



American Property Casualty Insurance AssociationSM

A Smoky Future

Property Insurance Report Conference

November 12, 2024

Karen Collins

*Vice President, Property & Environmental
Policy, Research & International
American Property Casualty Insurance Association*



The end of an era...





INSURANCE INDUSTRY VIEW

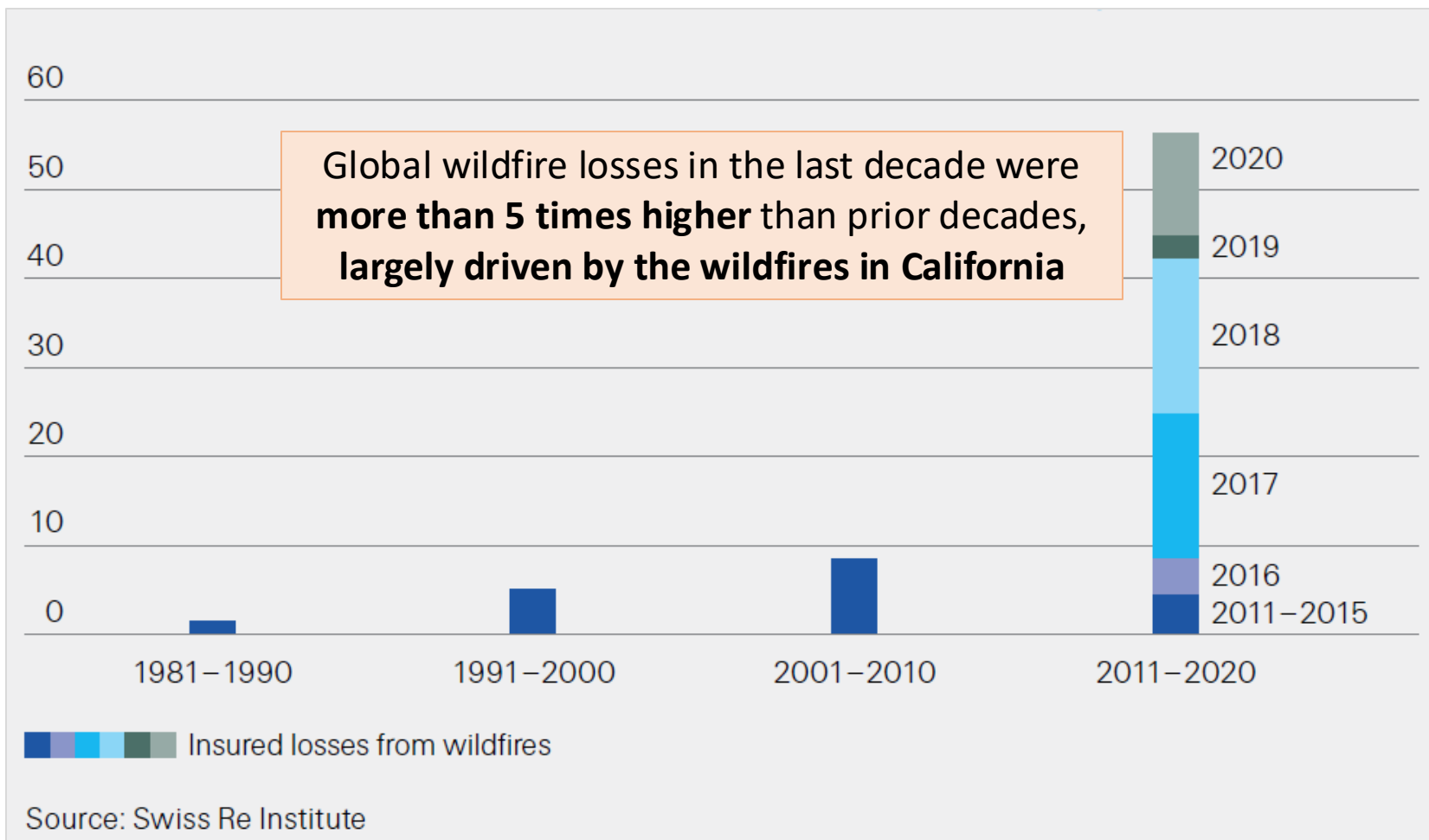
**Insights on
insurance losses,
coverage and
claims handling,
for smoke losses**





Increasing Losses from Wildfires

Global insured losses from wildfires (in USD billion, at 2020 prices)



Global Top 10 Costliest Wildland Fires

(Insured Losses in \$ millions, in 2023 dollars)

1. **\$12,286** - 2018 **Camp***
2. **\$10,932** - 2017 **Tubbs***
3. **\$5,206** - 2018 **Woolsey***
4. **\$3,852** - 1991 **Tunnel**
5. **\$3,748** - 2017 **Atlas***
6. **\$3,644** - 2016 **Horse Creek (Canada)**
7. **\$3,540** - 2020 **Glass**
8. **\$3,500** - 2023 **Maui (Hawaii)***
9. **\$3,019** - 2020 **CZU Lightning Complex**
10. **\$2,811** - 2017 **Thomas***

Sources, Aon, Triple-I, RMIIA

Bold emphasis indicates U.S. wildfires

*** Indicates utility-involved ignition**



Global Costliest Insured Wildland Fires

Utility-involved ignitions since 2017

Rank	Insured Losses	Event	Location
1	\$12.3 B	2018 Camp 18,800 structures	California
2	\$10.9 B	2017 Tubbs 5,600 structures	California
3	\$5.2 B	2018 Woolsey 1,600 structures	California
5	\$3.7 B	2017 Atlas 700 structures	California
8	\$3-4 B <i>estimate</i>	2023 Maui 2,200 structures	Maui
10	\$2.8 B	2017 Thomas 1,000 structures	California
11	\$2.8 B	2021 Marshall 1,000 structures	Colorado

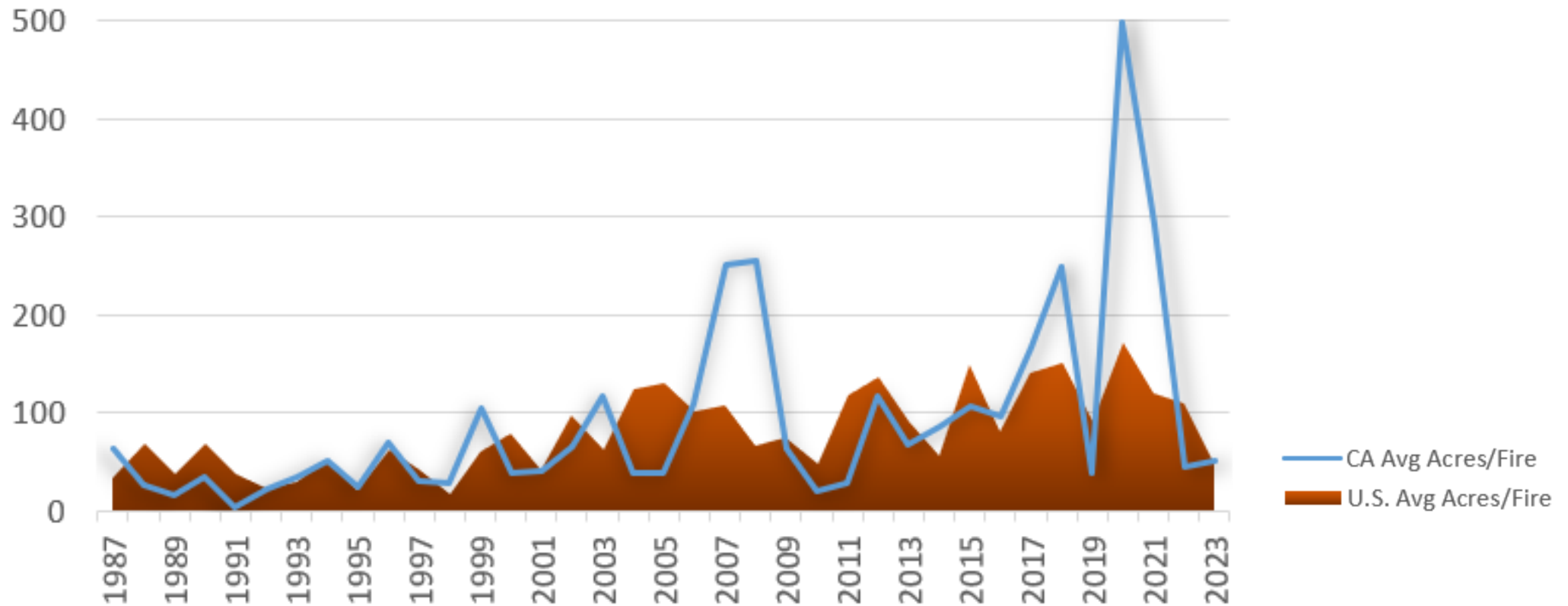
(Above losses adjusted to 2023 dollars)

--	\$1-2 B <i>estimate</i>	2020 Labor Day 4,000 structures	Oregon
--	Less than \$1 B <i>estimate</i>	2024 Smokehouse Creek 500 structures, 15k cattle	Texas



Ready to Burn

Average Acres per Fire (1987-2023)



Source: APCIA, via National Interagency Fire Center, CAL FIRE

<https://www.nifc.gov/fire-information/statistics/wildfires>

<https://www.fire.ca.gov/media/11397/fires-acres-all-agencies-thru-2018.pdf>

<https://www.fire.ca.gov/stats-events/>



Extreme SMOKE Events

2020 – record fires in CA and western states



Smoke extent from fires in the Lower 48. Large wildfires are also shown. (AirNow)

2021 – wildfire smoke reaches North Pole



upi.com

<https://www.upi.com/airpocalypse-smoke-north-pole>

'Airpocalypse' smoke reaches North Pole for the first time ever

Aug 12, 2021 – For the first time in recorded history, hazy **smoke** from raging wildfires in the **Arctic** has **reached the North Pole**, and NASA satellites have the images to prove it.

2023 – Canadian wildfire smoke blankets Northeast



NYC and the Northeast brace for two more days of hazardous smog from 400 Canadian wildfires | Dail...

Visit >



Wildfire smoke map: Forecast shows which US cities, states are being impacted by Canadian wildfires | ...

Visit >



Is SMOKE a covered peril?



Insurance Policy:

- Individual state laws specify insurance coverage

What it typically covers:

- Direct physical loss or damage to property that occurs during the policy period, from fire or other perils insured against, up to purchased limits and any applicable deductible, endorsements or exclusions

Common coverages for homeowners losses due to fire:

- Coverages A and B – Dwelling and Additional Structures
- Coverage C – Personal Property
- Coverage D – Additional Living Expense



Standard Fire Policy Overview

What It Is:

Standard Fire Policy laws specify ***a minimum and consistent level of coverage*** is available for ***all losses due to fire, or any aspect of fire***, such as catastrophic fire (i.e., wildfire), smoke, soot, or ash. Laws apply to personal and commercial property lines.

These laws were created in response to significant challenges and confusion in claims handling due to wide variances in policy contract language.

History:

Early laws were largely modeled after a 1918 version, then amended in 1943 to follow the 165-line New York Standard Fire Policy, which more commonly became known as the “Standard Fire Policy”. This provided a much shorter and standardized form that eliminated individual changes over many years to narrow definitions, apply coverage limitations or exclude certain items. ‘Simplified language forms’ were introduced in the mid-1980s which made the 165-line NY Standard Fire Policy form obsolete.

Some revisions to Standard Fire Policy laws have since been made by individual states, to permit an exclusion for terrorism or nuclear (reaction, radiation, or contamination), exempt inland marine, and specify that coverage can be equivalent or better.

Where and When It Was Adopted:

Laws based on the Standard Fire Policy exist in ***over half the states***. Standard Fire Policy laws were ***generally enacted in the 1980s, or earlier***.





Is all smoke the same?

Fires in the Natural Environment vs Built Environment

Fine particulate matter, known as PM2.5, makes up the vast majority of total particle mass emitted from wildfires. However, emissions from fires in the built environment may include more synthetic materials or chemical compounds resulting in more harmful particles for persons or property.



Ash: *light, powdery residue* that's left after a substance has been completely burned.

Soot: *fine, black powder* (carbon particles) that's a result of incomplete combustion.

Smoke: *superheated aerosol* of gases, vapors, and particles after substance undergoes incomplete combustion.

Char: *solid mass* made up of carbon and mineral matter (e.g. burnt wood) that is left over after thermal decomposition at elevated temperatures (i.e., pyrolysis)



Does any presence of smoke constitute “direct physical loss or damage”?

What is the source of alleged contamination and when did it occur?

- Is it from a wildfire? If so, this wildfire?
- How do you distinguish this smoke, soot, ash, or char from potential pre-existing sources of environmental pollutants?

Considerations/examples:

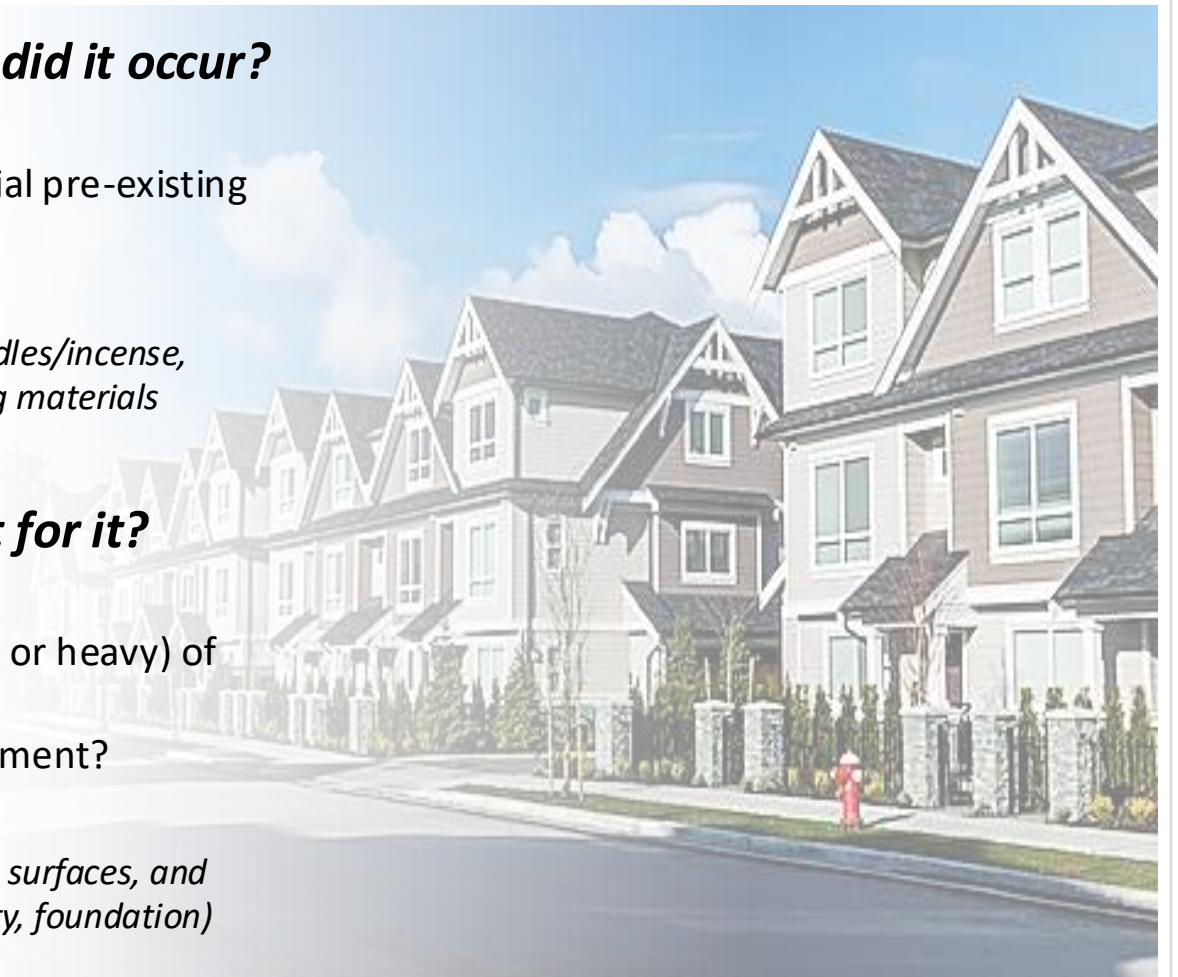
- *Use of fireplace/woodstove or gas stove/oven, cooking practices, candles/incense, smoking, transportation-related air pollution, permeability of building materials*

What is the level of contamination and how do you test for it?

- Smell test or onsite swabs/wipes to detect presence?
- Lab test samples for chemistry and density (trace, light, moderate, or heavy) of smoke, soot and ash particulates?
- What type and level of contamination requires cleaning or replacement?

Considerations/examples:

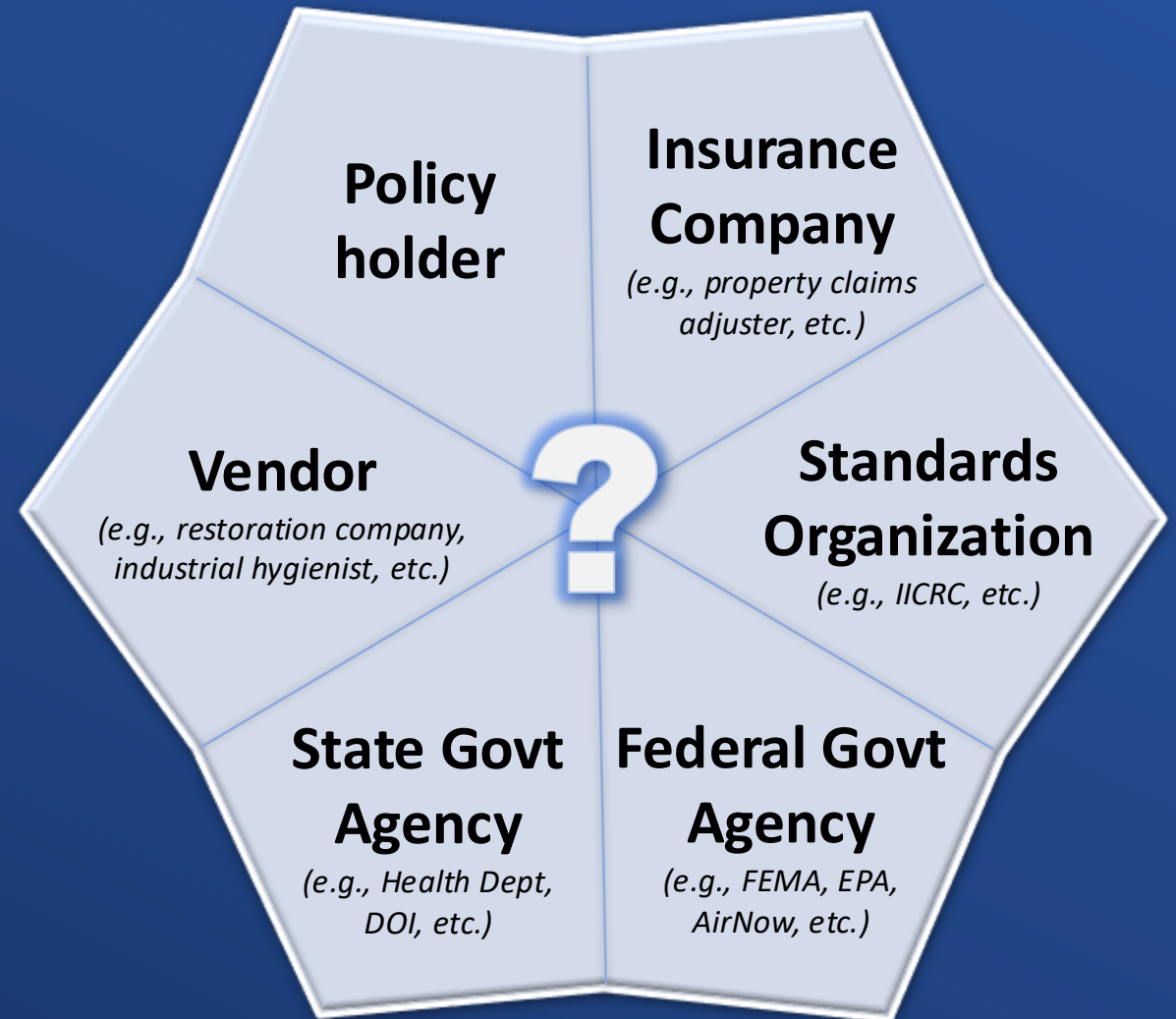
- *Soft goods (e.g., bedding, couches, carpet), sensitive electronics, hard surfaces, and enclosed or hard to access spaces (e.g., ventilation systems, wall cavity, foundation)*





Who is the appropriate **AUTHORITY**

to assess the
contamination level
and determine
appropriate
remediation?





The perception and scale of smoke damage can widely vary

Trace Smoke Damage

*"It is common for a wildfire to start in one jurisdiction or ownership but quickly spread to neighboring areas, sweeping additional impacted and interested entities into response and decision-making. **Wildfire smoke similarly knows no bounds and frequently impacts people hundreds or thousands of miles away from the fire itself.**"*

WFMMC report, page 231



The insurer has a **duty to conduct a thorough investigation**, including if unclear or obvious whether "direct physical damage" exists.

Extreme Smoke Damage

Example media coverage:

Maui wildfire survivors say insurers are failing to clean up toxic damage to their homes -- Some homeowners, from Hawaii to Colorado, wish their homes had burned down because they can't afford to make them safe again.

<https://www.washingtonpost.com/climate-environment/2024/09/05/wildfire-smoke-damage-home-insurance-maui-colorado/>

Example remediation company claims:

Smoke damage affects the structural integrity of your home by weakening its foundation or compromising its load-bearing capacity. This renders your house unsafe for use and requires expensive repairs.

<https://www.rockytoprestoration.com/blog/how-smoke-damage-affects-your-property>

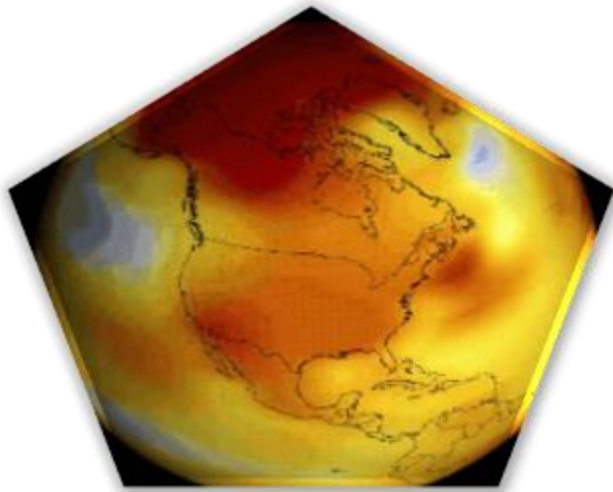


THE CURRENT STATE

**A changing
environment
and public
policy are
contributing to
a smokier future**



The impact of long-term warming climate trends on wildfire



As temperatures increase, Earth's water cycle becomes more intense...

...creating more extreme rainfall events that lead to significant fuels growth...



...followed by heat waves and drought cycles that can dry out vegetation...

...resulting in wildfires that ignite more easily, spread more rapidly, and burn more intensely.

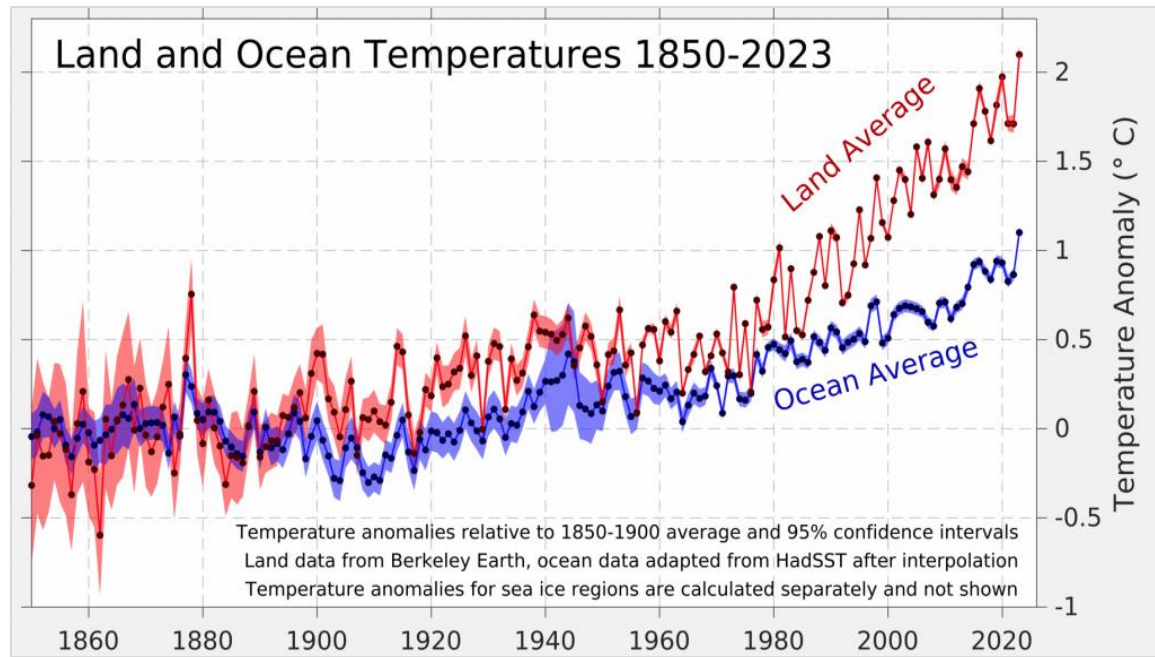




Ready to Burn

Fire suppression policies over the last century, coupled with poor **forestry management**, a **warming climate**, prolonged **drought** and bark beetle **infestations**, have resulted in significant tree mortality rates and dangerous fuel loads across the U.S.

Warming Climate Conditions



New observational records set in 2023, for both land and ocean individually

<https://berkeleyearth.org/global-temperature-report-for-2023/>

Significant Fuel Loads



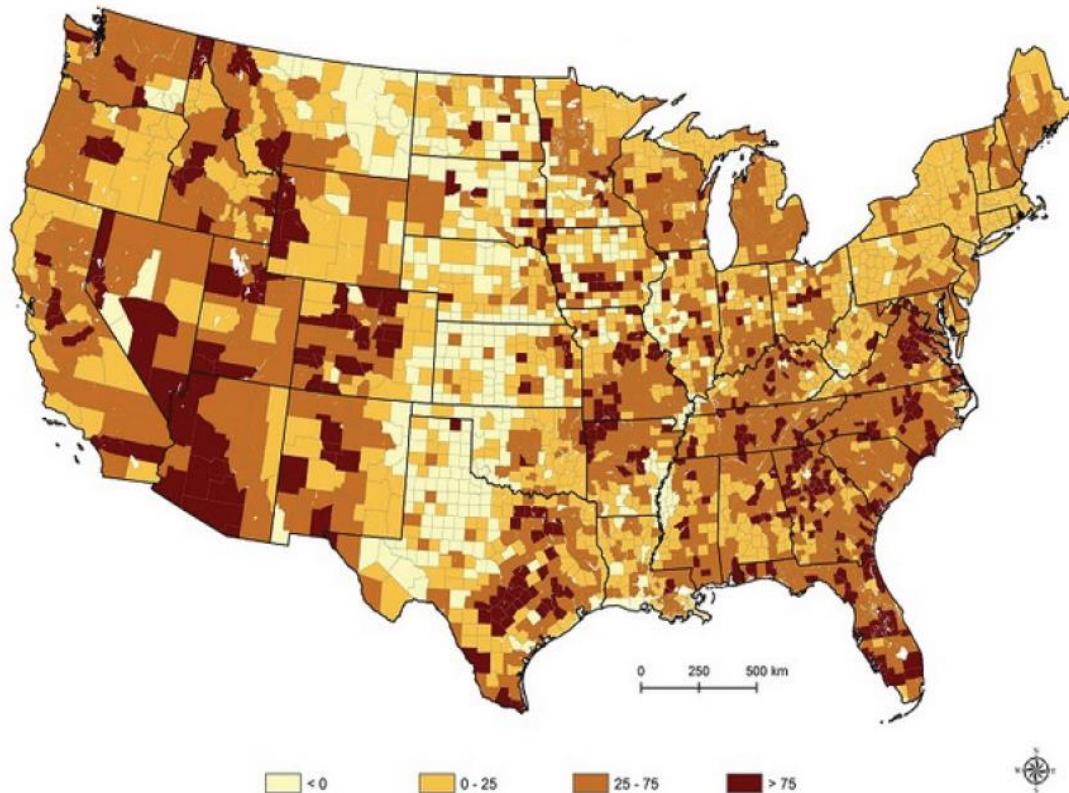


Community Growth Exploding in the WUI

The 'WUI' was the fastest growing land use type

Areas where homes, forests mix increased rapidly over two decades

Growth Rate of Homes in the WUI 1990-2010 by County (in percent)

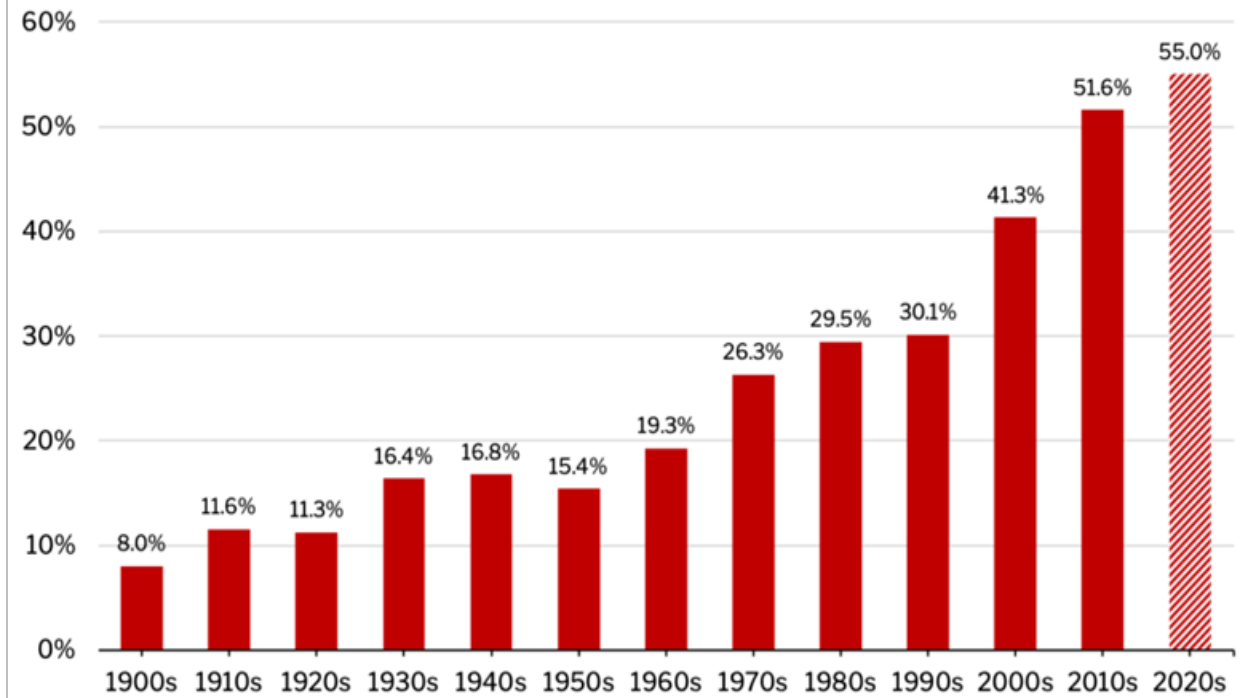


Source: U.S. Forest Service.

...and growth is continuing to accelerate

Fire Risk Plagues More Than Half of Recently Built Homes

Share of existing U.S. single-family homes that face fire risk, by decade built



Source: Redfin analysis of data from ClimateCheck, county records

REDFIN



Federal Efforts to Reduce Exposure and Losses



148 Recommendations

Unanimous consensus from nonpartisan commission.
Commission comprised of 50 members representing diverse geographies and backgrounds.

<https://www.usda.gov/topics/disaster-resource-center/wildland-fire/commission>



Federal Efforts to Reduce Exposure and Losses



Key Recommendations

FACILITATE PRESCRIBED BURNING

*Direct Federal agencies develop a strategic plan for the implementation of **prescribed fire at a national scale**.*

Direct EPA, DOI and USDA to work together to expeditiously evaluate current federal regulations (such as the exceptional events pathway) around the treatment of smoke from wildland fire in air quality management programs with the intent of ensuring the programs can accommodate increased use of beneficial fire.

[See Report Recommendation(s): 12, 13, 14, 42]

<https://www.usda.gov/topics/disaster-resource-center/wildland-fire/commission>



Takeaway: *You Can't Ignore It*

The environmental outlook across the U.S. includes
larger, more intense wildfires and more beneficial
fire/prescribed fire

=

Smokier Future Ahead



WHERE IS THIS HEADING

**The latest
developments
and other
insights for
insurers**



American Property Casualty Insurance AssociationSM

Growing SMOKE CHASER Industry

Welcome to the

NEXT LEVEL

OF SMOKE CLAIMS!

SMOKE RESTORATION PROGRAM FOR
CONTRACTORS -JOIN THE TRAINING TODAY!

Did you know that Fire leaves behind Ash, Smoke and Soot miles away from where the actual fire took place? Insurance companies pay to have contaminated homes and businesses cleaned of these hazardous particles. Typical fire restoration and cleaning services simply don't cut it. Learn about the exciting opportunity Hazardous Particle Remediation today!



ASH, SMOKE, SOOT TRAINING

Welcome to the next level of smoke claims from fires. Learn about the health complications that arise from smoke. Our patented technology shows us where the smoke travels from fires. Learn how we restore homes back to pre-smoke condition and get our claims paid, backed by using science and technology.



Growing **SMOKE CHASER** Industry

Property Restoration Industry: A Culture in Need of Repair?

April 8, 2024

Jatiek Smith, a Bloods gang member convicted on extortion and racketeering charges in New York, blamed ***ruthless competition and a culture of violence in the fire restoration industry*** for the accusations made against him by federal prosecutors.

Smith was a fire chaser, one of many in the restoration business who ***aggressively solicit business from owners of fire-damaged properties*** by monitoring emergency dispatches. They may show up at a homeowner's door with a contract, sometimes while the fire is still burning. The restoration work is paid for by the property owners' insurance companies.

Prosecutors found that through his control of one mitigation company, Smith asserted control over the industry by using ***violence, threats and extortion to drive his main competitor out of the business***.

U.S. Attorney Damian Williams, whose office prosecuted the case, said Smith's "audacious takeover of the New York City fire mitigation industry with the help of his gang associates presented a new form of organized criminal activity."

...
The use of violence and extortion to dominate an industry places the New York case in a category of its own. But experts say ***often-aggressive, sometimes-violent tactics have been seen across the country*** as fire restoration, paid for by insurance carriers, ***attracts illegitimate contractors seeking quick profits***.

<https://www.claimsjournal.com/news/national/2024/04/08/322771.htm>

California business solicits northern Nevada homeowners with wildfire smoke damage

August 16, 2021

...
Reno residents are getting postcards in the mail from smokeclaim.com. They are from a company called ***California Recovery Group, Inc. based out of Southern California.*** The company says they get homeowners money if they have smoke damage at their house. Their website claims that they've recovered thousands of dollars for their clients.

...
The California Insurance Commissioner warns residents about scam artists and unlicensed contractors that could be looking to take advantage of victims. Buyer beware.

<https://news3lv.com/news/local/california-business-illegally-targets-northern-nevada-residents-for-smoke-damage>



Insurers Working to Manage Increasing Exposure and Costs

Higher pricing / stricter underwriting

Affordability

Rising Costs

Availability

Ability to Manage Exposure



Claims fraud detection

Smoke Chasers, Storm Chasers and PAs! Oh My!

(June 2023) <https://www.plrb.org/event/smoke-chasers-storm-chasers-and-pas-oh-my/>

...how to investigate wildfire and storm losses where there are questionable claims being made. With catastrophic losses on the rise and the ensuing rush to get those claims resolved quickly, there are increasing opportunities for bad actors, often without the insured's knowledge, to submit questionable claims. The presenters will discuss how to recognize these claims early, how to investigate them, and how you can take steps to deter future questionable claims. After the webinar, attendees will be able to:

- *identify the most common scenarios driven by questionable public adjusters including an understanding of the "supporting roles";*
- *review current public adjuster schemes, concentrating on specific geographical areas, and how these are expanding to other venues;*
- *take a deep dive on extensive hurricane, wildfire and hail loss claims and how public adjusters have fueled multi-million dollars worth of claims; and,*
- *learn about "outside the box" investigative techniques and legal theories to help deter future questionable claims.*



State Efforts to Manage **SMOKE CHASER** Industry

Increased attention from Department of Insurance and Attorney General.

Investigations to identify and remove bad actors and prevent claims fraud.

California Department of Insurance

Investigated and banned a public adjuster firm in 2023 due to misleading mailers and other solicitation violations and fraudulent smoke claims.

<https://www.insurance.ca.gov/0400-news/0100-press-releases/2023/release030-2023.cfm>

Investigation into misleading wildfire mailers results in ban from industry

News: 2023 Press Release

For Release: May 23, 2023

Media Calls Only: 916-492-3566

Email Inquiries: cdipress@insurance.ca.gov

Investigation into misleading wildfire mailers results in ban from industry

LOS ANGELES — A California Department of Insurance investigation into misleading mailers on insurance claims following wildfires has resulted in the [ban of public adjuster](#) and California Recovery Group owner/director, Argen Youssefi, 32, of Glendale.

The investigation found California Recovery Group (CRG) and its owner, Youssefi, were soliciting business at consumers' homes and sending mass mailers in an effort to file insurance claims related to damage caused by wildfires. The mailers prompted consumers to visit the website SmokeClaim.com or call a number in order to receive wildfire smoke settlement information.

"When disaster strikes it can be confusing for homeowners to know where to turn to and this company took advantage of that difficult situation in violation of California's consumer protection laws," said Insurance Commissioner Ricardo Lara. "Thanks to the hard work of my Department's investigators and legal team, this company has been stopped. We are committed to protecting consumers following a wildfire or other disaster and ensuring they have the information and tools they need."

Investigators found CRG and its representatives would often mislead prospective clients by telling them the program was funded by the State of California. They would also tell them that there would be no claim against their homeowner's insurance and their insurance rates would not be affected. Homeowners were told since the wildfires were declared a catastrophic event, there would be no impact on their existing insurance policy. In fact, homeowner's insurance typically covers smoke damage.

Department of Insurance investigators found CRG submitted insurance claims without the knowledge or consent of the homeowners and listed themselves as a payee on some of the submitted claims. CRG representatives canvassed neighborhoods in search of clients and were not licensed by the Department.

Records indicate there may be additional victims and the investigation is on-going. Anyone who believes they may be a victim should contact the Department at (323) 278-5000.

The Department of Insurance urges people to read our guide, [Don't Get Scammed After a Disaster](#), to help avoid this situation. Consumers should make sure any insurance agent or public adjuster offering their services has a valid license by checking online with the [Department of Insurance](#). Public adjusters cannot solicit business for seven calendar days after the disaster.

Youssefi agreed to surrender his licenses to the Department. He will be prohibited from working in the insurance industry in any capacity for eight years.





As defined in the statute, the Division's study shall:

- (I) Evaluate methods** of inspecting, testing, and remediating residential premises that have been damaged by smoke, soot, ash, and other contaminant as a result of fire;
- (II) Include recommendations** regarding the establishment of uniform standards for the inspection, testing, and remediation of residential premises that have been damaged by smoke, soot, ash, and other contaminants as a result of a fire; and
- (III) Consider the** extent to which any recommended uniform standards related to the remediation of residential premises damaged by fire, including damage from smoke, soot, ash, and contaminants, **impact the cost and availability of homeowners insurance.**

Additionally, as defined in statute, the Division's study must consider:

- (a) Existing practices and methods for the cleaning, repair, and remediation of residential premises, structures, personal property, and home furnishings that have been damaged by smoke, soot, ash, and other contaminants as a result of a fire;
- (b) Existing standards, if any, for the testing, inspection, and remediation of residential premises, structures, home furnishings, and personal property that have been damaged by smoke, soot, ash, and other contaminants as a result of a fire, including any relevant standards established by the Institute of Inspection Cleaning and Restoration Certification or a successor entity;
- (c) Guidelines for determining whether structures, home furnishings, and personal property can be remediated after experiencing damage from smoke, soot, ash, and other contaminants to levels that are protective of health and safety;
- (d) Existing indoor air quality health and safety standards, if available, regarding the habitability of residential premises, specifically after those residential premises have been damaged by smoke, soot, ash, and other contaminants as a result of fire, including, to the extent practicable, indoor air quality health and safety standards for individual who are more susceptible to health issues due to exposure to smoke, soot, ash, and other contaminants; and
- (e) The extent to which typical homeowners insurance policies cover damages to residential premises that are the result of a fire, including damage from smoke, soot, ash, and other contaminants, and the extent to which those insurance policies effectively cover the cost of cleaning, repair and remediation of the residential premises.

State Efforts to Manage Smoke Losses

Increased attention from policymakers.

In 2024, Colorado enacted HB 24-1315, which requires the Division of Insurance to conduct a study regarding the remediation of fire-damaged residential premises.

Colorado HB24-1315

Study on Remediation of Property Damaged by Fire

<https://leg.colorado.gov/bills/hb24-1315>



Standards Organization Smoke Remediation Guidance

Institute of Inspection Cleaning and Restoration Certification (IICRC)

Currently, IICRC Standards do not specifically cover fire and smoke restoration.

New IICRC Standards in development for wildfire smoke...

<https://iicrc.org/iicrcstandardsfaqs/>

BSR/IICRC S760 Standard for Professional Restoration of Structures and Items Damaged by Wildfire Smoke includes practical principles, methods, and processes to evaluate and restore interior and exterior of structures and improvements, contents and personal property impacted by wildfire smoke emissions.

In addition, this standard will also describe the basic principles governing wildfire particle distribution and eventual settlement on surfaces to aid the restorer in identifying the scope of a project and preparation of a work plan. This standard will also establish methods and processes to document, evaluate, restore and verify the cleanliness of structures and contents damaged from wildfire smoke.

<https://iicrc.org/fire-resources/>

(Latest Resources: [Safe Wildfire Smoke Damage & Ash Cleanup](#))



SAFE WILDFIRE SMOKE DAMAGE AND ASH CLEANUP

It's important for consumers to be aware of the many dangerous health effects caused by returning to smoke-salvageable and smoke-damaged buildings. It's imperative that fire and smoke odor cleanup be performed correctly and safely to stave off any ill health effects and permanent property damage.

[FOLLOW THESE TIPS]

To help home and business owners returning to fire and smoke damaged properties, the IICRC offers the following tips:

- Safety is most important. Wear an N-95 ANSI-approved dust mask (like a painter's mask) and work gloves during cleanup.
- Ventilate the home. Place a box fan in an open window to draw smoke-odor laden air and char out of the building.
- Replace ventilation filters as soon as possible, then run the ventilation system to filter-out smoke-related particles.
- Clean the exterior of the building of fire-damaged debris, smoke and char particles. Exterior cleaning includes washing off the building, sidewalks, driveways and decks with detergent and fresh water scrubbing followed by rinsing.
- Clean the interior by dry HEPA (High Efficiency Particulate Air), vacuuming the ceiling, upper and lower walls and then flooring. In some situations, detergent wet cleaning must be applied to remove a smoke film which impacts and absorbs onto surfaces.
- Vacuum contents and upholstery. Make sure your house or building vacuum is HEPA rated, otherwise, you risk blowing smoke and soot into the air. Draperies, clothing and machine-washable items such as towels may be dry cleaned or laundered.
- Unless the upholstery manufacturer says otherwise, use a mild alkaline cleaner to neutralize acid in smoke, soot, char and ash.
- When smoke and soot damage and residue is moderate or heavy, or you cannot complete smoke and soot odor removal on your own, consider hiring a professional who is certified in fire and smoke damage restoration to cleanup and restore your home or business and belongings. To find a trained and certified professional in your area, visit the IICRC website at www.iicrc.org and select "Locate a Certified Pro."
- Check with your insurance provider to determine if smoke damage from outdoor sources is covered under your policy. Insurance companies can often provide a list of credible restoration companies from which property owners can choose.
- If the fire has warped or distorted the structure, consult a general contractor who can also be found in the IICRC list of approved restorers.



Federal Efforts to Manage Smoke Losses



Key Recommendations

SMOKE MONITORING AND MITIGATION CAPABILITIES

*Invest in **national monitoring and alert systems** and public strategies to mitigate smoke impacts.*

[See Report Recommendation(s): 43, 44]

...AND REMEDIATION

*“Research, guidance, and standard development related to **remediation of buildings affected by a fire or smoke event.**”*

(Page 100)



Coalitions Pressure FEMA to Recognize Wildfire Smoke as Major Disaster



BEFORE THE FEDERAL EMERGENCY MANAGEMENT AGENCY

PETITION FOR RULEMAKING, PURSUANT TO THE ADMINISTRATIVE
PROCEDURE ACT, TO INCLUDE EXTREME HEAT AND WILDFIRE SMOKE AS
MAJOR DISASTERS UNDER THE STAFFORD ACT

June 17, 2024

Submitted by:

Center for Biological Diversity, Alliance of Nurses for Healthy Environments, The Amalgamated Transit Union, American Federation of Labor and Congress of Industrial Organizations, The Arizona Public Health Association, Center for Popular Democracy, Climate Justice Alliance, Communication Workers of America, Farmworkers Association of Florida, Fe y Justicia Worker Center, Food & Water Watch, Fridays for Future NYC, Fridays for Future USA, Friends of the Earth, GreenLatinos, Green Workers Alliance, Grid Alternatives, Labor Network for Sustainability, Migrant Clinicians Network, National Council for Occupational Safety and Health, National Nurses United, New York Communities for Change, Physicians for Social Responsibility, The Service Employees International Union, Solar United Neighbors, Sunrise Movement, Transport Workers Union, United Farmworkers Foundation, United Food and Commercial Workers International Union, Utility Workers Union of America, Workers Defense Project

Multistate coalition of environmental, labor and health groups and coalition of 14 attorneys general submitted letters to persuade FEMA to initiate rulemaking to **update its regulations to recognize extreme heat and wildfire smoke events as eligible for major disaster declarations under the Stafford Act.**

Also, clarify that wildfire smoke events are **eligible for Fire Management Assistance Grant (FMAG) funding**, which is critical in addressing the health impacts of wildfire smoke, such as providing HEPA air filtration devices and other necessary supplies to vulnerable populations.



KRIS MAYES
Attorney General

Office of the Attorney General
EXECUTIVE OFFICE

Phone: 602-542-7000
www.azag.gov

July 16, 2024

VIA CERTIFIED MAIL AND EMAIL

Deanne Criswell, FEMA Administrator
Adrian Sevier, FEMA Chief Counsel
Federal Emergency Management Agency
500 C Street SW
Washington, DC 20024
Deanne.Criswell@fema.dhs.gov
Adrian.Sevier@fema.dhs.gov
fema-regulations@fema.dhs.gov

Re: Attorneys General Support Recent Rulemaking Petition Addressing Extreme Heat and Wildfire Smoke

Dear Administrator Criswell and Chief Counsel Sevier,

The Attorneys General of Arizona, California, Colorado, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, Oregon, and Vermont ("Attorneys General") write to support a recent request that the Federal Emergency Management Agency ("FEMA") initiate a rulemaking to recognize that extreme heat and wildfire smoke events are eligible for major disaster declarations under the Stafford Act ("the Act"), and to clarify that wildfire smoke events are eligible for Fire Management Assistance Grant ("FMAG") funding.¹ The requested rulemaking would bolster subnational efforts to respond to high-severity extreme heat and wildfire smoke events. The Attorneys General urge FEMA to fully evaluate the request in a rulemaking docket.



Federal Smoke Remediation Guidance

FEMA

(CO Marshall Fire)

https://www.fema.gov/sites/default/files/documents/fema_marshall-fire-mat-homeowners-guide-risk-reduction-remediation-residential-smoke-damage.pdf



Marshall Fire Mitigation Assessment Team: Homeowner's Guide to Risk Reduction and Remediation of Residential Smoke Damage

June 2023



FEMA

DR-4634

**Table 1. Categories of Smoke, Soot and Ash Conditions
and Smoke Remediation Recommendations**

Category	Description of Smoke, Soot and Ash Conditions	Smoke Remediation Recommendation
None	No visible soot or ash on horizontal surfaces, no visible airborne particulate, <u>and</u> no noticeable smoke odor. Wipe test can be used to confirm no soot/ash.	No smoke remediation by homeowner is necessary.
Light	No visible soot or ash on horizontal surfaces and no airborne particulate, <u>but</u> noticeable smoke odor. Wipe test confirms no soot/ash. (No visible soot/ash on exterior siding or windows.)	Homeowner can undertake simple steps to clean the home
Moderate	Presence of light soot and ash on horizontal surfaces (see Figure 1), visible airborne particulate, and noticeable smoke odor. Soot Wipe test shows a light amount of soot/ash. (Soot/ash may be visible on exterior siding and/or windows.)	Homeowner can undertake detailed steps to clean the home if simple cleaning steps are unsuccessful.
Heavy	Presence of heavy soot and ash on horizontal surfaces and floors (see Figure 2), visible airborne particulate, and noticeable smoke odor. Wipe test shows a heavy amount of soot/ash. (Soot/ash likely visible on exterior siding and/or windows.)	Retain a professional cleaning/restoration service contractor if detailed steps to clean the home are unsuccessful.
Other	Visible fire damage to structural elements or contents.	<u>Do not enter home until cleared by the fire department</u> , then keep professional contractor(s) to address structural fire damage and smoke damage.



Federal Smoke Remediation Guidance

AirNow

NM Hermits Peak/Calf Canyon Fire)

<https://www.airnow.gov/sites/default/files/2021-07/protect-yourself-from-ash-factsheet.pdf>

FEMA

(NM Hermits Peak/Calf Canyon Fire)

<https://www.fema.gov/fact-sheet/smoke-and-ash-damage-claims>

WILDFIRE SMOKE FACTSHEET

Protect Yourself from Ash



Protect yourself from harmful ash when you clean up after a wildfire. Cleanup work can expose you to ash and other products of the fire that may irritate your eyes, nose, or skin and cause coughing and other health effects. Ash inhaled deeply into lungs may cause asthma attacks and make it difficult to breathe.

Ash is made up of larger and tiny particles (dust, dirt, and soot). Ash deposited on surfaces both indoors and outdoors can be inhaled if it becomes airborne when you clean up. Ash from burned structures is generally more hazardous than forest ash.

Avoid Ash Exposure

Avoid direct contact with ash. If you get ash on your skin, in your eyes, or in your mouth, wash it off as soon as you can.

People with heart or lung disease, including asthma, older adults, children, and pregnant women should use special caution around ash.

Children and pets: Children should not be nearby while you clean up ash. Do not allow children to play in ash. Clean ash off all children's toys before use. Clean ash off pets and other animals. Keep pets away from contaminated sites.

Recommended Actions

Clothing: Wear gloves, long-sleeved shirts, long pants, shoes and socks to avoid skin contact. Goggles are also a good idea. Contact with wet ash can cause chemical burns or skin irritation. Change your shoes and clothing before you leave the cleanup site to avoid tracking ash offsite, into your car, or other places.



Use an N95 respirator and avoid skin contact with ash.

Protecting your lungs: Wear a tight-fitting respirator that filters ash particles from the air you breathe to help protect your lungs. Select a respirator that has been tested and approved by NIOSH and has the words "NIOSH" and either "N95" or "P100" printed on it. These have two straps and are available online, and at many hardware stores and pharmacies. Buy respirators in a size that can be tightened over your mouth and nose with a snug seal to your face. Surgical masks and one-strap dust masks will not protect your lungs. They are not designed to seal tightly to the face. If you have heart or lung disease talk to your doctor before using a respirator or working around ash.

Cleanup: Avoid stirring up or sifting through ash as much as you can. Avoid actions that kick ash particles up into the air, such as dry sweeping. Before sweeping indoor and outdoor hard surfaces, mist them with water to keep dust down. Follow with wet mopping. Use a damp cloth or wet mop on lightly dusted areas. When you wet down ash, use as little water as you can.

Vacuum: Use a high-efficiency particulate air (HEPA)-type vacuum to clean dusty surfaces. Don't use a typical household vacuum or a shop vacuum. They will send the collected dust or ash out into the air. Don't use leaf blowers or do anything else that will put ash into the air.

Food and Water: Wash any home-grown fruits or vegetables from trees or gardens where ash has fallen. Avoid bringing food or eating at the affected site, unless you keep the food in a sealed container.

Wash your hands well before eating. Check with your drinking water provider to be sure your water is safe to drink.

Disposal: Collected ash may be disposed of in the regular trash. Ash should be stored in plastic bags or other containers to prevent it from being stirred up. If you suspect hazardous waste, including asbestos, is present, contact your local hazardous waste authorities regarding appropriate disposal. Avoid washing ash into storm drains.



Smoke and Ash Damage Claims

English Español

Release Date: March 14, 2024

If your property had smoke and ash damage due to the Hermit's Peak/Calf Canyon Fire, you may be eligible for compensation to cover costs of cleaning and repair. This includes smoke and ash damages to structures, personal property, automobiles, etc. If you were treated for medical issues due to the smoke and ash, you may also be eligible for compensation. Individuals and businesses may file a claim with the Claims Office to seek compensation for smoke and ash damages suffered from the fire by submitting a Notice of Loss.

Examples of Smoke and Ash Damage

- Surface discoloration: Soot and ash can discolor walls, ceilings, floors, and surfaces, leaving behind unsightly black marks.
- Structural damage: If left untreated, smoke damage may lead to structural damage.
- Corrosion: Soot and ash can corrode metal surfaces and electrical components, leading to further damage and safety hazards.
- Health hazards: Smoke and ash may contain chemicals and particles that may be harmful to your health if not properly removed.
- Content damage: Smoke and ash can penetrate and damage personal property, clothing, furniture and other contents within your home.
- Odor: Smoke damage often leaves an unpleasant odor that can be difficult to remove without proper cleaning and deodorization.

Examples of Damaged Property

- The home you own or rent
- Garages, carports, barns, sheds and outbuildings
- Retail and commercial businesses, schools and universities, hospitals, churches and state and local government buildings
- Property contents

The Claims Office is using standard tools to estimate damages and costs for cleaning and does not require a site visit in most cases. Anyone with smoke damages is encouraged to submit a claim along with any photos, estimates, or invoices they have available. The Claims Office can estimate a rate by square footage designed to include compensation for home repairs such as replacing carpet, insulation, home furnishings, and cleaning interior and exterior surfaces. Amount of compensation is related to the distance your property is to the burn scar.



Future Outlook

With more people in the WUI, wildfires and controlled burns, the peril of fire is becoming a more volatile and costly exposure with a much smokier future.

Need mitigation, collaboration on consistent remediation standards, improved policy language, and support from policymakers to better manage impacts.



THANK YOU

Karen Collins

*Vice President, Property & Environmental
Policy, Research & International
American Property Casualty Insurance Association
karen.collins@apci.org*



Learn more...

'Wildfire Risk in the Wild, Wild, West' -- a three-part white paper series focused on identifying the challenges and opportunities affecting consumers and property insurance markets in wildfire-exposed states.

PART I: INCREASING Wildfire Risk in the Wild, Wild, West - The evolving conditions resulting in growing exposure in the wildland-urban interface

This paper examines the underlying issues contributing to growing exposure and increasing costs in the wildland urban interface (WUI), which are affecting the affordability of insurance in wildfire-exposed regions.

(link: <https://www.apci.org/attachment/static/7103>)

PART II: MANAGING Wildfire Risk in the Wild, Wild, West - The growing challenges property insurers face in the wildland-urban interface

This paper examines the constraints and concerns insurers face in managing the peril of wildfire, which impacts both the affordability and availability of insurance for consumers residing in wildfire-exposed regions.

(link: <https://www.apci.org/attachment/static/7104>)

PART III: TAMING Wildfire Risk in the Wild, Wild, West - The current state of mitigation in the wildland-urban interface

This paper provides an overview of the challenges related to wildfire mitigation, in addition to highlighting the latest research on wildfire mitigation and key programs.

(link: <https://www.apci.org/attachment/static/6885/>)

Wildfire Risk in the Wild, Wild, West

A three-part series focused on identifying the challenges and opportunities affecting consumers and property insurance markets in wildfire-exposed states.



INCREASING Wildfire Risk in the Wild, Wild, West

The evolving conditions resulting in growing exposure in the wildland-urban interface

Part I | November 2022