

Ohio Court Rules That Absolute Pollution Exclusion Does Not Bar Coverage For Lead Paint Bodily Injury Claims

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Courts across the country are split as to whether a pollution exclusion precludes coverage for lead paint bodily injury claims. Last month, an Ohio district court predicted that the Ohio Supreme Court would not find the exclusion applicable to such claims. *Goolsby v. Best in Neighborhood, LLC*, 2021 WL 4391216 (N.D. Ohio Sept. 24, 2021).

The court noted that Ohio courts have held that standard pollution exclusions are intended to apply to “traditional environmental contamination” claims and that the Ohio Supreme Court has ruled that a pollution exclusion did not bar coverage for carbon monoxide claims. As such, the court deemed the exclusion ambiguous as to whether it encompasses claims arising out of exposure to lead paint. The court recognized that this issue was “not a definitively settled question of Ohio law” but declined to certify the matter to the Ohio Supreme Court.

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