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STUDENT OF THE INDUSTRY PARTING SHOT

Bacteria Lawyers Insurance?

By Paul Buse, President of Big I Advantage®

Recently, my Google Alerts pinged me about a development with [Legionnaires' disease](#) in the news. The source of the legionella bacteria involved was not known. Typically sources are hospitals but they can also include cruise ships, hotels, health clubs and other places with water bathing facilities, fountains, pools, etc. Even windshield wiper dispensers on school buses have been found to spread the disease. I was also alerted to a lawyer that is seeking to represent those injured by legionella (www.legionnairelawyer.com).

Legionella is a bacteria and many standard commercial general liability policies have this exclusion:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

FUNGI OR BACTERIA EXCLUSION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

<p>A. The following exclusion is added to Paragraph 2, Exclusions of Section I – Coverage A – Bodily Injury And Property Damage Liability:</p> <p>2. Exclusions</p> <p>This insurance does not apply to:</p> <p>Fungi Or Bacteria</p> <p>a. "Bodily injury" or "property damage" which would not have occurred, in whole or in part, but for the actual, alleged or threatened inhalation of, ingestion of, contact with, exposure to, existence of, or presence of, any "fungi" or bacteria on or within a building or</p>	<p>B. The following exclusion is added to Paragraph 2, Exclusions of Section I – Coverage B – Personal And Advertising Injury Liability:</p> <p>2. Exclusions</p> <p>This insurance does not apply to:</p> <p>Fungi Or Bacteria</p> <p>a. "Personal and advertising injury" which would not have taken place, in whole or in part, but for the actual, alleged or threatened inhalation of, ingestion of, contact with, exposure to, existence of, or presence of any "fungi" or bacteria on or within a</p>
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We have followed Legionnaires' disease for some time and the coverage (or lack thereof) in lawsuits arising from injured parties. Coverage issues seem in flux so your clients may really appreciate you bringing this to their attention. In particular, coverage for what is or is not deemed to be "intended for consumption" has been debated. Without getting into more than that, you should know that as a Big "I" Markets user if you come across a mold/bacteria concern, expert help and insurance coverage is available on Big "I" Markets. The experts at ARMR.Net are only a click or phone call away. Just visit [Big "I" Markets](#) and look for the product Pollution Contractors-Farms-USTs-Other in the commercial lines menu.

The product and eligibility may have been revised or discontinued since the original article was written. Review the Information page for each product on Big "I" Markets for current content and instructions.