

# Accessing Your Port's Insurance Investments for Environmental Response and Remediation

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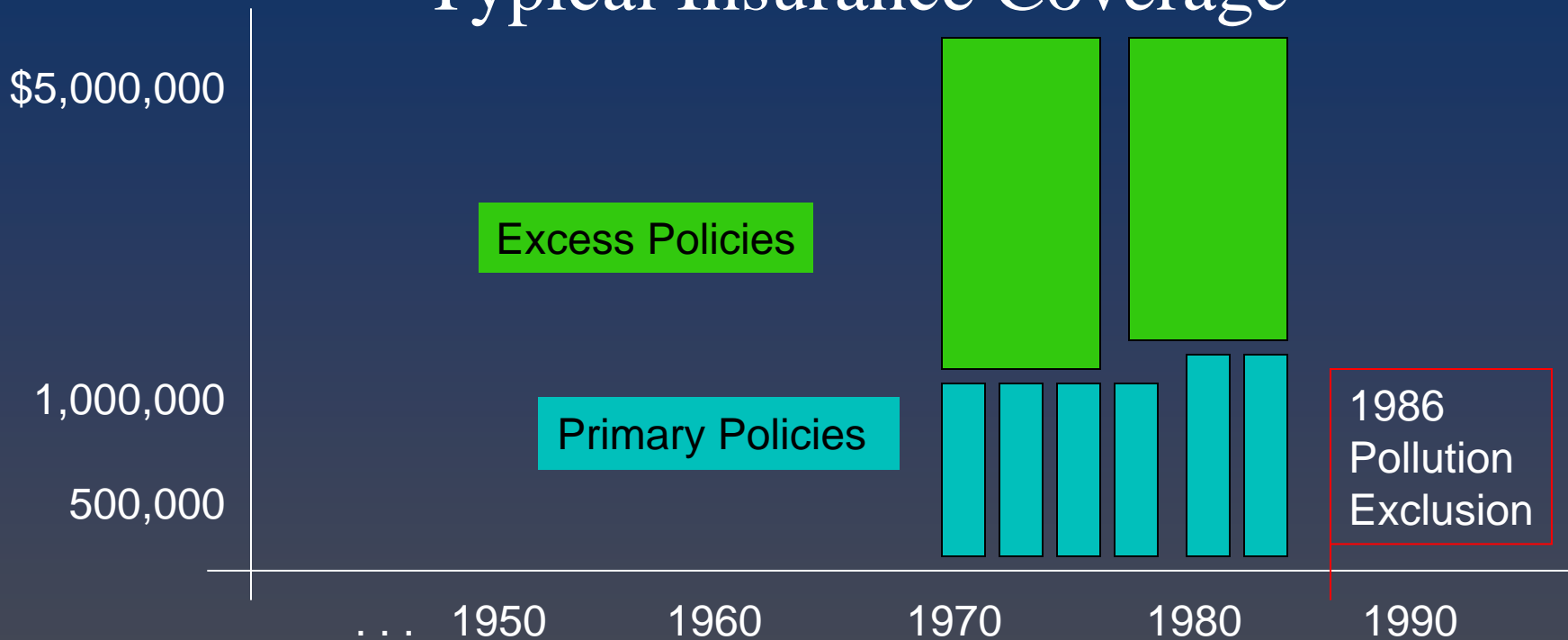
# Does your Port have Insurance Coverage?

- Read your Insurance Policies
- Twin duties of Defense and Indemnity
- The Duty to Defend is valuable

# Making an Insurance Claim

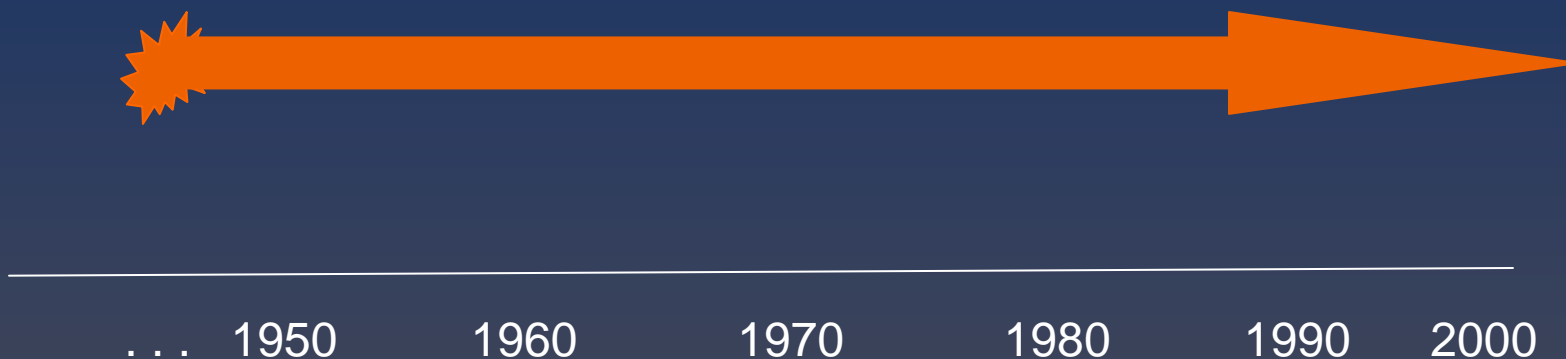
- Give notice to all carriers as early as possible
- Be circumspect about small claims
- Don't take no for an answer
- If the carrier forces a lawsuit, you can seek attorney fees and costs

# Typical Insurance Coverage



- Comprehensive General Liability (CGL) policies
- Ports paid premiums and relied on coverage
- Pollution Exclusion added in 1986

# Releases of Contamination



- Hazardous substance regulated by law
- Release to groundwater or sediments
- Release is continual once it enters environment
- Property Port owns or operates, now or in the past
- Legal liability despite best practice at the time

# Typical Contaminated Areas

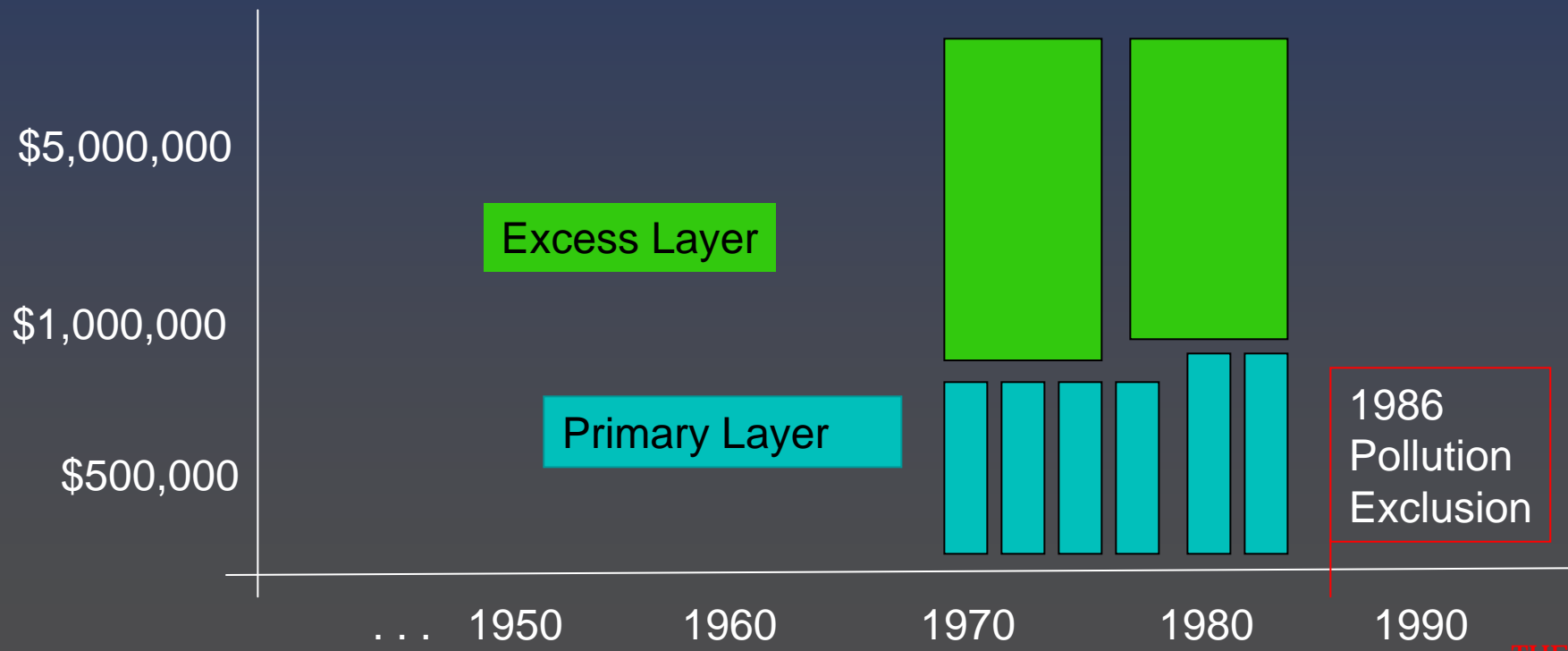


... 1950 1960 1970 1980 1990 2000

- Shipyards and boatyards
- Disposal sites, landfills, dumps
- Wood treating facilities, plywood mills, lumberyards
- Sediments in log rafting areas
- Manufacturing or processing facilities
- “Downhill” areas

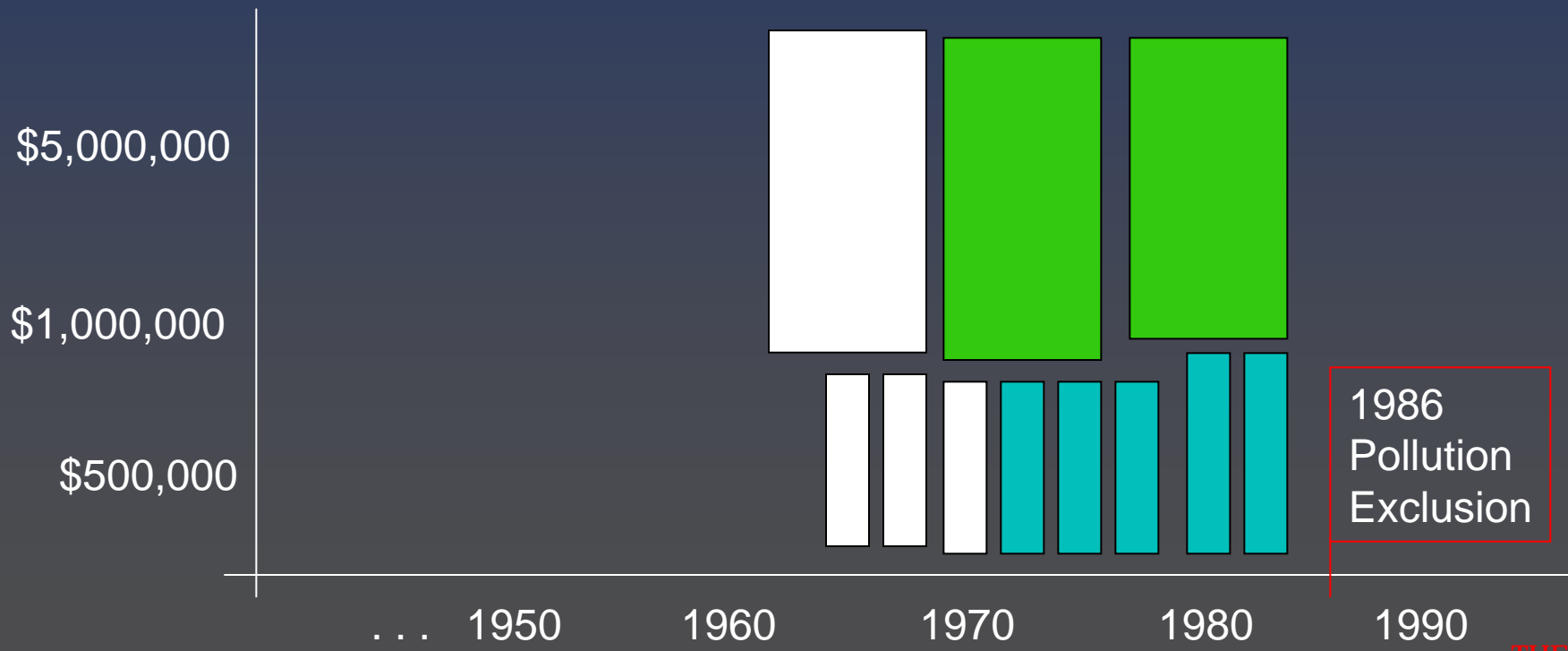
# Trigger of policies

## Release prior to 1950



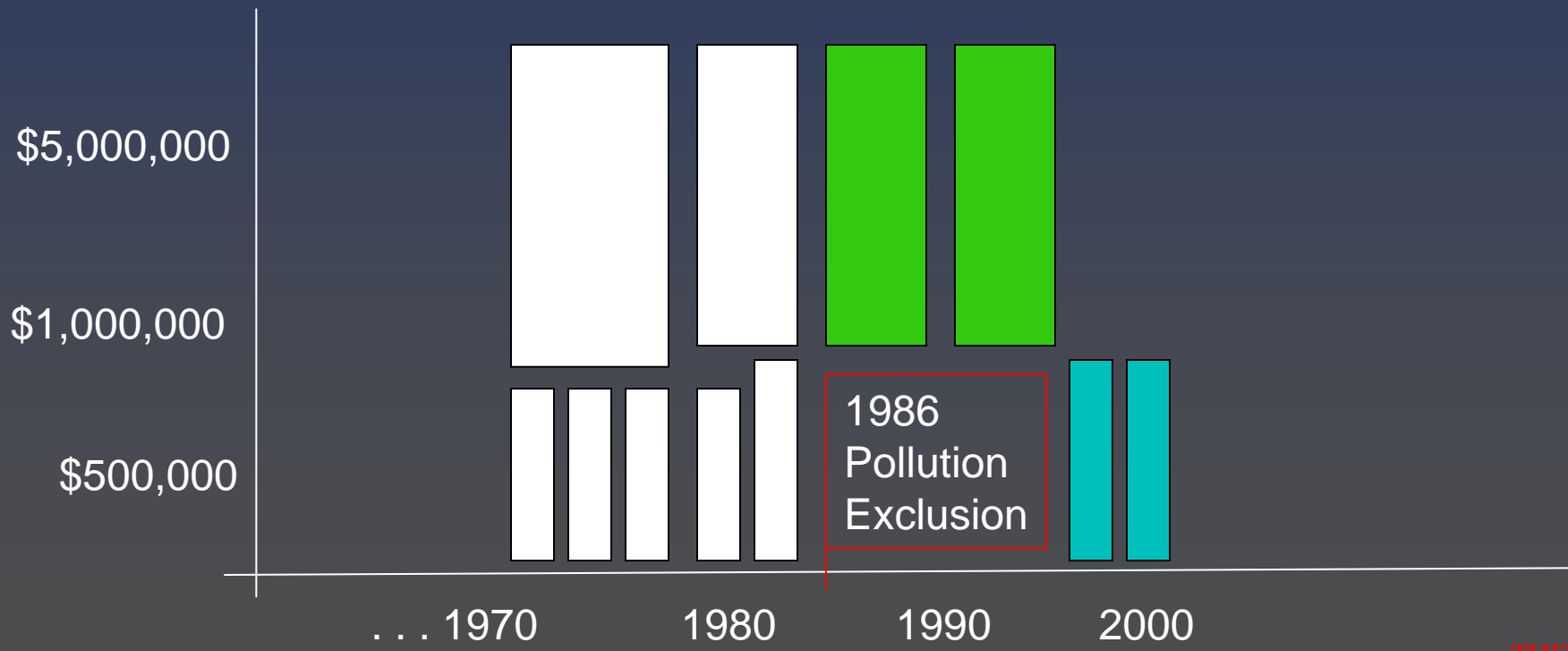
# Trigger of policies

## Release in 1973



# Trigger of policies

## Release after 1986



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