February 8, 2008

Contact: Richard Kaefer, Field Services Manager
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R.C. 2163

To the Members of the Board

Re: New York Workers Compensation Manual Page Correction Endorsement WC 00 01 13A

The manual page of the New York Workers Compensation and Employers Liability Insurance Manual, which displays the Terrorism Risk Insurance Reauthorization Act Endorsement, WC 00 01 13A, and was included with R.C. Bulletin 2159, dated January 14, 2008, contained an error in paragraph 1 of the section entitled “Policyholder Disclosure Notice”.

Insured losses will be partially reimbursed by the federal government if the aggregate industry incurred losses exceed $100,000,000, not $100,000,000,000, as stated in the original bulletin. Please note however, that the actual endorsement, WC 00 01 13A, used on a countrywide basis, is correct and requires no amendment.

A corrected manual page is attached for your reference and use.

A printed manual page will be distributed shortly.

Our apologies for any inconvenience or confusion this may have caused.

Very truly yours,

Monte Almer
President

MH/ab
Encl.
TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT ENDORSEMENT

This endorsement addresses the requirements of the Terrorism Risk Insurance Act of 2002 as amended and extended by the Terrorism Risk Insurance Program Reauthorization Act of 2007.

Definitions

The definitions provided in this endorsement are based on, and have the same meaning as, the definitions in the Act. If words or phrases not defined in this endorsement are defined in the Act, the definitions in the Act will apply.


“Act of terrorism” means any act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State, and the Attorney General of the United States as meeting all of the following requirements:

- a. The act is an act of terrorism.
- b. The act is violent or dangerous to human life, property or infrastructure.
- c. The act resulted in damage within the United States, or outside of the United States in the case of the premises of United States missions or certain air carriers or vessels.
- d. The act has been 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.

“Insured Loss” means any loss resulting from an act of terrorism (including an act or war, in the case of workers compensation) that is covered by primary or excess property and casualty insurance issued by an insurer if the loss occurs in the United States or at the premises of United States missions or to certain air carriers or vessels.

“Insurer deductible” means - For the period beginning on January 1, 2008 and ending on December 31, 2014, an amount equal to 20% of our direct earned premiums, over the calendar year immediately preceding the applicable Program Year.

“Program Year” refers to each calendar year between January 1, 2008 and December 31, 2014, as applicable.

Limitation of Liability

The Act limits our liability to you under this policy. If aggregate Insured Losses exceed $100,000,000,000 in a Program Year and if we have met our insurer deductible, we are not liable for the payment of any portion of the amount of Insured Losses that exceeds $100,000,000,000; and for aggregate Insured Losses up to $100,000,000,000, we will pay only a pro rata share of such Insured Losses, as determined by the Secretary of the Treasury.

Policyholder Disclosure Notice

1. Insured Losses would be partially reimbursed by the United States Government. If the aggregate industry Insured Losses exceed $100,000,000,000 in a Program Year, the United States Government would pay 85% of our Insured Losses than exceed our insurer deductible.

2. Notwithstanding Item 1 above, the United States Government will not make any payment under the Act for any portion of Insured Losses that exceeds $100,000,000,000.

3. The premiums charged for the coverage for Insured Losses under this policy are included in the amounts shown in Item 4 of the Information Page or in the Schedules in the Domestic Terrorism, Earthquakes and Catastrophic Industrial Accidents Premium Endorsement (WC 00 04 21B) and the Foreign Terrorism Premium Endorsement (WC 00 04 22), attached to this policy.