United Policyholders

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Advocacy and Action
Roadmap to Preparedness

December 16, 2025

Commissioner Michael Conway
Colorado Dept of Insurance
1580 Broadway Ste 110
Denver, CO 80202

Mr. Dan Brown, President
Partners Environmental
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Re: HB24-1315 Wildfire Smoke Damage Study Considerations Draft Comments for Stakeholder Meeting on 12/18/2025 Regarding the "Colorado Wildfire Remediation Analysis Residential Premises and Insurance Impacts Report" of November 18, 2025

Dear Commissioner Conway and Mr. Brown,

Thank you for the opportunity to provide continued feedback during this critical stakeholder process. Below are general comments on the Draft Study, following the format of the November 18, 2025, report. Our input is organized according to the "Executive Summary" section, with comments provided for each area of the report's language.

EXECUTIVE SUMMARY

Background

There is growing recognition among independent scientists, academics, industrial hygiene and indoor air quality and restoration professionals that Wildland Urban Interface Megafires such as the Marshall fire cause levels of contamination in homes that were in the impacted area but not destroyed that pose long term health risks to inhabitants and require testing, remediation and restoration far beyond what insurance companies have been authorizing, conducting and paying for.

Things burn and get released in WUI fires that are far more dangerous than what burns in forest fires. Commercial and residential buildings contain many non-wood substances. It is increasingly clear that cleaning soft goods (clothing, textiles, upholstered furniture, carpeting) does not remove lead and other particulates, and that flexible HVAC ducts, drywall and wood

flooring can absorb and hide particulates, then release them long term, so in many cases require replacement.

Consequently, independent professionals are calling for routine testing for metals in addition to soot, char and ash after WUI fires prior to cleaning or remediation. United Policyholders supports that call. Independent professionals are calling for testing to be done in crawl spaces, attics and wall cavities. United Policyholders supports that call.

However, most insurers and the professionals they routinely use are holding firm that traditional testing for visible soot ash and char and use of the "smell test" is a legitimate way of determining whether a home in the proximity of a WUI wildfire requires additional remediation.

We are in a transition phase, and as the legislature recognized when they paved the way for the draft report, we need to improve classifications and oversight over indoor air quality experts, industrial hygienists and "field testers," and establish the testing, remediation, restoration and post-remediation testing and clearance standards and protocols that should routinely be part of smoke damage insurance claim handling and covered by property insurance.

Untallied Costs – The absence of science-based official standards and protocols for testing and remediation of wildfire damage to buildings in wildland urban interface environments has led to significant financial costs for policyholders already facing severe disruption. These costs include lost family time, illness from exposure, lost wages, and prolonged recovery periods.

Diminution of Value – Failure to properly test and remediate also diminishes property values, creating a domino effect that undermines community resilience and economic recovery.

Post-Disaster Housing and Social Impacts – Delays in recovery further strain already limited housing supply and disrupt schools and businesses, weakening neighborhood stability and economic vitality.

All of these economic and social costs should be included in any analysis of the costs and benefits of new regulations and their impact on the insurance market.

Key Findings

Contaminants of Concern (COCs):
Given the historical pattern of absent or inadequate testing that has become the standard, it is essential that any adoption of surrogate key indicators be clearly defined and extend beyond limited surrogates such as lead. Independent environmental science professionals should define a comprehensive list of COCs, reflecting the full range of toxic substances documented in recent urban wildfire events (e.g., beryllium, cadmium). Insurer-contracted testing has often limited testing, while restoration protocols including the IICRC manuals have failed to identify or remediate these hazards. Cleaning and deodorizing alone risk spreading contamination rather

than eliminating it. Some toxic substances carried into homes during wildfire events cannot be adequately remediated through cleaning methods alone and require more extensive remediation or replacement of impacted materials.

Insurers must be mandated to pay for independent pre-mitigation and clearance testing as part of the full and fair evaluation of damages. Restoration contractors can be required to base their plans on verified test results and hold certifications for handling hazardous substances just as they are currently for handling asbestos or toxic mold.

It is a valid concern that surrogate testing could be used by insurers or contractors as a justification to limit broader testing when it may be warranted. Clear guidelines and a complete list of COCs with standards that indicate the need for additional testing levels must be a part of any plan to use surrogates in evaluating damages from COCs. Substances without regulatory limits may still pose extreme health risks, and their presence demonstrates that a home is not in pre-loss condition. Standards must reflect science, not industry lobbying, and additional independent testing should be mandated when warranted.

Sampling and Testing Protocols:
Criteria to determine the initial level of testing must account for more qualifying variables than proximity to burn areas. Variables such as the path of the smoke plume, wind speed, burn content materials, duration of exposure, and thermal impacts are all relevant factors to be considered. Satellite and weather data can provide objective evidence of some of these factors.

Qualified, independent structural and materials engineers can be brought into the equation to establish criteria for testing for structural damages caused by wind and heat including radiant, convective, and thermal damages. These damages to the structure can impact how exposed the home becomes and remains during and following the event. Testing is only as reliable as the independence and qualifications of those who design and perform it. Insurers' internal policies must not be allowed to influence testers, labs, or contractors to limit scope of testing or remediation. In short, clearly independent, qualified experts outside of the current self-regulated and/or insurer directed cleaning contractors must be engaged to establish the detailed COCs included and the related testing protocols such as methods used, number, size and location of samples taken, chain of custody processes, as well as determination of qualifications for testing and remediation professionals.

Cleanup and Remediation Standards:
Colorado must adopt enforceable cleanup standards now to protect public health, safety, and economic vitality, rather than wait for federal EPA action. Standards should be based on current science and data from recent urban wildfire events, and the studies are only effective if remediation protocols match the risks of the actual contaminants, which is not always the case.

A lack of existing standards cannot be allowed to justify a lack of due diligence as new regulatory protocols are established.

Standards must avoid establishing extremes—assuming all damage can be cleaned or requiring full demolition. Instead, remediation protocols should be tiered, reflecting the specific contaminants, structural damage, and property variables when determining the economic and practical standards for what would constitute a "total loss".

Recommendations

Standardized Sampling, Testing, and Remediation Protocols:
Thermal damage must be evaluated through clear, step-by-step protocols developed by structural and materials engineers. These standardized reports should form a key aspect of the basis of remediation plans, ensuring accurate assessment of how heat, wind, and fire suppression exposures have impacted the property and could increase the risk of recontamination such as those due to window seals which have failed.

Testing and remediation must also include utility connections, water and wastewater systems, landscaping, and soil. The sequence of remediation is critical: for example, insulation replacement must occur before structural cleaning to prevent recontamination.

Independent, qualified experts must conduct full evaluations of damages, identifying all COCs and structural impacts before mitigation begins. Contractors and experts must hold demonstrable certifications issued by Colorado's Department of Regulatory Agencies (DORA) where possible, and prove independence from insurers, labs, and restoration firms to prevent conflicts of interest.

A comprehensive, evidence-based restoration plan must be prepared prior to mitigation, completed, and its success must be confirmed through independent clearance testing by the pre-mitigation testing company before re-habitation is attempted.

Establish Comprehensive Cleanup Standards:
Standards must be science-driven, covering each COC individually as well as their collective impacts. Regulatory frameworks must ensure independence from industry influence and prioritize public health and safety.

Enhance Insurance Industry Preparedness and Response:
Wildfire-specific insurance policy offerings, such as optional deductibles and consumer protections, should be carefully evaluated for potentially negative consumer impacts and hidden added costs to ensure consumer safeguards are in place.

Complete a Data-Based Insurance Cost Analysis:

We urge the Colorado Division of Insurance to conduct a data call to elicit information from insurers on amounts they paid out for Temporary Rent/Additional Living Expenses, Loss Adjustment Expenses and repair/remediation/restoration costs on homes that were damaged but not destroyed in previous WUI fires in the State of Colorado.

Ongoing Research and Monitoring:
Regulations could potentially include mechanisms to add newly identified COCs quickly, avoiding delays caused by lengthy bureaucratic processes. Continuous routine monitoring at specific intervals regarding published research and evolving best practices could help ensure standards remain more current and effective.

Overall

Any standardized approach must utilize the most current, science-based testing technologies and include a comprehensive list of all known urban wildfire conflagration related COCs, regardless of whether residential limits have been formally established. This is the original intent of HB24-1314.

All professionals involved in evaluating and remediating wildfire damage, including insurers, restoration contractors, engineers, and industrial hygienists, must be demonstrably free of conflicts of interest and hold training and certifications to ensure objective, qualified work.

Summary Comments

While significant work remains, United Policyholders is encouraged by the progress made by the Colorado Department of Insurance and Partners Environmental toward fulfilling the goals of HB24-1314. We strongly support continued efforts to establish clear, comprehensive, enforceable standards for evaluating damage, conducting testing, developing remediation plans, performing remediation, and confirming clearance before habitation of wildfire-impacted homes.

It is essential that these standards guarantee full and fair investigation of damage and remediation that restores policyholders to safe, habitable, pre-loss conditions. Achieving this requires:

- Evidenced, science-based standards for all professionals involved.
- Adoption of the most current testing means and methods for the most comprehensive list of COCs.
- Transparency of financial interests and regulatory requirements for independence to prevent conflicts of interest.
- Clear, enforceable regulatory requirements, qualifications and certifications for insurers, contractors, engineers, and industrial hygienists.

By prioritizing independence, scientific rigor, and consumer protection, Colorado can ensure that standing home survivors of catastrophic wildfires are fully indemnified and communities can more quickly return to economic vitality and are safeguarded for the future.

Respectfully submitted,

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