

Environmental Insurance Conference

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March 10, 2014  
World Trade Center Two  
Portland Oregon

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Topics

Insurance Coverage for Environmental Claims
Oregon Environmental Cleanup Assistance Act
Senate Bill 814 – 2013 Oregon Legislation
Brownfields Property Transactions
Insurance Archaeology - Locating Historic Insurance coverage
Oregon's Environmental Mediation Program
Negotiating Settlements with Insurance Carriers
Litigation!
Finding Solutions for Portland Harbor Superfund Site

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## Agenda

**8:30-9:00 – Registration and Continental Breakfast**

**9:00 -- Welcome, Introductions and Program Overview**  
**Holly Duncan**  
**Environmental Law Education Center**

### **INSURANCE COVERAGE FOR ENVIRONMENTAL CONTAMINATION**

**9:00-9:30 -- Insurance Funding for Environmental Cleanups**

- Overview of Applicability of Insurance Coverage to Environmental Claims in Oregon
- Oregon Environmental Cleanup Assistance Act
- Key Provisions and Practical Impacts of Senate Bill 814 (Enacted 2013)

**Joan Snyder**  
**Stoel Rives LLP**

**9:30-10:00 -- Role of Insurers in Environmental Claims**

- Important Changes to Oregon Law from SB 814 and the Impact on Insurers
- Defenses, Duty to Defend and More

**David Rossmiller**  
**Dunn Carney Allen Higgins and Tongue LLP**

**10:00-10:30 -- Environmental Insurance, Brownfields Property Transactions and Strategies for Port Properties**

- Accessing Insurance Assets to Pay for Environmental Contamination
- Pursuing “Zombie Corporations” and Other Strategies

**David Ashton, Assistant General Counsel**

**Port of Portland**

**10:30-11:00 – BREAK**

**DISCOVERING POLICIES AND NOTIFYING YOUR INSURANCE COMPANIES**

**11:00-11:30 -- Insurance Archaeology**

- What is Insurance Archaeology?
- Identifying Potential Information Sources and Reconstructing Insurance Assets

**Suzanna Yorgey, Vice President, Insurance Archaeology**

**Marsh USA Inc.**

**11:30-12:00 -- Oregon Environmental Cleanup Law**

- Relationship Between Cleanup Law and Environmental Insurance
- Regulator’s Perspective on Legacy Contamination and Insurance Archeology
- Recommendations for Coordinating Negotiations and Settlement Discussions When DEQ Is Involved

**Cheyenne Chapman, JD, LLM Legal Policy Analyst**

**Oregon Department of Environmental Quality**

**12:00-1:00 – LUNCH (Provided)**

**MEDIATION, NEGOTIATION & LITIGATION**

**1:00-1:30 -- Mediation**

- Mediation Requirements Under SB 814 and Update on Rule Development
- Oregon’s Environmental Claims Mediation Program

**Mike Niemeyer, ADR Coordinator**

**Oregon Department of Justice**

**1:30-2:00 -- Negotiation**

- Negotiating a Settlement with Insurance Carriers
- Successful Approaches to Negotiations and Case Studies

**Claudia Powers**

**Ater Wynne LLP**

**2:00-2:30 -- Litigation**

- Update on Ongoing Environmental Insurance Coverage Litigation
- Obtaining and Fighting for Coverage for Property Damage and Environmental Claims

**Chris Rycewicz**

**Miller Nash LLP**

**2:30-3:00 -- BREAK**

## **PORTLAND HARBOR SUPERFUND SITE**

**3:00-4:00 -- Significant Insurance Coverage Issues in the Portland Harbor**

- Impact of Oregon Environmental Cleanup Assistance Act and SB 814 on Portland Harbor
- Tapping Into Insurance of “Dissolved” Liable Parties
- Is there a cost effective, global approach to allocating and negotiating insurance participation in funding the remedy and natural resources damages?

Moderator: **Joan Snyder, Stoel Rives LLP**

**David Rossmiller, Dunn Carney Allen Higgins & Tongue**

**David Ashton, Port of Portland**

**Chris Rycewicz, Miller Nash LLP**