

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

## **AMENDATORY ENDORSEMENT - CERTIFIED ACTS OF TERRORISM**

This endorsement modifies insurance provided under the following:

AMERICAN INSTITUTE FOLLOWING FORM EXCESS MARINE LIABILITIES CLAUSES (JAN 1, 2002)  
OCEAN CARGO POLICY  
PROTECTION & INDEMNITY SP 23 COVERAGE FORM (REVISED 1/56)

- A.** Coverage is provided for “certified acts of terrorism” that occur within the United States, its territories and possessions.
- 1.** A “certified act of terrorism” means an act that is certified by the Secretary of the Treasury, in accordance with the provisions of the federal Terrorism Risk Insurance Act, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act. The criteria contained in the Terrorism Risk Insurance Act of 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.** If aggregate insured losses attributable to terrorists acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a calendar year and the Assurer has met its deductible under the Terrorism Risk Insurance Act, the Assurer shall not be liable for the payment of any portion of the amount of such losses that exceeds the \$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.
- B.** For the purposes of this endorsement, the following exclusions are added:  
This insurance does not apply to:
- 1. Other Acts Terrorism**  
Any “other acts of terrorism”.  
“Other acts 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 also involves the
    - a.** Use or threat of force or violence; or
    - b.** Commission or threat of dangerous act; or
    - c.** Commission or threat of an act that interferes with or disrupts an electronic, communication, information, or mechanical system; 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 related purpose or common leadership shall be considered one incident.
  - 2. Nuclear, Biological, Chemical or Radiological (NBCR) Loss or Damage**
    - a.** Any “certified act of terrorism” or “other act of terrorism” involving any plan, effort, scheme or design intended to harm persons or property and arising directly or indirectly out of , resulting from or in any way related to, or in consequence of:
      - (1)** Any actual, alleged, suspected or threatened use of any NBCR material; or
      - (2)** Any actual, attempted, suspected, or threatened presence, spread, dissemination, release, escape or distribution of any NBCR material; or

- (3) The failure to prevent any actual, attempted, suspected, or threatened presence, spread, dissemination, release, escape, or distribution of any NBCR material.
- b. NBCR material means any nuclear, biological, chemical, or radiological material or substance that causes damage to property or is harmful to human health. NBCR material includes, but is not limited to:
- (1) Any radioactive substance or material, and the radiation it releases,
  - (2) Any pathogen, bacterium, microbe, virus, or other organism,
  - (3) Any substance or material produced by or from any pathogen, bacterium, microbe, virus, or other organism, or
  - (4) Any poison, toxin, or other harmful chemical substance, or material.

The foregoing list **b.(1)** through **b.(4)**., is only illustrative and should not be construed as a complete, exclusive or exhaustive list of all NBCR materials.

**C. Exception for Covering Certain Property Damage Fire Losses**

If a "certified act of terrorism", "other act of terrorism" excluded in **B2.**, above, results in fire, we will pay for the loss or damage caused by that fire subject to all applicable policy provisions. Such coverage for fire only applies to direct physical loss of or damage by fire to covered property.

All other terms and conditions of this policy remain unchanged.