



HYLANT

Optimizing Insurance for Today's Brownfield Redevelopments

Florida Brownfield Association Conference

September 15, 2026



Environmental
SOLUTIONS

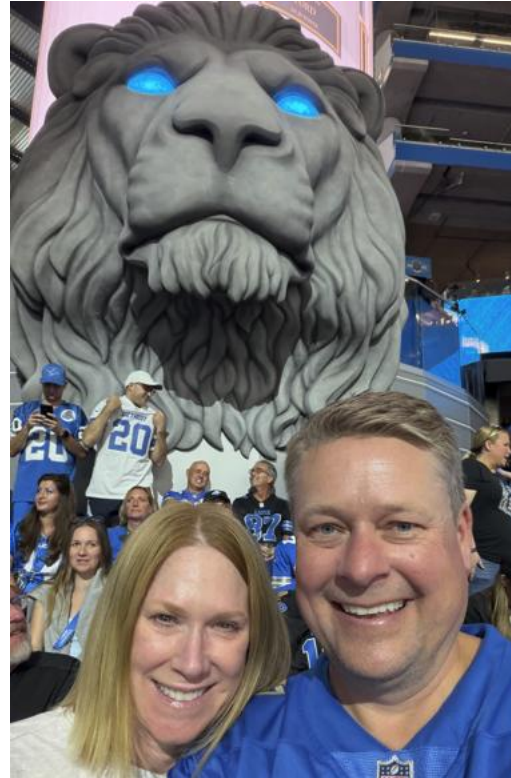
Fun Fact #1



32 😱



Fun Fact #2



Fun Fact #3



Agenda

1. What We Do
2. Pollution Liability Overview
3. Liability Gaps
4. Program Development
5. Solved for Problems
6. Next Steps
7. Questions



Insurance, Employee Benefits & Risk Management Consulting Services

Businesses and Individuals | Nationally and Internationally



**BUSINESS
INSURANCE**



**EMPLOYEE
BENEFITS**



CONSULTING



**SMALL
BUSINESS**



**PERSONAL
INSURANCE**

Basic Building Blocks

State of the Market

- **Soft Market**
 - New capacity
 - Competition
 - Broad Terms
- **Historical coverage driven by data**
 - More is better
 - Ability to broaden terms and rates
- **Hot topics**
 - PFAS
 - Mold/Legionella
 - Emerging Contaminates (unknowns)



ENVIRONMENTAL COVERAGES

TRANSACTIONAL RISK



OPERATIONAL RISK



ENVIRONMENTAL COVERAGES

TRANSACTIONAL RISK

- Policy term: 5-10 years
- Emphasis on pre-existing conditions
- Often includes new conditions
- Reliance on data
- Focus on unknowns
- Re-opener trigger scenarios
- Heavily manuscripted endorsements

OPERATIONAL RISK

- Policy term: 1-3 years
- Risk management strategy
- Emphasis on new conditions
- Can include pre-existing coverage
- Attention on current occupants and onsite-activities
- Typically utilize endorsements chosen from the available suite

Identifying the Gaps

TYPES OF DEALS:

- Brownfields and other Revitalization Projects
- Private Equity
- Merger & Acquisitions
- Divestitures
- Development Proposals
- Community Construction Projects



Potential Liabilities In Brownfield Deals



Unknown Environmental Conditions

Is due diligence ever enough?



Contamination Migration – Offsite or Disposal



Bodily Injury – Cancer Clusters, Indoor Air Quality



Regulatory “Reopeners”/Prior Remediation

Reduced contaminant thresholds, contaminant rebound, control failures



Emerging Contaminants/No Approved Remedy



Failure of Institutional Controls

Additional Considerations

Litigious Society

Future Occupancies

National and State Political Landscape

Long-term Viability

Understand Your Options

- Governmental Grant
 - Federal
 - State
- Additional Remediation
- Walk Away
- Risk Transfer
 - Indemnification
 - Insurance

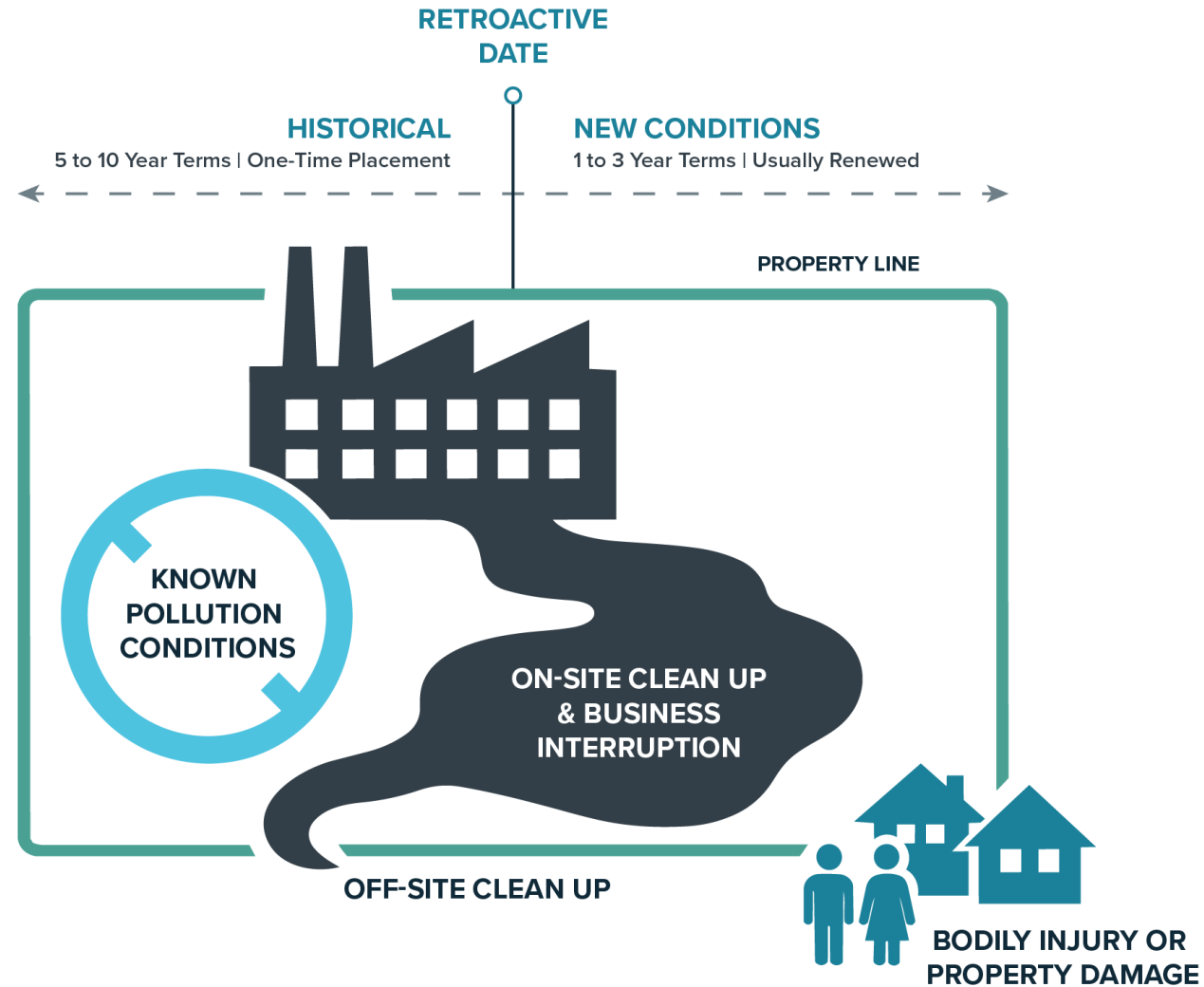


What are you getting??

Not a cleanup solution!



Flexible Program Design



Main Coverages

- Onsite Cleanup (First Party)
- Offsite Cleanup (Third Party)
- Bodily Injury and Property Damage (Third Party – onsite or offsite)
- Business Interruption
- Reopener Coverage
- Natural Resource Damage
- Indoor Air Quality/Mold/Legionella

Other Important Elements of Pollution Coverage

- Non-Owned Waste Disposal Site Liability
- Transportation Pollution Liability
- Emergency Response
- Crisis Communication/Public Relations expense
- Business Interruption including loss of rents, extra expense

Common Exclusions

- Voluntary Site Investigation
- Construction Activities
- Known Conditions – Clean-up, BI, PD
- Material Change in Use
- Institutional and Engineering Controls
- Understand coverage part applies



How to Build a Program

- Policy Term
 - Purpose of the purchase
 - Longterm vs Short-term
- Limits
 - Benchmark
 - Period of Time
 - Exposures
- Retention
 - Obtain Options
 - Ability to pay
- Coverage Grants
 - Addressing your concerns
 - Too many too few
- Coverage Exclusions
 - Can they be improved upon
 - Think outside the box
- Room to negotiate
 - Tested the marketplace
 - Consider various options
 - Information = Results

Added Value

Transactional Insurance Benefits



Solve for the overlooked items – Due Diligence

DEFENSE COSTS

Backup any indemnification clauses

Balance out governmental grants

Return on Investment (Premium vs Cleanup)

Reopener, New Conditions or Emerging Risks

Additional Considerations

Development Exposures

Future Occupancies – New Conditions

Emerging Contaminates

Long-term Solution

Now What?

Next Steps

- Phase I Site Evaluation - Past, Current, and Future Site Use, Recognized Environmental Conditions
- Purchase and Sale Agreement
- Phase II Site Evaluation - Extent of Site Delineation/ Remedial Action Plan
- Regulatory Programs (State Remediation Funds and Voluntary Actions)
- Completed Warranty Application
- Financials if necessary
- No Further Action Letters
- Future use of site

Thank You

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