.

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## RELATED RULES REVISION

GL-2021-ORU1

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## REFERENCE(S)

- [LI-GL-2021-378](#) (12/03/2021) Washington Viral Or Bacterial Infection Exclusion Related Rules Revisions Filed And Approved
  - [LI-CL-2021-004](#) (02/17/2021) Revised Lead Time Requirements Listing
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## ATTACHMENT(S)

- Filing GL-2021-OEND1
  - Final copies of [CG 40 43 04 22](#) and [CG 34 94 04 22](#)
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# Washington Introduction Of Optional Viral Or Bacterial Exclusion Endorsements

## About This Filing

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We are introducing optional Washington endorsements to address liability arising out of viral or bacterial infections.

## New Forms

We are introducing the following forms:

- ◆ CG 40 43 04 22 – Washington – Exclusion – Viral Or Bacterial Infections – Exception For Designated Infection, Ongoing Operations Or Products
- ◆ CG 34 94 04 22 – Washington – Exclusion – Viral Or Bacterial Infections – Exception For Designated Infection, Ongoing Operations Or Products

## Related Filing(s)

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- ◆ GL-2021-ORU1 (rules)

## Explanation of Changes

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We are introducing the following optional endorsements for use with the Commercial General Liability and Products/Completed Operations Liability Coverage Parts.

The first endorsement, CG 40 43 – Washington – Exclusion – Viral Or Bacterial Infections – Exception For Designated Infection, Ongoing Operations Or Products (for use with the Commercial General Liability Coverage Part):

- ◆ Generally excludes coverage for liability for bodily injury, property damage or personal and advertising injury arising out of the actual or alleged transmission of any of the following:
  - A viral or bacterial infection that is transmitted through aerosol particles or respiratory droplets; or
  - A viral or bacterial infection that is transmitted through any individual or animal (including insects) by any means, other than through aerosol

particles or respiratory droplets, including but not limited to viral or bacterial infections that are sexually transmitted.

- ◆ This exclusion will apply even if there is a claim for negligence or other wrongdoing in the:
  - Supervising, hiring, employing, training or monitoring of others that may be infected with and spread the viral or bacterial infection;
  - Testing for the viral or bacterial infection;
  - Failure to prevent the spread of the viral or bacterial infection; or
  - Failure to report the viral or bacterial infection to authorities.
- ◆ The exclusion will not apply to bodily injury, property damage or personal and advertising injury arising out of any infection, ongoing operations or named insured's product described in the schedule of this endorsement.

The counterpart endorsement, CG 34 94 – Washington – Exclusion – Viral Or Bacterial Infections – Exception For Designated Infection, Ongoing Operations Or Products (for use with the Products/Completed Operations Liability Coverage Part), generally follows similar design contours of endorsement CG 40 43.

## Impact

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Attachment of these endorsements may result in a reduction of coverage to the extent that current policy exclusions do not apply to liability arising out of the actual or alleged transmission of:

- ◆ A viral or bacterial infection that is transmitted through aerosol particles or respiratory droplets; or
- ◆ A viral or bacterial infection that is transmitted through any individual or animal (including insects) by any means, other than through aerosol particles or respiratory droplets, including but not limited to viral or bacterial infections that are sexually transmitted.

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## **Important Note**

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

# WASHINGTON – EXCLUSION – VIRAL OR BACTERIAL INFECTIONS – EXCEPTION FOR DESIGNATED INFECTION, ONGOING OPERATIONS OR PRODUCTS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

## SCHEDULE

<b>Description Of Infection:</b>
<b>Description Of Ongoing Operations Or Your Product:</b>
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

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

**2. Exclusions**

This insurance does not apply to:

**Viral Or Bacterial Infection**

"Bodily injury", "property damage" or "personal and advertising injury" arising out of the actual or alleged transmission of any of the following:

- a. A viral or bacterial infection that is transmitted through aerosol particles or respiratory droplets; or
- b. A viral or bacterial infection that is transmitted through any individual or animal (including insects) by any means, other than through aerosol particles or respiratory droplets, including but not limited to viral or bacterial infections that are sexually transmitted.

However, this exclusion does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of any infection, ongoing operations or "your product" described in the Schedule of this endorsement.

**B.** Unless otherwise listed in the Schedule of this endorsement, Paragraph **A.** applies even if the claims against any insured allege negligence or other wrongdoing in the:

- 1. Supervising, hiring, employing, training or monitoring of others that may be infected with and spread the viral or bacterial infection;
- 2. Testing for the viral or bacterial infection;
- 3. Failure to prevent the spread of the viral or bacterial infection; or
- 4. Failure to report the viral or bacterial infection to authorities.

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

**WASHINGTON – EXCLUSION – VIRAL OR BACTERIAL  
INFECTIONS – EXCEPTION FOR DESIGNATED  
INFECTION, ONGOING OPERATIONS OR PRODUCTS**

This endorsement modifies insurance provided under the following:

PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

**SCHEDULE**

<b>Description Of Infection:</b>
<b>Description Of Ongoing Operations Or Your Product:</b>
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

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**A. The following exclusion is added to Paragraph 2. Exclusions of Section I – Coverages – Bodily Injury And Property Damage Liability:**

**2. Exclusions**

This insurance does not apply to:

**Viral Or Bacterial Infection**

"Bodily injury" or "property damage" arising out of the actual or alleged transmission of any of the following:

- a. A viral or bacterial infection that is transmitted through aerosol particles or respiratory droplets; or
- b. A viral or bacterial infection that is transmitted through any individual or animal (including insects) by any means, other than through aerosol particles or respiratory droplets, including but not limited to viral or bacterial infections that are sexually transmitted.

However, this exclusion does not apply to "bodily injury" or "property damage" arising out of any infection, ongoing operations or "your product" described in the Schedule of this endorsement.

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**B. Unless otherwise listed in the Schedule of this endorsement, Paragraph A. applies even if the claims against any insured allege negligence or other wrongdoing in the:**

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- 1. Supervising, hiring, employing, training or monitoring of others that may be infected with and spread the viral or bacterial infection;
- 2. Testing for the viral or bacterial infection;
- 3. Failure to prevent the spread of the viral or bacterial infection; or
- 4. Failure to report the viral or bacterial infection to authorities.

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

**WASHINGTON – EXCLUSION – VIRAL OR BACTERIAL  
INFECTIONS – EXCEPTION FOR DESIGNATED  
INFECTION, ONGOING OPERATIONS OR PRODUCTS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE**

<b>Description Of Infection:</b>
<b>Description Of Ongoing Operations Or Your Product:</b>
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

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

**2. Exclusions**

This insurance does not apply to:

**Viral Or Bacterial Infection**

"Bodily injury", "property damage" or "personal and advertising injury" arising out of the actual or alleged transmission of any of the following:

- a.** A viral or bacterial infection that is transmitted through aerosol particles or respiratory droplets; or
- b.** A viral or bacterial infection that is transmitted through any individual or animal (including insects) by any means, other than through aerosol particles or respiratory droplets, including but not limited to viral or bacterial infections that are sexually transmitted.

However, this exclusion does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of any infection, ongoing operations or "your product" described in the Schedule of this endorsement.

**B. Unless otherwise listed in the Schedule of this endorsement, Paragraph A. applies even if the claims against any insured allege negligence or other wrongdoing in the:**

- 1.** Supervising, hiring, employing, training or monitoring of others that may be infected with and spread the viral or bacterial infection;
- 2.** Testing for the viral or bacterial infection;
- 3.** Failure to prevent the spread of the viral or bacterial infection; or
- 4.** Failure to report the viral or bacterial infection to authorities.

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

# WASHINGTON – EXCLUSION – VIRAL OR BACTERIAL INFECTIONS – EXCEPTION FOR DESIGNATED INFECTION, ONGOING OPERATIONS OR PRODUCTS

This endorsement modifies insurance provided under the following:

PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

## SCHEDULE

<b>Description Of Infection:</b>
<b>Description Of Ongoing Operations Or Your Product:</b>
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

**A. The following exclusion is added to Paragraph 2. Exclusions of Section I – Coverages – Bodily Injury And Property Damage Liability:**

**2. Exclusions**

This insurance does not apply to:

**Viral Or Bacterial Infection**

"Bodily injury" or "property damage" arising out of the actual or alleged transmission of any of the following:

- a. A viral or bacterial infection that is transmitted through aerosol particles or respiratory droplets; or
- b. A viral or bacterial infection that is transmitted through any individual or animal (including insects) by any means, other than through aerosol particles or respiratory droplets, including but not limited to viral or bacterial infections that are sexually transmitted.

However, this exclusion does not apply to "bodily injury" or "property damage" arising out of any infection, ongoing operations or "your product" described in the Schedule of this endorsement.

**B. Unless otherwise listed in the Schedule of this endorsement, Paragraph A. applies even if the claims against any insured allege negligence or other wrongdoing in the:**

- 1. Supervising, hiring, employing, training or monitoring of others that may be infected with and spread the viral or bacterial infection;
- 2. Testing for the viral or bacterial infection;
- 3. Failure to prevent the spread of the viral or bacterial infection; or
- 4. Failure to report the viral or bacterial infection to authorities.