United Policyholders™

Roadmap to Recovery®
Advocacy and Action
Roadmap to Preparedness

September 11, 2026

Hon. Commissioner Michael Conway
Colorado Dept of Insurance
1580 Broadway Ste 110
Denver, CO

Re: Comments on HB24-1315 Draft Review of Version 2 of Study on Remediation of Property Damaged by Fire and 9-08-2026 Stakeholder Meeting

Dear Commissioner Conway:

Thank you for the further opportunity for United Policyholders (UP) to contribute to your agency's actions aimed at establishing health and safety and insurance claim handling standards related to testing, remediating and restoring wildfire smoke damaged homes to pre-loss condition.

Below are our general comments on Version 2 of the Draft Study as discussed during the Stakeholder Meeting of September 8, 2026. The record should reflect that our previous two comment submissions (October and December of 2025) remain relevant to this version and should be included in any legislative packet of submitted comments.

Our comments are informed by our many years of work investigating how wildfire smoke damage claims are being investigated and adjusted by insurance companies and vendors, interviewing professionals engaged in the related work and curating reliable guidance and insights for wildfire impacted households, regulators and lawmakers. We've been doing this work in Colorado, Hawaii, California, Oregon, and Washington States.

As a member of the California Insurance Commissioner's Smoke Claims and Remediation Task Force, I listened to comments from remediation vendors who derive their primary income from insurance company clients and it was clear that they're prioritizing cost considerations around the available tests (e.g. CAM17, Heavy Metals 7 and 9, Soot Ash and Char, Asbestos and Lead) over health and safety considerations.

Now that we have a deeper understanding of the types of tests that need to be performed, and the testing locations and methodologies and updated protocols that are warranted after urban conflagrations, it is very clear that WUI wildfire standards do not exist and need to be put into place. Now that California's Governor has signed AB1795 and AB1642 into law, a state agency will be developing those standards, impact zones has been defined for purposes of mandatory testing, and insurers are now clearly required to conduct testing in those zones.

We urge Colorado to follow suit so there will be consistent rules in place for insurers to follow in both states.

It is important to restate here that the IICRC V 700 Restoration Industry guidelines and claim handling protocols that most insurers have been using do not comport with the testing, remediation and restoration protocols that scientists and independent experts who are not employed by insurance companies are currently recommending. See, e.g. https://www.kaizensafetysolutions.com/sampling-post-fire-environments

https://engineering.purdue.edu/PlumbingSafety/resources/wildfire-response,

https://scienceexchange.caltech.edu/topics/sustainability/ask-expert-sustainability/ask-expert-fires/francois-tissot-lead-water-soil-ash-eaton-firem

This (V2) Draft Report recognizes that Colorado must have a consistently applied, understandable framework to address urban wildfire smoke damage and left-behind contaminants, but needs to more clearly direct the specific actions that will result in that framework being put in place. We strongly support the report's recommendations as to tightening up the regulation of the professionals involved in conducting pre and post testing of indoor surfaces, remediating structures and contents (or declaring them a constructive loss where warranted) and certifying or assuring a homeowner that their home is safe and habitable.

The final version of this report must compel mandated timely, science-based, independent pre- and post-mitigation testing that establishes what happened to a WUI wildfire impacted property. The mandatory testing results must inform a solid, efficient, and effective plan to restore homes to pre-loss condition, followed by post testing and all necessary additional work indicated by that post testing. ***Testing costs should be covered by insurers as a loss adjustment expense, not an indemnity payment that reduces available benefits.***

Any study or regulation flowing from your recommendations that allows cleaning contractors or insurer-captive hygienists to act as gatekeepers for testing or remediation levels would be a critical error. It would undermine the very intent of HB24-1315 and legitimize a failed process. Insurance proceeds must be accessible to fund the full and fair assessment of damage (proper testing) from the peril, as well as to fully restore these homes and personal property to a safe, habitable, pre-loss condition.

While United Policyholders fully supports the effort to develop a structured and consistent process, the final report and subsequent recommendations must more clearly distinguish between restoration industry protocols (which were created by and for their own for-profit motives) versus independent, scientific, health-based criteria, standards, and clearance thresholds for residential safety and habitability.

Empowering the Insured | 917 Irving St, Suite 4 San Francisco, CA 94122 | (415) 393-9990 www.uphelp.org

United Policyholders is a non-profit 501(c)(3) organization, Tax ID 94-3162024.

Additionally, the purpose of indemnity insurance is to return the insured to a pre-loss financial, functional, and habitable condition—not to a condition that is uncertain, unsafe, or unsellable due to the diminution of value from a surface-cleaning-only process. A contractor's representation that the scope of work is complete must not be treated as a health-informed, scientific habitability determination. These are entirely different functions that require different training and certifications, and they must be clearly distinguished in future regulations.

The absence of clear standards leaves policyholders with smoke-damaged homes in an untenable position. Homeowners are often left to fund their own independent testing and navigate conflicting opinions from insurers, restoration contractors, industrial hygienists, consultants, and laboratories while displaced and uncertain whether their homes are safe. They are routinely pressured to move back in when their insurer threatens to cut off Additional Living Expense (ALE) payments. This pressure occurs without due acknowledgment of the insurers' duty to assist in the full and fair assessment of damages, the difficulties in finding qualified contractors following a disaster, and the realities of living in a post-disaster environment. This is why Colorado has followed California's lead and taken action to require insurers to extend ALE options at the point of sale and during disaster claims-handling circumstances.

Without consistent claims-handling standards for these standing homes, policyholders are left to battle insurers over:

- When an insurer must authorize or pay for both pre- and post-remediation testing.
- How to identify qualified, science-based professionals who are independent of the IICRC, insurers, and other industry-fueled organizations to eliminate conflicts of interest, fraud, scams, or collusion.
- Which urban wildfire smoke contaminants of concern (COC) should be evaluated and what levels are actionable.
- Which sampling methods and laboratory protocols are reliable pre- and post-mitigation.
- How many samples should be collected and where they should be gathered.
- How test results are to be interpreted, and by whom.
- What clearance criteria must be tested for and met before it is clearly safe to move back in.
- When cleaning fails and encapsulation, refinishing, and/or replacement of components and contents is necessary for a full restoration.
- Whether ALE benefits will continue while these questions remain unresolved or in dispute.

The current gap created by the lack of clear standards dramatically increases disputes and delays. It also places an unreasonable burden on individual homeowners to resolve technical and health-related questions that should be addressed through state-mandated standards, which must include clearance thresholds for known contaminants.

Empowering the Insured | 917 Irving St, Suite 4 San Francisco, CA 94122 | (415) 393-9990 www.uphelp.org

United Policyholders is a non-profit 501(c)(3) organization, Tax ID 94-3162024.

Clear standards will protect policyholders and provide meaningful benefits to insurers. Policyholders need a reliable process for understanding what testing and remediation are appropriate and what conditions must be met before returning home. Insurers need objective, consistently applied criteria for evaluating claims, determining scopes of work, estimating remediation costs, and resolving disputes. Claim dollars spent on useless cleaning and extended ALE timeframes would be saved. When individual families are restored, the collective economic resiliency of the community is improved.

In the absence of standards, both policyholders and insurers face uncertainty, inconsistent expectations, and a reality where similar properties receive materially different claim outcomes. Colorado should therefore pursue standards that are scientifically credible, health-protective, operationally practical, and sufficiently clear to be applied consistently across claims.

Wildfire smoke and combustion contamination do not stop at state borders, and many insurers operate across multiple jurisdictions. Colorado can help lead the development of fair standards that are consistent with emerging approaches in other wildfire-prone states, including California. Consistent standards from state to state would benefit policyholders by creating clearer expectations after future wildfire disasters. They would also benefit insurers by reducing the need to develop separate, inconsistent protocols for each event and jurisdiction.

California's experience following the Eaton and Palisades fires confirms the consequences of inconsistent testing, remediation, verification, and claims practices. These ongoing challenges continue to stall recovery and block resilience. California lawmakers are responding by advancing first-in-the-nation legislation, AB 1642, which establishes science-based standards and mandates that the state Department of Toxic Substances Control (DTSC) develop thresholds and guidance for wildfire smoke damage and contamination. Its companion bill, AB 1795, requires insurers to follow those standards for qualifying smoke-damage claims related to each wildfire. Both bills were signed into law on September 14th, 2026.

UP supports a tiered, property-specific assessment process rather than a one-size-fits-all approach. However, a tiered process must include clear, mandatory triggers for intensive investigation and evaluation, and it must not reduce any existing protections that allow a policyholder to demonstrate wildfire smoke damage.

Those triggers should include:

- **Proximity to the peril:** Location within or near a burn area, wildfire impact zone, or direct smoke plume path.
- **Visual or olfactory evidence:** Documented presence of smoke, ash, soot, char, or odor in or around the home.
- **Intrusion pathways:** Evidence of smoke infiltration through windows, doors, vents, chimneys, roofs, or HVAC systems.
- **Physical residues:** Discolored insulation, stained walls, affected contents, or suspected contamination of concealed spaces.

Empowering the Insured | 917 Irving St, Suite 4 San Francisco, CA 94122 | (415) 393-9990 www.uphelp.org

United Policyholders is a non-profit 501(c)(3) organization, Tax ID 94-3162024.

- **Health and vulnerability:** Reported health concerns or occupancy by vulnerable individuals.
- **Claim disputes:** A material disagreement concerning the insurer's inspection, testing, scope of loss, scope of work, or remediation conclusions.
- **Plume dynamics:** Weather and satellite tracking data used to objectively evaluate the path, intensity, wind speed, and duration of a wind-driven smoke plume.
- **Composition of smoke source:** Consideration of the specific residues carried in the plume from burned buildings, vehicles, and their contents.
- **Thermal impacts:** Evaluation of radiant and convective heat, which heavily dictate how deeply a home is exposed and whether it remains contaminated.
- **Expert oversight:** Involvement of qualified, licensed, independent structural and material engineers to establish standard initial testing protocols based on these physical variables.

Independent, qualified experts outside of the self-regulated or insurer-directed restoration contracting industry must establish the detailed list of contaminants of concern (COCs) and related testing protocols. These protocols must dictate the methods used, the number and location of samples taken, a strict chain-of-custody process, and verification methods to ensure the independence of testers and laboratories. The value and quality of testing are only as reliable as the independence, training, and integrity of those establishing and executing the protocols.

Testing must be entirely objective and structurally protected from the financial influence of interested parties.

The Insurer Responsibility framework must require insurers to approve and fund:

- **Independent evaluations:** Testing by qualified, science-based experts with relevant wildfire, industrial-hygiene, environmental-health, and building-science expertise who are completely independent of the IICRC, insurers, and industry-fueled organizations.
- **Full retention disclosure:** Transparency regarding who retained and paid for each professional, including access to the written directives and scope of the assessments.
- **Financial transparency:** Disclosure of referral fees, ownership stakes, compensation structures, preferred-vendor status, and other financial relationships.
- **Written scopes of work:** Detailed plans identifying affected areas and materials, proposed methods, replacement decisions, limitations, and exclusions.
- **Policyholder access:** Unrestricted access to reports, photographs, laboratory results, estimates, and completion documentation.
- **Post-remediation verification:** Independent verification that the property has been cleared of urban wildfire smoke COCs.
- **Extended ALE coverage:** Continued Additional Living Expense coverage up to policy limits and state statutes while a home undergoes necessary pre- and post-mitigation testing, remediation, or verification, until it is objectively cleared for occupancy.

Empowering the Insured | 917 Irving St, Suite 4 San Francisco, CA 94122 | (415) 393-9990 www.uphelp.org

United Policyholders is a non-profit 501(c)(3) organization, Tax ID 94-3162024.

Study Outcomes Must Align with Purpose

The regulatory product must match the explicit language and intent of HB24-1315:

> *"HB24-1315 Section 1(1)(d): Residents whose homes are damaged from smoke, soot, ash, and other contaminants as a result of a fire should be assured of the safety and habitability of their homes, as well as their personal property and furnishings, which should be returned to a pre-loss condition that is safe and healthy for homeowners and residents."*

Recommendations for Standardized Sampling, Testing, and Remediation Protocols:

- **Thermal Damage Protocols:** Thermal damage is a critical component of structural evaluations. It requires a distinct protocol featuring clear steps developed by structural and material engineers, resulting in a standardized report that forms the basis of the remediation plan. This is vital to understanding how thermal forces increase a property's exposure to COCs and its risk for recontamination.
- **Utility Infrastructure:** Testing and remediation must thoroughly evaluate the property's connections to utilities, water, and wastewater for damage or contamination caused by wildfire residues.
- **Environmental Remediation:** Landscaping and soil must be included in the testing and remediation framework.
- **Strategic Sequencing:** The order of testing and remediation is critical. For example, if structural components are cleaned or replaced before addressing contaminated insulation in attic spaces, crawl spaces, or walls, the insulation will likely recontaminate the newly mitigated components, requiring duplicative testing and mitigation.
- **Comprehensive Restoration Plans:** Qualified, independent experts must create a complete pre-mitigation restoration plan based on empirical testing and observations to fully remediate damage and indemnify the policyholder.

Establish Comprehensive Cleanup Standards

- Our position remains unyielding that the fox must not guard the henhouse. Testing, validation, and remediation standards must strictly follow independent science for each contaminant of concern (COC), as well as their collective, cumulative health impacts.

Enhance Insurance Industry Preparedness and Response

By sending in vendors to "clean" WUI wildfire smoke damaged properties without conducting pre or post testing, insurers give policyholders false assurances that their homes are safe for re-habitation. If a homeowner moves back in and experiences respiratory distress or other ill health symptoms then moves out again, money is wasted, displacement is prolonged, trust is broken and costly litigation frequently ensues.

Empowering the Insured | 917 Irving St, Suite 4 San Francisco, CA 94122 | (415) 393-9990 www.uphelp.org

United Policyholders is a non-profit 501(c)(3) organization, Tax ID 94-3162024.

It's less costly and much more practical for an insurer to have a home tested, remediated and re-tested and satisfactorily restored to pre-loss condition than for the insurer to dig in its heels on inadequate cleaning/restoration and have to pay extended temporary rent and litigation costs while they fight it out with their insured.

Complete a Data-Based Insurance Cost Analysis

In the course of researching this topic it seems highly likely that once insurers come around to accepting that they need to routinely test homes in prescribed impact zones, they'll be able to purchase tests in bulk and achieve economies of scale. There are very significant costs of protracted disputes, extended displacement, litigation and aggravated medical conditions due to forced exposure to homes that haven't been properly remediated and restored.

Ongoing Research and Monitoring

- Colorado needs to put appropriate standards in place that will be consistent with what California develops, and anticipate that additional Contaminants of Concern are likely to emerge after subsequent wildfires, necessitating regulation updates.

Overall Framework Requirements

- **Science-Driven Technology:** The standardized approach resulting from the final report must utilize the most current, science-based testing technologies. It must include a fully inclusive list of all known COCs, regardless of whether residential exposure limits have already been codified.
- **Conflict-Free Professionalism:** All professionals involved in investigating and remediating damage must be entirely free of conflicts of interest. They must hold all necessary certifications and training to carry out their tasks in an objective, qualified manner.

Summary Comments

While United Policyholders does not agree that this V2 Draft Study currently meets the explicit goals of HB24-1315, we strongly support ongoing efforts to balance competing industry pressures. Colorado has a vital opportunity to create clear, comprehensive, and enforceable regulatory standards for the evaluation, testing, remediation planning, remediation, clearance testing, and safe habitability of standing homes impacted by Wildland-Urban Interface (WUI) and urban grassland wildfire conflagrations.

We place particular emphasis on establishing guidelines that ensure a full, fair investigation of damage and remediation protocols that truly indemnify policyholders to a pre-loss, safe, and habitable condition. To accomplish these goals, Colorado must implement transparent, evidence-based standards for all participating fields—including insurers, restoration contractors, engineers, and industrial hygienists. Finally, the state must mandate absolute clarity and disclosure regarding financial interests and corporate connections that could compromise policyholder and consumer safety.

Empowering the Insured | 917 Irving St, Suite 4 San Francisco, CA 94122 | (415) 393-9990 www.uphelp.org

United Policyholders is a non-profit 501(c)(3) organization, Tax ID 94-3162024.

Respectfully submitted,



Amy Bach, Executive Director
United Policyholders
917 Irving St., Suite 4
San Francisco, CA 94122