Where there’s smoke, there’s a fight

SF Chronicle

As the Los Angeles wildfires died out in January, firefighters trekked through the burn zones to take stock of the destruction. For every home they found leveled, they counted another still standing. The structures looked fine from the outside, but ash and oily soot often coated the floors and furniture, while invisible chemicals burrowed into clothes, blankets and even walls.

Many of these smoke-soaked homes quickly became battlegrounds. On one side were cost-conscious insurance companies, who largely resisted testing for heavy metals, ordering the homes wiped clean and telling policyholders it was fine to move back. On the other, survivors of the Eaton and Palisades fires, fearful that the dangerous pollutants dusting their homes could one day make them sick.

While each side has its self-proclaimed experts, no state or federal standards govern this new frontier of urban mega-fires. Realizing this, the California Department of Insurance formed a task force in May and gave it a critical mandate: to write guidelines, grounded in science, that could influence new state laws and insurance standards for testing and clearing smoke contamination. The task force is scheduled to deliver its recommendations to Insurance Commissioner Ricardo Lara early next year.

But a Chronicle investigation of the 13-member committee, whose meetings are currently closed to the public,

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found that it doesn’t have a single toxicologist or scientific expert in the changing chemistry of smoke from urban fires. Instead, its five technical expert voices include three consultants who have spent years

helping insurers dispute consumers' smoke-damage claims and defending the companies when those policyholders sue.

These three consultants have fought Los Angeles County fire survivors' independent test results of contamination in their homes on behalf of at least half of California's biggest insurance companies, reducing insurers' potential costs, the Chronicle found. And they have done so using practices that, while aligning with certain standards in the environmental-testing industry, conflict with academic research.

Wildfire survivors and advocates tracking the task force's activities fear it will effectively write the home insurance industry's playbook for minimizing damage claims into California law, with ramifications for homeowners' payouts — and their ability to recover from disaster — for decades to come.

"I am very concerned about undue influence," said Amy Bach, one of two consumer advocates on the task force and the executive director of the advocacy group United Policyholders.

Bach said she had recommended what she considered a balanced slate of experts to the task force, including public adjusters, plaintiffs' attorneys and consumer-focused hygienists, who test for contamination and recommend cleaning protocols. Because the final composition so leans toward insurers' point of view, she said, "I do not believe this panel is in a position to issue recommended standards."

Deputy Insurance Commissioner Tony Cignarale, who chairs the task force, told the Chronicle that the state agency vetted each member, gauging their qualifications and how "open-minded" they seemed. He said he was aware that some members of the committee primarily work for insurance companies, but that the department balanced membership between industry and consumer voices.

"It would be inappropriate of us to just bring in all consumer-oriented hygienists, so to speak, and come up with (recommendations), then try and shove it down the insurance companies' throat," he said.

The department, however, did not ask candidates for the task force to disclose the extent of their financial ties to insurers. The Chronicle found that companies associated with three members — Brad Kovar, Hamid Arabzadeh and Michelle Rosales — primarily advertise their services to insurance companies online, are on insurance companies' internal lists of go-to experts, and write reports on behalf of insurance companies that challenge testers brought in by homeowners.

Qualifications

The other two technical experts on the committee come from companies that work for both insurers and homeowners. The task force is rounded out by two insurance industry lobbyists; two consumer advocates, including Bach; a pair of public health officials and a deputy director for Cal Fire, the state's fire response agency.

Kovar is the CEO of testing company Safeguard EnviroGroup and a co-owner of legal consulting firm EnviroLegal. He and his companies have written reports criticizing Los Angeles homeowners' testing results on behalf of State Farm General Insurance Co.; Farmers Insurance Group; the California FAIR Plan; and the Interinsurance Exchange of the Automobile Club, the AAA-affiliated insurer for Southern California.

While Kovar said his companies' services "are available to all parties and entities who request" them, an insurance department spokesperson said Kovar was selected "with the knowledge that his primary business interests were with the insurance industry."

Arabzadeh, the head of HRA Environmental Consultants, told the Chronicle he believes that practically every type of contamination from wildfire smoke inside a dwelling can be vacuumed or wiped clean, a view supported by some industrysponsored environmental testing research but disputed by independent scientists.

Rosales is the director of environmental health services for Forensic Analytical Consulting Services, or FACS, which has worked closely with insurers including State Farm to inspect wildfire contamination for more than a decade, records show.

The Chronicle examined hundreds of pages of reports written by Kovar, Arabzadeh and Rosales on behalf of insurers, and found that they routinely failed to describe the potential health risks posed by harmful chemicals found in survivors' homes while attributing some contamination to candles and unused fireplaces rather than the wildfires.

The three members often advocate for primarily using sight and smell to investigate smoke damage to a home, and Kovar and Arabzadeh have claimed that more rigorous chemical testing can be unnecessary or misleading, even though many chemicals being found in Southern California homes are so toxic they can sicken people, especially children, at levels in which they are invisible and odorless.

The decontamination methods these members recommend — often highpowered vacuuming and cleaning alone — are increasingly being challenged by new studies. As major fires become more urban and toxic, the studies show, survivors with smoke-ridden dwellings might have to replace walls and throw out furnishings and other items to truly make their homes safe.

Kovar, in a lengthy written response to questions, denied that insurance companies comprised the majority of his company's customers, saying he has performed tests for more than 140 non-insurer clients in Los Angeles. He said his protocols are up to par with industry standards, citing a guidebook he co-authored.

'Scaring people'

"Concerns about potential bias are understandable," he wrote. "What I can say with confidence is that my involvement on this Task Force is grounded in the same principle that has guided my entire professional career: a commitment to objective, evidence-based practice."

In a written statement, Rosales said her company performed post-wildfire testing for a range of clients, including homeowners, insurance companies and schools. While it's true that "most wildfire damage assessments … by FACS or others, are at the request of insurance companies," she said, this alone did not bias her reports.

"The fact that an insurance company or any other client may pay for our services has no bearing on our conclusions or recommendations," she wrote.

Arabzadeh said in an interview that he had tested between 40 to 60 homes after the Los Angeles wildfires, the majority for insurance companies and the rest pro bono for homeowners. He said he believes the science around testing and cleaning homes is established and that current methods such as vacuuming and wet wiping are usually sufficient. He criticized some hygienists for conducting what he called "irrelevant" testing for vast arrays of chemicals, then needlessly dramatizing their findings as evidence of irreversible contamination.

"They're scaring people," he said, adding, "We do not live in a sterile world."

To understand the battle over smoke damage playing out in Los Angeles and its scientific underpinnings,

reporters interviewed 20 experts, including industrial hygienists, remediation contractors and researchers who study wildfire contamination. They also spoke to more than a dozen industry representatives and homeowner advocates.

Testing companies have found alarming levels of

heavy metals and carcinogens inside of hundreds of survivors' homes, including lead, a known component of wildfire smoke that can cause birth defects and harm children's brain development. The Environmental Protection Agency and the Centers for Disease Control and Prevention advise there is no safe level of lead in a child's blood. Testing has also detected potentially dangerous levels of asbestos, beryllium and arsenic dusted across kitchens and children's bedrooms within the burn zone.

Karen Collins, one of two insurance industry advocates on the task force, said insurers are committed to establishing science-backed standards for how to remediate such contaminants. Without standards, insurers too are left vulnerable — to superfluous litigation and opportunistic contractors, she said.

Collins, a vice president at the American Property and Casualty Insurance Association, pointed to a recent training that offered to teach contractors the "exciting opportunity" of smoke-damage claims, touting its high potential profit margins.

But the homeowners interviewed by the Chronicle said they're not trying to squeeze their insurers. They just don't want to move back into buildings that could slowly poison their families.

"Our damages in Altadena from toxicity are being compared to 9/11," said Libby Godwin, an Altadena resident struggling with a smoke-damage claim. "The idea they're putting together a task force to support them putting us back in that space, it's really just unconscionable."

The showdown

When the Department of Insurance announced the formation of the Smoke Claims & Remediation Task Force in May, many survivors of the Los Angeles fires expressed cautious optimism. Hundreds had battled their insurance companies for months to cover even the most basic tests.

One Altadena resident, Karen Girard, returned home after the fires to find dark ash speckling her white

clothing and piled up at the foot of her bed. Sealed jars of marshmallows and white chocolate chips in her kitchen cabinets had turned brown.

Foremost Insurance Group — a subsidiary of Farmers, the second largest home insurer in California — told Girard the home just needed to be cleaned. She asked her insurer to pay for an industrial hygienist to sample the debris and determine whether it contained chemicals that could endanger her health. Foremost said no — until the county warned residents living near the burn zone could be exposed to lead and asbestos.

At that point, the insurer tapped its own vendor to come to her home. Their sampling found lead at a level several times higher than federal safety standards, as well as arsenic. When the vendor recommended professionals only clean the areas of the floor around her windows, Girard sought a second opinion.

Girard's tester, M.A.R.S. Environmental, found lead, arsenic, chromium and nickel. It recommended going beyond rigorous cleaning by at a minimum replacing drywall and insulation. Her insurer fired back again — this time, by hiring Kovar's legal firm, EnviroLegal. His firm wrote a report that argued the deeper test results were "unreliable." Foremost then refused to reimburse Girard for M.A.R.S.' testing costs and pushed back on its recommendations.

"It became a showdown," she said. "They weren't remotely interested in keeping me safe."

Stories like Girard's have played out repeatedly across the Eaton and Palisades fires' burn zones.

The Chronicle reviewed three dozen reports authored by members of the task force or employees of their companies for homes in Altadena or the Pacific Palisades neighborhood. Some were original test results and recommendations, while others were critiques of work done by other experts. Reporters also interviewed more than three dozen survivors with smokedamaged homes.

Nearly all described similar experiences: After insurance companies declined to cover testing for contaminants in their homes, they paid for it themselves. It was only then, they said, that their insurers hired experts of their own, who were often members of the task force or the companies that employ them.

Nineteen of the reports the Chronicle reviewed didn't involve any new testing. Instead, Kovar, Arabzadeh and their companies wrote "rebuttal reports" to refute outside testers' conclusions. Many of the reports

authored by Kovar and his associates contained identical language that appeared to have been copied and pasted.

When they performed their own tests, the committee members' methods were typically less comprehensive than those used by the testers hired by homeowners, the Chronicle found. For instance, Kovar's Safeguard EnviroGroup routinely used a cheaper and less sensitive method to test for asbestos — which Kovar said was the "standard method for identifying asbestos-containing building materials in debris."

In one case the Chronicle reviewed, the test failed to find asbestos in a home before a more sensitive test paid for by the homeowner picked up the mineral, which can cause the deadly cancer mesothelioma.

"They're coming in already as an adversary," said Debbie McMahon, a AAA policyholder.

Recommendations

McMahon's ash-filled Altadena home is a time capsule of the days just before the fire, her Christmas tree still pitched in the living room. She said Safeguard technicians visited the house in late September, wearing almost no protective equipment and using a company business card to scoop up a pile of ash. They balked when the tester she'd hired questioned their methods. McMahon was so rattled, she said, that she obtained her own lead sampling certification.

In reports the Chronicle reviewed, the members' firms' recommendations for cleaning and restoration were consistently less extensive than what companies hired by homeowners suggested.

In at least six cases, samples taken by Kovar's firms went to Liberty EnviroLab, a laboratory company with locations in the Southern California cities of San Marcos and Cerritos, for analysis. On LinkedIn, Kovar suggested Liberty was the "new gold standard" of testing and said Safeguard was "sending a lot of business" its way.

State records show the firm was originally registered at a single-family home in Temecula — the same home Kovar listed as his mailing address for his two other companies, EnviroLegal and Safeguard. Kovar did not mention the ties in either his formal reports reviewed by the Chronicle or his social media posts. He told the Chronicle that he provided "initial financing" for the lab, but that he plays no role in directing its current operations.

Safeguard did, however, promote Kovar's role on the task force on Instagram. "Trust the experts who helped define the rules," read the post. "Book your inspection today."

All members of the task force, including Kovar, signed an agreement with the Department of Insurance promising not to use their positions for "private gain or advantage," according to Cignarale.

Asked about the Instagram post, Kovar said it was a "factual disclosure" that "highlighted our technical expertise and participation in standards development," but was not intended for private gain. A spokesperson for the Department of Insurance said the department did not feel the post violated its standards, but asked Kovar to delete it after the Chronicle's inquiry.

Down the 'rabbit hole'

New research is showing that smoke from the urban infernos in Los Angeles — carrying charred bits of century-old houses and brand-new electric cars, paint fumes and particles from lithium batteries — is far more dangerous than what wildfires historically carried.

Michael Jerrett, a UCLA environmental health professor, is part of a coalition of scientists known as the L.A. Fire Human Exposure and Long-Term Health Study that has been investigating how emissions from the historic blazes impact public health. Jerrett has been studying the air quality inside homes since the second day of the fires.

His team has found that homes held on to high levels of toxic compounds for weeks or even months after the flames subsided because couch cushions and porous drywall soak in the chemicals and then release them into the air over time.

"Nobody should be going back and living in this toxic soup" without thorough decontamination of the structure and belongings, Jerrett said.

Joe Nieusma, a veteran Colorado toxicologist, said that any state crafting wildfire smoke insurance guidelines needs to factor in recent research on the shifting characteristics of smoke contamination. In a study published this year, Nieusma found that microscopic smoke particles — with diameters one-hundredfold smaller than a human hair — embed in HVAC systems and a home's tiniest crevices. Even the most heavy-duty vacuums cannot capture them all, and a home's natural airflow will eventually recircu-

late them.

Jerrett's colleague on the L.A. Fire HEALTH Study, UCLA environmental health professor Yifang Zhu, is studying whether household washing machines effectively clean wildfire-contaminated clothing. While her research remains preliminary, one experiment found that even three cycles of washing and drying did not rid a piece of fabric of wildfire contaminants known as volatile organic compounds — gas pollutants spread by fires that can embed into porous items, walls and surfaces. She's collected more samples to further test the finding.

An August pilot study by federal scientists found

that washing lead-contaminated clothing in residential washing machines did not completely remove the heavy metal. Worse, the scientists found that some of the lead lingered in the machine and spread to previously uncontaminated loads of laundry. Other metal particles such as beryllium spread similarly, experts said, and eventually can absorb into people's skin.

Despite this, Kovar, Rosales or people working for their companies recommended machinewashing to cleanse contaminated clothing and bedding in nine reports reviewed by the Chronicle.

Across five reports, Kovar's Safeguard and Rosales' FACS provided the same advice word for word: "Washable fabrics, including clothing, linens, small rugs, and other soft items can generally be machine-washed twice with hot water and detergent. Dry-cleaning is also generally acceptable."

In another two reports, Kovar's firm EnviroLegal recommended "hand or high-temperature machine washing and deep cleaning," adding, "If the material is heavily soiled or made from delicate fabrics, consult a professional cleaning service."

Despite the reports' wording, Kovar told the Chronicle his company "never recommends that homeowners wash leadcontaminated clothing in their own machines." He added that he includes language at the top of every report saying his cleaning recommendations should be undertaken by professionals "in compliance with all local and federal regulations." Rosales said her company recommends professional cleaning of items "when lead remediation is indicated."

Even professional cleanings by remediation companies can fail to cleanse living spaces, experts told the

Chronicle.

Eaton Fire Residents United, a coalition of fire survivors, obtained lab results from 50 homes that had tested positive for harmful substances, such as lead and mercury.

Of those, 45 homes initially tested positive for lead and underwent cleaning, most through methods approved by insurers.

All but two of them still contained levels above EPA standards when retested. Out of 25 homes cleaned to remove asbestos, nine still tested positive for the carcinogen after remediation.

Post-cleanup testing is “absolutely crucial,” Nieusma said. But while task force members’ reports often recommended at least some post-cleanup testing, the Chronicle found some insurance companies regularly denied coverage for such tests.

Chemical knowledge

Knowledge of chemicals like these — and where they show up in homes — is critical to understanding the health hazards from fires that encroach into residential areas, said François Tissot, a geochemistry professor at the California Institute of Technology who is studying the heavy metals and lead deposited in peoples’ homes by the Eaton Fire.

“You’re burning houses and industrial materials and construction materials,” he said. “The tests and cleaning protocols which have been tested for wildfires might not apply to an urban firestorm.”

Yet in interviews and materials reviewed by the Chronicle, insureraligned task force members took the opposite view. They’ve argued that the rudimentary tests they’ve been using to assess smoke damage for years are sufficient for Los Angeles fire survivors, dismissing more thorough chemical testing as unnecessary and even a waste of policyholders’ money.

As a member of the task force, Kovar invited members of a hygienist industry group to give the committee a presentation, which said comprehensive testing for toxic substances can be an “unnecessary rabbit hole.”

The presenters, along with Kovar, are co-authors of a technical guide book that lays out instructions for evaluating homes after wildfires. The guide was co-authored by 17 testing and remediation professionals. However, critics argue its recommendations — which place a heavy emphasis on the use of sight and smell during investigations — have not kept pace with research revealing the toxicity of urban fire smoke, and the stubborn persistence of potentially harmful but invisible and odorless chemicals inside affected dwellings.

Kovar said the term “rabbit hole” referred to the “misuse of complex analytical data” by some testing companies which wrongly claim homes need “to be torn down based on the mere detection” of chemicals from wildfire smoke.

Cignarale noted that the task force was also soliciting presentations from a “diverse” array of stakeholders, including other hygienists and legal experts. A spokesperson for the department added that the panel has taken “extensive public input” via presentations from outside groups, such as Eaton Fire Residents United and Whelton, the Purdue scientist.

In an interview in early November, Arabzadeh initially told the Chronicle that testing is not always necessary if char and ash are visible inside a home, because cleaning protocols will be the same regardless of what is found.

“That money would better be spent on getting remediated,” he said.

Nieusma told the Chronicle this is inaccurate, as particular chemicals require specialized and at times intensive cleaning methods. In cases of asbestos contamination, experts strongly recommend that government-certified asbestos consultants evaluate risks and guide cleanup efforts. Contractors removing lead are required to have state certifications and use special solvents.

Asked about these requirements on a follow-up call several weeks later, Arabzadeh backtracked, saying he believed that testing should be done anytime there’s a reason to suspect asbestos and lead contamination, which he defined as the home having visible debris.

Asbestos is odorless. Lead dust doesn’t have a distinct scent, either. Lab analysis has confirmed the widespread presence of both in the burn zones — particularly in Altadena, where most of the homes that burned were built before the harms of asbestos-laden insulation and lead paint were widely recognized.

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Sniff test

Regardless, the Chronicle found, insureraligned experts have advised survivors and workers remediating their homes to sniff their belongings to determine whether they need to be cleaned further.

After Foremost denied Karen Girard's request to replace her soot-laden couch and clothing — a recommendation made by the tester she hired — the insurer sent out a lead abatement company that promised it could fully clean her belongings.

Girard said she told company representatives she was not convinced, and that they offered her a compromise: After they cleaned, if she held her nose to her couch and could still smell smoke, they'd simply clean it again.

"Are they freaking serious? I have asthma," she said. "Even if I didn't have asthma, that's a dangerous thing to do. They are ignoring basic science, and they say these things to you as if they sound reasonable."

Kovar has recommended a similar approach. In two reports reviewed by the Chronicle, he advised that bedding, clothing, rugs and other items contaminated by wildfire residue can generally be cleaned, though it may take several passes. To determine if something had been fully cleansed, Kovar suggested the item be "sniff tested" to see if it still had any odor.

"I wouldn't advise that," said Jerrett, the UCLA environmental exposure expert. He said that a person who sniffs a contaminated item could inhale harmful chemicals.

In a statement, Kovar told the Chronicle that the sniff test was a "professional restorer verification method, not a consumer instruction" and that the method was supported by industry guides.

In April, Safeco, a subsidiary of Liberty Mutual, hired a technician from FACS — task force member Rosales' employer — to test two homes in Altadena, according to reports reviewed by the Chronicle. Previous sampling at both homes had found levels of lead several times higher than the EPA's standards.

In one home, the technician smelled smoke throughout the home, while in the other, which she entered while wearing a respirator, she did not smell smoke, she noted in the report. Wearing a respirator can

block scents, remediation experts told the Chronicle.

In the report for the house that smelled, the technician advised that the mattress and other non-washable soft goods were not cleanable and should be thrown out due to the “heavy smoke odor” and visible soot. In her report on the home where she didn’t pick up an odor, which Rosales co-signed, the technician advised that clothing and small rugs could be machinewashed or dry-cleaned. She did not recommend throwing out anything in the house.

Rosales said in a statement that the company would not comment on specific clients but that FACS considers sensory observations, the presence of non-wildfire contamination sources and other factors when testing homes.

Andrew Whelton, an environmental engineering professor at Purdue University who has reviewed more than 500 testing reports from Los Angeles fire survivors at no cost, said there’s no science backing up the idea that two homes that were