



## **POLLUTION LIABILITY INSURANCE**

### **BROAD REACH**

Potential liability for environmental claims has been an important issue for businesses for many years, and has only grown in importance with more aggressive approaches by the U.S. Environmental Protection Agency (EPA), some state EPA counterparts, and citizens' suits. Municipalities, adjacent landowners, Brownfield developers, and former employees may also assert claims for property damage or personal injuries arising from alleged environmental exposures.

Companies often find that environmental claims relate to old plant sites that may have ceased operations decades ago, sometimes arising from properties acquired or divested long ago.

Businesses often feel overwhelmed and on their own when facing environmental cleanup and liability claims. In many instances, however, insurance coverage may provide the financial resources needed to defend and respond to environmental claims. For old plant sites or properties, insurance policies purchased during the time the facilities were operating may still provide coverage today. Newer policies may specifically cover environmental liability claims made during the policy.

Barnes & Thornburg LLP's Insurance Recovery & Counseling Group represents only policyholders in virtually all types of environmental insurance coverage matters and disputes, in collaboration with our Environmental Law Department colleagues. Environmental and pollution-related claims may be covered under several types of insurance policies, including comprehensive general liability (CGL), property and casualty, environmental impairment liability (EIL), 'stop-loss- or cleanup cost containment, errors and omissions, contractor's/consultant's pollution liability, and manuscript environmental coverages.

### **Our Services**

### **Why Barnes & Thornburg?**

Finding new ways to help clients identify solutions and new business opportunities, across industries, is at our core. We are, at times, more than lawyers, we are advisers bringing new ideas to light. We understand what keeps you up at night and work collaboratively to find practical and creative solutions, at the heart of business.

### **RELATED PRACTICES**

Environmental

Because we exclusively represent policyholders in insurance coverage matters, we can provide advice and support for virtually all of your coverage needs: risk assessment and negotiation of new policies and coverages, interpretation and construction of existing policies, advice on your rights and obligations in the event of a loss, pursuing carriers to provide coverage for losses, and enforcement of your rights under your insurance policies.

Our pollution liability insurance services include representing policyholders in coverage claims, litigation, and dispute resolution of environmental coverage claims. Equally importantly, we provide counseling on environmental insurance coverage matters during due diligence of real estate and corporate transactions.

## Experience

Our attorneys have represented clients on many environmental and related insurance matters, including:

- Toxic tort claims
- Environmental cleanup claims
- Asbestos defense and personal injury claims
- Silica exposure claims
- Errors and omissions coverage for contractors/consultants
- Lost policy archeology and reconstruction issues
- -Cost-cap- policies in connection with remediation and redevelopment projects
- Insurance due diligence in corporate and real estate transactions
- Negotiating and drafting indemnity, insurance and escrow arrangements to allocate pollution liability risks among parties to commercial transactions
- Pollution legal liability insurance for mergers, acquisitions and divestitures
- Insurance insolvency/rehabilitation claims

## Practice Leaders



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