

## Protecting Against Tenant Related Risks with Pollution Liability Insurance

Landlords face significant environmental liabilities, particularly when their tenants engage in activities that carry pollution risks. Pollution liability insurance is a critical safeguard, offering financial and legal protection in the event of contamination or environmental damage.

Below are six key reasons why landlords should consider this coverage to best protect themselves against tenant-related pollution exposures.

### 1. FINANCIAL PROTECTION AGAINST CLEANUP COSTS

Pollution incidents can result in substantial cleanup expenses for soil, water, or air contamination. Even if the tenant is responsible for the contamination,

landlords may still be held liable under environmental laws, especially if the tenant becomes insolvent or ceases operations. Pollution insurance covers these cleanup costs, whether they occur on-site or off-site due to migrating contaminants.

### 2. COVERAGE FOR THIRD-PARTY CLAIMS

Pollution events often lead to third-party claims for bodily injury or property damage. For example, hazardous materials leaking into groundwater or air could harm neighboring properties or individuals. If a tenant's operations cause such incidents, landlords could face lawsuits from affected parties. Pollution insurance provides coverage for legal defense costs and settlements related to these claims.

### 3. TENANT INSOLVENCY RISKS

A tenant's insolvency complicates the recovery of remediation costs. Environmental liabilities often take years to manifest, and by the time they do, the responsible tenant may no longer exist as a legal entity. In such cases, landlords are left to shoulder the financial burden alone. Pollution insurance mitigates this risk by covering liabilities regardless of the tenant's financial status.

### 4. COMPLIANCE WITH REGULATORY REQUIREMENTS

Environmental regulations impose strict liability on property owners for contamination occurring on their sites. Landlords are often required to demonstrate financial responsibility for potential environmental risks. Carrying pollution insurance not only ensures compliance with these regulations but also enhances credibility with regulators and stakeholders.

### 5. BUSINESS CONTINUITY AND REPUTATION MANAGEMENT

Environmental incidents can disrupt operations and damage a landlord's reputation. For example, contamination

caused by a tenant could lead to property devaluation or loss of future leasing opportunities. Pollution insurance helps cover business interruption losses and demonstrates a commitment to environmental responsibility, which can strengthen relationships with tenants and investors.

## 6. TAILORED COVERAGE FOR TENANT ACTIVITIES

Pollution liability policies can be customized to address specific risks associated with tenant operations. For instance, tenants storing hazardous materials or running manufacturing processes pose higher risks of spills or leaks. Policies can include provisions for both new and pre-existing conditions, ensuring comprehensive protection throughout the lease term.

## KEY TENANT-RELATED EXPOSURES

- **Hazardous Material Storage:** Tenants using chemicals or fuels increase the risk of spills or leaks.
- **Industrial Operations:** Manufacturing processes may emit pollutants into air or water systems.
- **Indoor Air Quality Issues:** Poor ventilation systems can spread harmful bacteria or chemicals.
- **Historical Contamination:** Pre-existing pollution from prior tenants could resurface during new tenancies.

## CONCLUSION

Landlords cannot afford to overlook the environmental risks posed by their tenants' activities. Pollution liability insurance provides essential protection against financial losses, regulatory penalties, and reputational damage arising from pollution incidents. By investing in this coverage, landlords ensure they are prepared for unforeseen environmental challenges while fostering safer and more sustainable property management practices.

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**If you have questions specific to your business, or would like additional information, please reach out to your HK Henderson Advisor.**

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