



**California Department of Insurance**

**Report of the Smoke Claims and Remediation Task Force**

**Insurance Commissioner Ricardo Lara's Smoke Claims & Remediation Task Force**



Report of the Smoke Claims and Remediation Task Force to Insurance Commissioner  
Ricardo Lara and Other Interested Stakeholders

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**ACRONYMS**

<b>ACAC</b>	<b>American Council for Accredited Certification</b>
<b>AIHA</b>	<b>American Industrial Hygiene Association</b>
<b>ALE</b>	<b>Additional Living Expenses</b>
<b>APCIA</b>	<b>American Property Casualty Insurance Association</b>
<b>ASTM</b>	<b>American Society for Testing and Materials</b>
<b>CAM</b>	<b>California Administrative Manual</b>
<b>CBCs</b>	<b>Combustion Byproducts of Concern</b>
<b>CBPs</b>	<b>Combustion Byproducts</b>
<b>CDI</b>	<b>California Department of Insurance</b>
<b>CDPH</b>	<b>California Department of Public Health</b>
<b>CIC</b>	<b>California Insurance Code</b>
<b>CIRI</b>	<b>Cleaning Industry Research Institute</b>
<b>COCs</b>	<b>Chemicals of Concern; Contaminants of Concern</b>
<b>DTSC</b>	<b>California Department of Toxic Substances and Controls</b>
<b>EFRU</b>	<b>Eaton Fire Residents United</b>
<b>FRV</b>	<b>Fair Rental Value</b>
<b>IH</b>	<b>Industrial Hygienist</b>
<b>IICRC</b>	<b>Institute of Inspection, Cleaning, and Restoration Certification</b>
<b>LACDPH</b>	<b>Los Angeles County Department of Public Health</b>
<b>NAMIC</b>	<b>National Association of Mutual Insurance Companies</b>
<b>NIOSH</b>	<b>National Institute for Occupational Safety and Health</b>
<b>OEHS</b>	<b>Occupational and Environmental Health and Safety</b>

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<b>OSHA</b>	<b>U.S. Occupational Safety and Health Administration</b>
<b>PAHs</b>	<b>Polycyclic Aromatic Hydrocarbons</b>
<b>PFAS</b>	<b>Per- and Polyfluoroalkyl Substances</b>
<b>PFOS</b>	<b>Perfluorooctane Sulfonate</b>
<b>PIFC</b>	<b>Personal Insurance Federation of California</b>
<b>PPE</b>	<b>Personal Protective Equipment</b>
<b>RCRA</b>	<b>Resources Conservation and Recovery Act</b>
<b>RIA</b>	<b>Restoration Industry Association</b>
<b>RWP</b>	<b>Restoration Work Plan</b>
<b>SCA</b>	<b>Soot, Char, Ash</b>
<b>SVOCs</b>	<b>Semi-Volatile Organic Compounds</b>
<b>UP</b>	<b>United Policyholders</b>
<b>USEPA</b>	<b>U.S. Environmental Protection Agency</b>
<b>VOCs</b>	<b>Volatile Organic Compounds</b>
<b>WUI</b>	<b>Wildland-Urban Interface</b>

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### I. EXECUTIVE SUMMARY

In January 2025, California experienced the Eaton Fire and Palisades Fire, which combined have been recognized as the largest urban disaster in state history, claiming a reported 31 lives and damaging and destroying thousands of homes and businesses. In addition to completely destroyed homes, condominiums, and apartments, thousands of residential properties suffered damage from wildfire smoke, soot, char, and ash (SCA), combustion byproducts (CBPs), and contaminants of concern (COCs), including lead, asbestos, heavy metals, and other toxic substances.

According to data received from insurers, the California Department of Insurance (CDI) estimates that more than 40,000 insurance claims were filed as a result of the January 2025 fires, and of those claims, more than 13,000 involved standing homes that sustained smoke damage. To date<sup>1</sup>, insurers have paid more than \$22 billion towards the January 2025 wildfires claims. At the same time, the CDI has received complaints from policyholders regarding the handling of smoke damage claims, including disputes over the scope of investigation, claims being denied or reduced, the extent of remediation, and whether homes have been sufficiently restored to pre-loss condition. Some policyholders have reported feeling pressured to return to homes that they have reason to believe are unsafe and facing significant out-of-pocket costs to test and restore their properties to pre-loss condition. Some of the reported concerns can be traced to conflicting views on the extent of testing that is required and methodology (i.e., how and where samples should be taken), a lack of uniform standards for sampling, testing, and analytical methods, restoration methods, allegations of biased experts, and differences in smoke damage claims adjusting practices that have resulted in inconsistent claims handling, denials, and disputes. Insurance industry representatives state that claim outcomes have varied based on the specific facts of each loss, the methodologies used by environmental and restoration professionals, and the applicable policy language.

In May 2025, Commissioner Lara directed the CDI to convene a Smoke Claims and Remediation Task Force to investigate the issues related to smoke damage claims and to provide recommendations. Over the past several months, the Task Force heard presentations from numerous stakeholders, including impacted homeowners and survivor groups, consumer advocates, academics, industrial hygienists, restoration specialists, local and state public health experts, insurance industry representatives, an attorney on behalf of policyholders, and an attorney on behalf of the insurance industry, to better understand these issues. The Task Force also reviewed written materials, including academic literature, technical guides, and the Draft Report from the Colorado Division of Insurance on their Wildfire Remediation Analysis (which has since been withdrawn) to determine if any of its recommendations could inform California's approach.

Stakeholder presentations revealed stark differences of opinion, particularly with respect to the role and necessity of environmental testing; survivor groups and consumer

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<sup>1</sup> [LA County Wildfire Claims Tracker](#), updated November 17, 2025

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advocates have questioned the integrity of some experts that insurers are using to evaluate and remediate smoke damage. Survivor groups, policyholder and consumer advocates, some academics, and some industrial hygienists (IHs) argue that pre- and post-remediation testing for SCA, lead, asbestos, and a comprehensive panel of COCs should be routine protocol in all cases after a wildland-urban interface (WUI) fire or urban conflagration, and that a home that experiences smoke infiltration should be considered a smoke-damaged home that requires proper remediation and restoration by qualified independent professionals rather than superficial cleaning. Other IH and restoration trade groups, as well as insurance industry representatives, emphasized that pre-remediation testing is not always necessary in every case and supported a more situational, property-specific approach. These stakeholders generally supported the concept that visible evidence of SCA as surrogates for smoke impact, combined with professional inspection and evaluation, should inform the scope of remediation, with targeted testing used, as appropriate, to assess the effectiveness of remediation, rather than as an indicator of health risk.

Public health experts on the Task Force cautioned that the mere presence of a contaminant in a home does not equal exposure or a health impact and that the focus should be on mitigation and limiting exposure, rather than on testing, because of the lack of residential health-based standards and the lack of data on background contamination (i.e., what contaminants were present in or around the home before the fire and at what levels). However, the Task Force also heard presentations by and on behalf of property owner advocates disputing that proposition, suggesting that an insurer's legal obligation is to restore homes to pre-loss condition, the toxic particulates found in homes could not have been present before the January 2025 fires, and insurers did not conduct background testing before insuring those homes so they cannot legally impose a new condition that is not set forth in their policies.

Insurance industry representatives described the operational and legal challenges associated with a significant increase in smoke damage claims in recent years, including the scale and geographic reach of WUI fires, uncertainty arising from the absence of uniform residential standards and protocols for evaluating and remediating wildfire smoke impacts, and competing expectations regarding claims handling and affordability of insurance. They also raised concerns regarding what they described as aggressive, high-pressure solicitation tactics used by some public adjusters, attorneys, and vendors, which can contribute to questionable claims, late-filed claims, and claims involving homes that are unreasonably far removed from the burn zone. Industry representatives further noted that public fear has been amplified, in part, by what they described as sensational media coverage and the increasing reliance on medical toxicology approaches that are intended to evaluate individual health effects, but that are being misapplied without validated residential benchmarks, exposure context, or clear relevance to determining appropriate testing and remediation following wildfires. Finally, they emphasized the need to balance expectations for smoke remediation with the broader goal of maintaining affordable and available property insurance coverage in California.

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Public health experts also noted that some media coverage has equated the presence of contaminants to health harms without proper context of what various levels detected may or may not mean and often reference health harms that could occur with acute, high-level exposure, which is an inappropriate comparison to chronic low levels over time.

Consumer advocates countered that some insurers are using what they characterized as “science for hire” - what they described as experts who receive considerable income from insurers and who minimize smoke damage claims. Property owners and consumer advocates also shared information about wildfire survivors whose insurers have cut off or threatened to cut off their Additional Living Expense (ALE) benefits, despite the fact that they have not received written assurance from a qualified expert that their home is safe and habitable and that they will not be exposed to harmful substances if they move back in.

After hearing the presentations and reviewing the written materials, the Task Force was able to reach a general consensus on some of the broader, overarching issues, with some exceptions. However, disagreement persists on other issues and the specifics of how to address smoke damage claims. Some of the key takeaways from the Task Force's work, including some general areas of agreement and disagreement, are highlighted below:

- Wildfire smoke exposure resulting from a WUI fire, which spreads into densely populated areas, particularly in a large-scale disaster such as the January 2025 fires, contains greater potential for COCs and other toxins than a typical wildland fire.
- While some wildfire smoke byproducts and COCs dissipate on their own, some do not, and if not remediated, may cause permanent physical damage to property and may pose potential short-term and long-term health concerns (although this is an area of emerging research according to several members of the Task Force, including public health experts). Some IHs explain that in post-wildfire environments, airborne concentrations of most volatile CBPs rapidly decline once active smoke intrusion ceases, due to dilution, ventilation, and atmospheric degradation. Semi-volatile compounds may persist on surfaces for a period of time but also generally decrease through ventilation, cleaning, and normal environmental degradation. However, particulate-bound residues (e.g., SCA and associated metals) do not dissipate and will remain on interior surfaces until physically removed. Thus, some IHs posit that the potential for exposure is primarily governed by measurable surface loading, distribution, and the likelihood of disturbance or resuspension, rather than the historical presence of wildfire smoke. Furthermore, some IHs and insurance representatives assert that each home must be evaluated by a qualified professional to determine the actual impact of wildfire smoke.

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- Survivor groups, consumer advocates, some academics, and some IHs who presented to the Task Force contend that pre-remediation testing determines what substances need to be cleaned and remediated and what restoration needs to be done.
- Standards for acceptable or harmful indoor air levels of lead and asbestos exist. However, standards for many of the other COCs found in homes post-WUI fires or urban conflagrations do not exist and must be developed as soon as practicable.
- When post-remediation clearance testing is done, it should be conducted as soon as possible after remediation and restoration to confirm the effectiveness of remediation and to determine the need for additional remediation. Some argue that where the results of such testing show remaining toxins, there must be additional remediation and repeated clearance testing. However, insurance industry representatives assert that once remediation and restoration are complete, insurers' obligations are fulfilled under their policies.
- The Task Force discussed the concept of developing a tiered classification system for smoke damage claims with different inspection, testing, and restoration protocols for each designated tier. It was generally agreed that this tiering could be a useful conceptual approach to promote consistency and efficiency in smoke damage claims handling. It was also generally agreed that homes in and near a burn zone are the most impacted by wildfire smoke and may warrant more robust inspection, testing, and remediation. However, there was disagreement regarding the specifics of how a tiered classification should be developed, including the appropriate parameters for defining zones and whether automatic sampling, testing, and remediation requirements should apply. For instance, some members of the Task Force argued that pre-remediation testing should not be required for homes in and near the burn zone and that remediation should be the first step. Some members also expressed the need for flexibility even within a tiered classification so that homes can be evaluated individually.
- Training and certification programs should be developed and implemented by the appropriate governmental agencies with jurisdiction over the various individuals involved in the smoke damage claims and restoration process, including independent and staff insurance adjusters, public adjusters, industrial hygienists, field testers, smoke remediation experts, restoration contractors, and testing laboratories. This will provide more reliability, safety, uniformity and consistency related to smoke damage testing, remediation, restoration, clearance testing, and insurance claims handling.
- Training and certification programs, and associated protocols, should ensure that all individuals involved in the smoke damage claims and restoration process are aware of, and abide by, existing occupational and hazardous waste safety regulations and the proper use of personal protective equipment (PPE).

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Implementing these concepts will require a multi-pronged approach with involvement by various governmental agencies at the local and state level, as well as stakeholder input, and will likely require a combination of regulatory and legislative action.

Thus, the purpose of this Report is to lay out the Task Force's investigation of the issues, identify gaps that need to be filled, and make general recommendations regarding potential concepts that could be further developed and implemented to address residential smoke damage claims resulting primarily from WUI fires which spread into densely populated areas, such as the January 2025 fires.

## **II. DISCUSSION**

### **A. Background**

The Eaton Fire and Palisades Fire in January 2025 destroyed entire neighborhoods in densely urban areas of Los Angeles County, emitting large plumes of wildfire smoke, soot, char, ash, combustion byproducts, and contaminants that were carried far distances by strong winds over several days. More than 13,000 smoke damage insurance claims were filed as a result. The CDI has received complaints from survivors regarding the handling of their smoke damage claims, including disputes over indoor air quality and environmental testing, cleaning, remediation and restoration of their homes and personal property, and with regard to payment and termination of ALE and loss of use benefits. Survivor groups and consumer advocates assert that some insurers are adjusting smoke damage claims by attempting to clean personal and real property without first conducting testing to determine what contaminants are present and require removal and which building materials and contents are contaminated and can be cleaned or must be replaced. They assert that in some cases, insurers are using vendors who “clean” items that cannot be cleaned. The Task Force heard from some presenters that contaminants have been found in soft goods (e.g., bedding, clothing, upholstered furniture, toys, curtains, rugs), which they argue must be tested and oftentimes replaced and, in some cases, hardwood flooring, drywall, and HVAC systems with flexible ducting, which they argue require removal and restoration. Consumer advocates state that there are myriad disputes, which are currently being litigated, related to some insurers' alleged use of smoke damage claims handling protocols that begin with cleaning instead of testing, failing to remediate contaminants that are present, denying necessary demolition and repair work, and not restoring damaged properties to pre-loss condition.

In some cases, these disputes have resulted in survivors paying out-of-pocket for what they believe is necessary testing of their homes to determine whether they are safe and habitable. In some instances presented to the Task Force, testing has shown the presence of contaminants of concern (COCs) inside homes, including lead, heavy metals, asbestos, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and other substances. Survivor groups and consumer advocates argue that many of the COCs that are being found in homes in the vicinity of the Los Angeles fires are not typically found in homes and that, while there are standards for unsafe levels of lead and asbestos, there are no standards for unsafe levels of other fire-related COCs, yet they are, according to these groups, known to be harmful to human health. Insurance industry representatives contend, however, that with no pre-fire home testing, the extent to which testing results are attributable to the January 2025 fires is unclear. The lack of residential health-based screening levels for many of the COCs found in homes post-wildfire is making it difficult to establish a baseline or target level to restore and clear a home for habitation. Sampling methods, testing locations, restoration methods, and smoke damage claims handling have been inconsistent. Insurance industry representatives report that claims outcomes have varied depending on the specific facts of a claim, the methods employed by environmental and restoration

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professionals, and the applicable policy language. They state that in evaluating smoke damage claims and determining whether coverage is triggered under a policy, insurers generally consider the applicable policy language, relevant statutory requirements, and California legal precedent, including more recent judicial decisions interpreting the phrase “direct physical loss or damage” in insurance policies. They state that in some instances, the evaluation results in claims being denied based on an insurer’s conclusion that smoke did not cause direct physical loss or damage sufficient to trigger coverage. However, this interpretation and application of “direct physical loss or damage” to deny smoke damage claims has been the subject of several judicial decisions and has been disputed by property owners, consumer advocates, and policyholder attorneys. The CDI issued a [Bulletin](#) in March 2025 to remind insurers about their obligations to fully and fairly investigate and pay covered smoke damage claims.

Due to the continuing concerns raised by survivors with standing homes, in May 2025, Commissioner Lara directed the CDI to convene a Smoke Claims and Remediation Task Force to investigate the issues related to smoke damage claims and to provide recommendations. Over the past several months, the Task Force heard presentations from numerous stakeholders, including survivor groups and consumer advocates, academics, industrial hygienists, remediation and restoration specialists, local and state public health experts, insurance industry representatives, an attorney on behalf of policyholders, and an attorney on behalf of insurers, to better understand these issues. The Task Force also reviewed written materials, including academic literature, technical guides, and the Draft Report from the Colorado Division of Insurance on their Wildfire Remediation Analysis, which has since been withdrawn, to determine if any of its recommendations could inform California’s approach.

Stakeholder presentations revealed differences of opinion, particularly with respect to the critical issue of testing. Survivor groups, policyholder and consumer advocates, some academics, and some industrial hygienists (IHs) argue that automatic pre- and post-remediation testing for a defined panel of COCs is necessary in all cases and that any home that experiences smoke infiltration should be considered a smoke-damaged home that requires proper restoration by a qualified professional rather than superficial cleaning. Eaton Fire Residents United (EFRU) presented their compiled data showing the presence of lead and asbestos inside homes even after remediation and the presence of heavy metals both in and outside of the Eaton Fire burn zone. Other IH and restoration trade groups, as well as insurance industry representatives, opined that pre-remediation testing is not always necessary in every case and supported a more situational, property-specific approach. These stakeholders generally support the concept that visible evidence of SCA as surrogates for smoke impact, combined with professional inspection and evaluation, should inform the scope of remediation, with targeted testing used, as appropriate, to assess the effectiveness of restoration, rather than as an indicator of health risk. They also assert that most smoke-damaged homes, especially those far from the burn zone, can be restored to pre-loss condition.

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Public health experts and other stakeholders asserted that the mere presence of a contaminant in a home does not equal exposure or health impact and that the focus should be on mitigation and limiting exposure, rather than on testing, because of the lack of residential health-based standards and the lack of data on background contamination or baseline levels pre-fire.

Insurance industry representatives described operational and legal challenges associated with a significant increase in smoke damage claims in recent years, including the scale and geographic reach of WUI fires, uncertainty arising from the absence of uniform residential standards and protocols for evaluating and remediating wildfire smoke impacts, and competing expectations regarding claims handling and affordability. They also raised concerns regarding what they described as aggressive, high-pressure solicitation tactics used by some public adjusters, attorneys, and vendors, which can contribute to questionable claims, late-filed claims, and claims involving homes that are unreasonably far removed from the burn zone. Industry representatives further suggested that public fear has been amplified, in part, by sensational media coverage and the increasing reliance on medical toxicology approaches that are intended to evaluate individual health effects, but that are being misapplied without validated residential benchmarks or clear relevance to determining appropriate testing and remediation. Finally, they emphasized the need to balance expectations for smoke remediation with the broader goal of maintaining affordable and available property insurance coverage in California. Public health experts also noted that some media coverage has equated the presence of contaminants to health harms without proper context of what various levels detected may or may not mean and often reference health harms that could occur with acute, high-level exposure, which is an inappropriate comparison to chronic low levels over time.

### **B. Formation of the Smoke Claims and Remediation Task Force**

In the wake of the January 2025 fires, and in response to some insurers' reliance on recent court opinions in their handling of smoke damage claims, the CDI issued a [Bulletin](#) on March 7, 2025 setting forth its expectations as to how insurers are required to handle those claims. In short, the Bulletin advised that evidence that wildfire smoke has caused damage to an insured property must be fully and fairly investigated. When an insured makes a smoke damage claim, the insurer is required to act promptly and reasonably and to adopt and implement reasonable standards for the investigation and processing of the claim. It is not reasonable to deny a smoke damage claim without conducting an appropriate investigation, nor is it reasonable for an insurer to require the insured to incur substantial costs to investigate their own claim.

While property insurance policies (that cover the peril of fire) cover the resulting smoke damage, the extent to which insurers are covering environmental testing and restoration of properties has been inconsistent. While individual insurer practices vary, the CDI has received complaints indicating that some insurers have taken a hardline approach and do not pay for any testing while offering an insufficient amount for superficial cleaning rather than full remediation and restoration of the home. The lack of residential health-

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based screening standards for many of the COCs found in homes post-wildfire, the lack of standards for sampling, testing, and analytical methods and remediation methods, and the lack of uniform protocols for the handling of smoke damage insurance claims has led to confusion, delays, and unequal treatment of policyholders.

Determining the proper level of testing and remediation for smoke damage is made more challenging due to the fact that there are a number of factors that affect the degree of smoke damage, including characteristics of the home such as the presence and type of attic vents and window types, as well as e varying wind and weather patterns and the location of the property, which all affect the severity of smoke damage.

To provide clarity and assurances to the many stakeholders involved, Commissioner Lara directed the CDI to establish and convene the Smoke Claims and Remediation Task Force comprising members representing consumers, public health, fire safety, local governments, environmental health, industrial hygienists, remediation and restoration specialists, and the insurance industry to provide a range of perspectives and to make recommendations, where possible, for the development of uniform, science-based, equitable standards for the inspection, testing, and remediation of residential properties that have been damaged by smoke due to wildfire. ([Appendix A.](#))

### **C. Task Force Directives**

The primary goals of the Task Force were to:

- Evaluate the existing methods of inspecting, testing, and remediating residential properties damaged by wildfire smoke;
- Make recommendations, where possible, regarding best practices and standards for inspection, testing, and remediation of smoke-damaged properties with consideration for how those standards may impact the residential property insurance market in California and how to mitigate the submission of fraudulent or frivolous smoke damage claims;
- Determine whether standard guidelines could be developed for whether smoke-damaged properties are below, at, or above, established levels for the health and safety of occupants;
- Evaluate potential standards for insurers to effectively meet their obligation to remediate and to cover the reasonable cost of remediation of smoke-damaged properties;
- Determine which state and local government agencies should be involved in creating and enforcing those standards.

Several questions were considered by the Task Force regarding the crux of the issues, testing and remediation, including:

- Is pre-remediation testing a necessary first step to determine a proper remediation plan and to ensure worker safety?

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- Is post-remediation (clearance) testing necessary to determine the effectiveness of remediation, to determine if additional remediation is necessary, and to clear the home for habitation?
- For both pre- and post-remediation testing, should certain COCs be automatically tested for and, if so, what testing levels are considered safe or unsafe?
- What is the best practice to address soft goods (e.g., clothes, bedding)? Should soft goods that are objectively exposed to smoke automatically be deemed a total loss and replaced by insurers, or should an attempt be made to clean soft goods before considering replacement?
- If, after initial remediation is completed, additional remediation is necessary, who should be responsible? When does the insurer's obligation under the policy end?

Over the past several months, the Task Force heard presentations from a diverse group of stakeholders, providing a wide range of perspectives and opinions on these issues, and engaged in robust discussion in an effort to identify areas of consensus and to make recommendations to the Commissioner. The Task Force also reviewed written materials, including technical guides, academic literature, and Colorado's Draft Report (discussed in Section III, G) to determine whether any recommendations could inform California's approach. Although there were some general areas of consensus, there was also disagreement on the specifics of how to properly address the issues related to smoke damage claims.

### **D. Key Takeaways from Stakeholder Presentations**

Given the complexity of the issues surrounding wildfire smoke damage claims, the Task Force heard presentations by a diverse array of stakeholders to better understand the scientific, technical, legal, and practical considerations involved and to inform the Task Force's work, as well as for consideration by the Commissioner in deciding appropriate next steps.

The Task Force heard from survivor groups about the many challenges they have experienced in navigating some insurers' handling of smoke damage claims, including disputes related to environmental testing and remediation, the scope and timing of claims investigations, claim denials, delays, reduced settlement offers, the handling of personal property, and the administration of ALE payments. Eaton Fire Residents United (EFRU) presented data that they have compiled from pre- and post-remediation testing of homes in Altadena which they assert showed positive results for lead and asbestos even after remediation. They also presented data that they suggest showed high levels of heavy metals found both inside and outside of the Eaton burn zone, and some levels of heavy metals that stayed the same or increased in positivity even after remediation. However, other stakeholders, including the insurance industry, raised questions regarding the interpretation of those findings, including the role of background contamination and re-entrainment and methodological differences across testing protocols.

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Survivor groups, policyholder and consumer advocates, some industrial hygienists, and some academics who presented to the Task Force have called for automatic pre- and post-remediation testing to develop a proper remediation plan, ensure worker safety, determine the effectiveness of remediation, and clear the home for habitability. They argue that there should be thorough sampling throughout any home that experiences smoke infiltration, including areas that cannot be evaluated based on visual inspection alone, with testing for a specified panel of COCs, including, but not limited to, lead, asbestos, heavy metals, VOCs, SVOCs, and other known carcinogens, and that a smoke-damaged home requires thorough remediation by a qualified professional, rather than superficial cleaning by the homeowner, inexperienced contractor, or general cleaning service.

In contrast, the Task Force heard from members of some IH and restoration trade groups, such as the American Industrial Hygiene Association (AIHA), who argued that pre-remediation testing is not necessary in every case, especially for homes farther away from the burn zone, and that exhaustive sampling and testing may not be necessary. They take the position that SCA has historically been, and can continue to be used, as surrogates for testing purposes and that if there is evidence of SCA attributable to a wildfire and differentiated from background contamination, it can be assumed that COCs are present as well without confirmatory testing, which can add unnecessary costs and reduce the policy limits available for remediation. They stress that each property in each fire must be evaluated on a case-by-case basis and that the purpose of testing should be to determine the effectiveness of remediation rather than to assess health risk. They point to existing industry technical guides, such as the AIHA Technical Guide and the more recent IICRC Technical Guide, which they state establishes an existing framework for the evaluation and restoration of wildfire smoke impact utilizing the concept of time and distance from the burn zone with different protocols for each zone (i.e., burn zone, near-field zone, far-field zone).

The Task Force also heard from insurance industry representatives, whose perspectives were generally aligned with those of the IH and restoration trade groups discussed above regarding the evaluation, testing, and remediation of smoke damage and generally supported the use of their technical guides. Insurance industry representatives emphasized that claim evaluation must remain grounded in applicable policy language and long-standing coverage principles, noting that property insurance is designed to address direct, physical damage and loss to structures and contents, not to insure against speculative or subjective health risks. They cautioned that approaches which decouple testing and remediation expectations from observable property conditions and contractual terms can erode necessary guardrails, introduce subjectivity, and expand exposure beyond what property insurance policies are designed or priced to cover.

They also discussed the challenges associated with the scale and complexity of recent wildfires, including a substantial increase in smoke damage-only claims, a higher incidence of claims presenting questions regarding causation and scope, late-filed claims, and claims involving homes far from the burn zones. They noted that these

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trends, combined with the absence of validated residential thresholds to interpret testing results, have complicated claim evaluation and contributed to greater variability and dispute. In their view, detection alone – without defined, science-based benchmarks indicating damage, risk, or a clear endpoint for restoration – does not provide a reliable basis for determining coverage obligations or remediation scope. They further raised concerns about the increasing reliance on medical toxicology analyses and screening values which they believe are being misapplied outside their appropriate context, particularly where methodologies developed for occupational, regulatory, or site-specific health evaluations are used to determine residential property damage or remediation scope. They emphasized that, without validated residential benchmarks, sufficient consideration of exposure pathways, background conditions, or clearly defined restoration thresholds, such approaches risk being misapplied for purposes they were not designed to serve.

Industry representatives also cautioned that deviation from relevant and scientifically credible standards may pose regulatory and legal risks not only for insurers, but also for policymakers and governing bodies. The application of such approaches – particularly when coupled with aggressive third-party solicitation and selective media amplification – may contribute to added costs and operational strain that may ultimately affect coverage availability and affordability for consumers. In this context, they emphasized the importance of science-based standards, clear consumer communication, and proportionate, evidence-driven claims handling.

Public health experts on the Task Force cautioned against equating the detection of a contaminant with health risks, first because the mere presence does not imply exposure, and second because many contaminants lack residential health-based standards so it is not known what levels or routes of exposure might pose important health risks. Furthermore, because of the lack of pre-fire background data, they state that it is usually not possible to determine what levels are attributable to a fire. They advised that the risk of long-term health outcomes from exposures, such as cancer, is an area of emerging research and although there are benefits to testing - mainly to quantifiably assess remediation measures - there are also limitations and testing should not be used to quantify health risks. Due to these factors, they questioned the methodology involved with data gathering, interpretation, and conclusions presented by some survivor groups and academics regarding the contaminants found in homes pre- and post-remediation. They advised against the goal of designating homes as “safe” or “unsafe” to inhabit. Although there are good standards for some contaminants, particularly lead, there are no clear cutoffs for many emerging chemicals; rather, they asserted that assessments should be based on articulating potential risk and what can be done to mitigate that risk to the extent possible. They highlighted that there are currently large gaps in knowledge and research when it comes to health impacts of residential wildfire smoke. Thus, they asserted that the focus should be on mitigation and limiting exposure, rather than on testing, and that each property should be evaluated by a certified industrial hygienist, certified indoor air quality consultant, or equivalent professional to determine if testing and/or remediation is warranted, and if testing is necessary, to develop the criteria for testing on a case-by-case basis.

## **E. Legal Landscape**

According to insurance industry representatives, some insurers have relied on recent judicial decisions when evaluating, disputing, or limiting certain smoke damage claims, particularly where there is disagreement as to whether smoke exposure caused direct physical loss or damage sufficient to trigger coverage under a residential property insurance policy. They have argued that, in some cases, smoke residue that can be removed through reasonable cleaning based on the facts and evidence specific to the property, without resulting in lasting impairment, may not constitute direct physical damage to the property, and that the mere presence of smoke, standing alone, does not automatically trigger coverage where it is not attributable to a specific fire event or does not result in demonstrable physical alteration of the property. The insurance industry also points out that property insurance generally does not cover land, soil, or substances in the ambient air. The CDI noted in its March 2025 [Bulletin](#) that recent cases interpreting the phrase “direct physical loss or damage” in an insurance policy do not support the position that smoke damage is never covered as a matter of law and stated that whether a particular smoke damage claim is covered depends on the specific policy language and the unique facts of each claim. The Task Force heard legal presentations by attorneys on behalf of insurers and policyholders, which are summarized in Section III, F. The primary cases relied upon by some insurers are briefly summarized here.

In *Another Planet Entertainment, LLC v. Vigilant Ins. Co.* (2024) 15 Cal. 5<sup>th</sup> 1106, a case arising in the context of COVID-19 related to business interruption claims, the California Supreme Court, as a matter of first impression, interpreted the meaning of “direct physical loss or damage” to property under California law. The question before the Court was “[c]an the actual or potential presence of the COVID-19 virus on an insured’s premises constitute ‘direct physical loss or damage to property’ for purposes of coverage under a commercial property insurance policy?” *Id.* at 1117.

The Court held that “[u]nder California law, direct physical loss or damage to property requires a distinct, demonstrable, physical alteration to property. The physical alteration need not be visible to the naked eye, nor must it be structural, but it must result in some injury to or impairment of the property as property.” *Id.* The Court emphasized that “it is the *effect* of the change or alteration of the property that is determinative. If the change or alteration causes harm or injury to the property itself, such a change or alteration may constitute direct physical damage to property.” *Id.* at 1138. “[T]he mere fact that a property cannot be used as intended is insufficient on its own to establish direct physical loss to property.” *Id.* at 1117. The Court concluded “that allegations of the actual or potential presence of COVID-19 on an insured’s premises do not, without more, establish direct physical loss or damage to property within the meaning of a commercial property insurance policy.” *Id.* at 1117-1118.

The Court noted that “an invisible substance or biological agent may, in some cases, be sufficiently harmful and persistent to cause a distinct, demonstrable, physical alteration

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to property.” *Id.* at 1140. “Notably, such a connection will not be found where the substance or biological agent can be easily cleaned or removed from the property.” *Id.* “The property itself must suffer a direct physical loss, i.e., it must be so negatively affected that it is rendered effectively unusable or uninhabitable.” *Id.* The Court added a caveat that “the focus of our opinion should not be interpreted to downplay other circumstances that might be dispositive in this case or others.” *Id.* at 1151.

In *Gharibian v. Wawanesa General Ins. Co.*, (2025) 108 Cal. App. 5<sup>th</sup> 730, the Court of Appeal held that there was no coverage for a claim involving wildfire debris and smoke damage at a home where a wildfire had burned half a mile away. *Id.* at 733. The insureds and the insurer retained their own professionals who provided conflicting assessments of the damage and cost estimates to remediate the home. *Id.* at 733-734. Ultimately, the insureds cleaned their home on their own without hiring professionals. *Id.* at 734. Citing *Another Planet*, the Court concluded that there was no evidence of any direct physical loss to the property and that “[t]he wildfire debris did not ‘alter the property itself in a lasting and persistent manner.’ Rather, all evidence indicates that the debris was ‘easily cleaned or removed from the property.’ Such debris does not constitute ‘direct physical loss to property.’” *Id.* at 738. The court’s holding turned on the specific evidentiary record before it, including the absence of professional remediation, the insureds’ own cleaning efforts, and the lack of evidence demonstrating lasting physical impairment to the property, and did not establish a categorical rule regarding smoke damage claims.

In contrast, in *Bottega, LLC, et al. v. National Surety Corp.*, 2025 WL 71989, the U.S. District Court, Northern District of California found that the summary judgment record established as a matter of undisputed fact that wildfires caused direct physical loss and damage to plaintiff. Here, the insurance policy included “[s]moke causing sudden and accidental loss or damage” as a covered cause of loss. *Id.* at 5. The court found that “[t]o trigger coverage, ‘there must be some *physicality* to the loss . . . of property – e.g., a physical alteration, physical contamination, or physical destruction.’” *Id.* at 4. The court concluded that the insurer’s admissions in discovery were “consistent with case law recognizing ‘[c]ontamination of a structure that seriously impairs or destroys its function may qualify as direct physical loss.’” *Id.* The court found the COVID-19 cases cited by the insurer to be unpersuasive “because courts distinguished COVID-19 – a virus that can be disinfected – from noxious substances and fumes that physically alter property . . .” *Id.* “Whereas a virus is more like dust and debris that can be removed through cleaning, [internal citations omitted] smoke is more like asbestos and gases that physically alter property.” *Id.* Insurance industry representatives argue, however, that the court’s analysis in this case was grounded in the specific policy language at issue and the factual record demonstrating physical contamination and functional impairment, and that it does not stand for the proposition that all smoke exposure automatically constitutes covered damage.

### III. STAKEHOLDER PRESENTATIONS AND MATERIALS REVIEWED

The following is a summary of the key takeaways from the stakeholder presentations and materials reviewed by the Task Force.

#### A. Public Health

***California Department of Public Health (CDPH) Presentation, Dr. June Weintraub, Deputy Director for Environmental Health, Dr. Rita Nguyen, Assistant Public Health Officer, Dr. Jeff Wagner, Chief of Environmental Health Laboratory Branch, November 17, 2025 (Appendix B)***

The CDPH, with input from Dr. Nichole Quick, Chief Science Officer at the Los Angeles County Department of Public Health (LACDPH), presented to the Task Force from a public health perspective related to smoke damage claims.

The key point that the public health experts emphasized is that the mere presence of a contaminant does not equal exposure, and exposure does not equal a health impact.

During a wildfire, there are acute, high intensity exposures mainly from inhalation and from interacting with the fire and debris. The composition and toxicity of wildfire smoke emissions are impacted by fuel and burn conditions, such as vegetation type, soil composition, types of burned structures and vehicles, moisture/wind/temperature, and whether the wildfire is flaming versus smoldering. Other variables that affect smoke include weather, wind direction and speed, duration of wind, humidity/precipitation during the fire, and home characteristics (e.g., integrity of the windows and doors, location and type of attic vents, type of HVAC). In urban environments, SCA deposited indoors may contain lead, other heavy metals, asbestos, polycyclic aromatic hydrocarbons (PAHs), and other VOCs.

SCA will not passively dissipate without intervention, and the potential health impacts from uncleaned SCA may continue for an unknown duration. SCA and oily or sticky residues become re-entrained into the indoor airspace, redistributed around the home via tracking and HVAC systems, re-emitted as gases in some conditions, and re-deposited onto, or embedded into, other surfaces. The presence of odor is an indicator that particles and oily residues have become embedded into porous surfaces (e.g., drywall) or fabric surfaces (e.g., furniture, carpets).

Potential health impacts include acute symptoms, such as eyes, nose, throat, respiratory, and skin irritation, especially for children and other vulnerable populations, and worsening of chronic health conditions, such as heart and lung disease. Exposure can occur through the skin, eyes, nose, and throat from inhalation, ingestion, and hand-to-mouth activity. However, exposure does not necessarily mean that there is a health impact. The risk of long-term health outcomes from exposures, such as cancer, is an area of emerging research. The CDPH cited a recent study which concluded that “[o]ur current understanding of the health burden of chronic exposures to wildfire smoke

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pollutants is limited, due to lack of measurements over time, and difficulties in studying attributable health impacts from those exposures.”<sup>2</sup>

Furthermore, exposure to wildfire smoke is a limited event, rather than a continuous event such as ongoing, crumbling lead paint, and contaminated surfaces are easier to clean than deeply contaminated soils, for example. In addition, VOCs produced by wildfires usually dissipate over time on their own; there is some evidence to suggest some exceptions to this where some SVOCs may redistribute and be trapped in other parts of the home.

Thus, the CDPH advised that the focus should be on limiting exposure and mitigation, rather than on testing. Washing hands, wearing masks and PPE, cleaning, removal or replacement of non-cleanable items, and ventilation all reduce the potential risk of long-term health effects. The CDPH noted that, for other indoor environmental issues, such as mold, public health guidance generally recommends prompt remediation where there is visible evidence or musty odors, rather than reliance on confirmatory testing.

The CDPH discussed the benefits and limitations of testing applicable to both pre- and post-remediation testing. The benefit of testing is to determine the presence of contaminants pre-remediation and the levels of those contaminants post-remediation. Testing provides a measure to quantify remediation efficacy. It can also inform decisions on proper debris removal, the necessary qualifications of the workers to handle certain contaminants, and worker safety. However, testing has its limitations and cannot be used to quantify health risks in the absence of health-based standards. There are few appropriate standards that exist for smoke-induced chemicals inside homes. PAHs and VOCs can be present at trace levels in air or on surfaces as background, and there is no good consensus on health-based levels in non-occupational settings. Although testing for these substances may be informative of the extent of smoke impacts, they need to be considered professionally against the presence of these substances in everyday home products and cooking activities. The COCs post-wildfire will vary due to factors such as what burned and at what temperature, so it is not possible to define a “typical” wildfire contamination. In addition, the detection of a substance in one part of a home does not indicate the magnitude within the rest of the home or what the exposure level is because of unknown background levels which make it difficult to discern whether levels were present before the fire or as a result of the fire. Even when testing for contaminants that have established standards for health risk, the results of such testing may not change the recommended remediation (e.g., cleaning surfaces, removal or replacement of porous/fabric material).

The CDPH cautioned against using testing in isolation to determine the importance or efficacy of remediation and stressed that there must be a qualified expert driving the process and that professional evaluation is necessary because there will be variation in any given property. The CDPH advised that a best practice would be to have a certified industrial hygienist, certified indoor air quality consultant, or equivalent professional with

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<sup>2</sup> Destailats and Chan, “Remediation of indoor environments impacted by wildfire smoke: A review of available information and research needs,” July 2025.

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other credentials following appropriate ASTM, NIOSH, USEPA, and/or equal practice inspect a property to determine if testing and/or a remediation plan is warranted, and if testing is necessary, to develop the criteria for testing. Testing should only be done after considering:

- The availability of standard testing methods in the tested matrix
- Action levels, if available
  - Established criteria for health-protective target levels
  - Evidence for health benefit of reaching target levels
- Utility of testing to demonstrate efficacy of remediation

Testing for lead and asbestos is the most clear-cut when it comes to health standards because they represent long-term, although not quantifiable, health risks if left behind. However, many other COCs may not meet the above criteria.

Ultimately, the CDPH advised that they cannot make general recommendations on what contaminants to test for after a wildfire because every wildfire is different. Additional research is needed to learn more about the persistence of VOCs, the long-term health impacts of wildfire smoke, and to identify key surrogates for testing. Best practices should be developed for surface wiping protocols, HEPA vacuuming, carpet and porous material replacement, and professional HVAC cleaning.

Along the same lines, after the January 2025 fires, the LACDPH issued a Notice encouraging insurers to cover site-specific smoke damage assessments and recommendations from certified environmental consultants, industrial hygienists, restoration experts, or those with specialized training in smoke damage restoration. [\(Appendix C\)](#) The Notice advised that certified IHS and other qualified environmental professionals play a vital role “[b]ecause detailed standards for investigating and managing smoke-damaged homes have not been established . . .” “Their site-specific evaluations help determine when and how to test for wildfire-related contaminants such as soot, heavy metals, and combustion byproducts, and guide appropriate cleanup efforts.” “In the absence of established standards, site-specific smoke damage remediation will need to be guided by the professional judgment of qualified experts.”

***Dr. Nichole Quick, Chief Science Officer, Los Angeles County Department of Public Health (LACDPH), February 27, 2026***

Dr. Quick provided her written recommendations outlined below:

Establish legal/regulatory standard and define the criteria that govern post-fire residential indoor cleanup decisions

- a. Define the meaning of “restoration to pre-loss conditions” and what that requires. Options include the removal of all fire-related COCs, regardless of concentration; the reduction of fire-related COCs to levels that do not pose an identifiable undue human health risk or undue property damage; or another alternative.

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b. If risk-based, which seems reasonable, additional determinations are needed: If cleanup is based on preventing undue human health risk or property damage, the following decisions are necessary:

1. Distinction from background conditions – Fire-related COCs are not unique to wildfires and may already be present indoors due to background environmental conditions. Cleanup cannot practically reduce concentrations below typical background levels. A regulatory decision is needed regarding whether remediation is required where post-fire indoor conditions are indistinguishable from background.
2. Standard for “undue human health risk” – A decision must be made regarding the appropriate risk benchmark (e.g., risk levels, hazard indices, population assumptions).
3. Standard for “undue property damage” – Policy guidance is needed for situations where COCs do not pose a human health risk but may result in odor, corrosion, staining, or material degradation.
4. Pre-cleanup sampling requirements – A legal/regulatory determination is needed on whether sampling is required prior to cleanup, even when cleanup has already been authorized.

c. Scope of work to support a consistent standard – To develop scientifically-grounded, consistent, and defensible post-fire cleanup criteria, the following work is anticipated:

1. Identify COCs – Establish a defined list of potential COCs that could drive cleanup criteria, such as metals, PAHs, SVOCs, dioxins, VOCs.
2. Establish background indoor concentrations.
  - Conduct a systematic review of peer-reviewed literature documenting residential indoor background concentrations of fire-related COCs;
  - Identify data gaps and, if necessary, conduct representative indoor sampling to fill those gaps.
3. Evaluate evidence of undue human health risk.
  - Conduct systematic literature reviews for each COC, including epidemiologic evidence of community-scale health impacts and toxicologic evidence;
  - Derive generic indoor risk-based cleanup criteria using established methodologies (e.g., USEPA/CDPH risk assessment frameworks);
  - Develop appropriate exposure assumptions, including pathways, transfer efficiency, frequency, duration.

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4. Evaluate evidence of undue property damage.
  - Conduct literature review for property-related impacts, including odor thresholds, material compatibility and degradation;
  - Determine whether property-based criteria should exist independently from health-based criteria.
5. Optimize sampling and analytical strategy.
  - Develop a defensible and efficient sampling framework, such as a tiered impact-zone classification system with differentiated testing and remediation protocols. For instance: 1) Near Zone – cleanup required, pre-cleanup testing not required; 2) Intermediate Zone – testing required, cleanup contingent on results; 3) Far Zone – no testing required, claimant bears burden of testing to trigger cleanup;
  - Use of surrogate COCs to streamline laboratory analysis;
  - Prescribed statistical indoor sampling strategies to ensure representativeness.
6. Establish clearance criteria – Is post-cleanup sampling confirmation required? Are there prescriptive remediation approaches that would not require confirmation sampling?

### B. Industrial Hygienists and Remediation and Restoration Professionals

Generally, IHS follow various technical guides, which recommend utilizing a visual and olfactory inspection and targeted sampling of SCA as surrogates for other COCs, as necessary, to assess smoke impact, delineate the scope of restoration, and as a component of post-remediation verification. Some guides suggest that if smoke impact is suspected throughout a home, pre-remediation sampling is generally not necessary with the exception of regulated hazardous materials (i.e., lead and asbestos).

There are some IH and restoration trade groups that have published guides and standards related to smoke damage evaluation and restoration:

- AIHA Technical Guide for Wildfire Impact Assessments for the OEHS Professional, 2<sup>nd</sup> Edition (“AIHA Technical Guide”) ([Appendix F](#))
- IICRC S700 Standard for Professional Fire and Smoke Damage Restoration, 1<sup>st</sup> Edition (“S700 Standard”) ([Appendix G](#))
- IICRC/RIA/CIRI Technical Guide for Wildfire Restoration, Version 2: December 9, 2025 (“IICRC Technical Guide”) ([Appendix D](#))

These guides have attempted to establish a framework for categorizing wildfire smoke impact from Light to Heavy and to establish protocols based on impact zones that consider time and distance from the burn zone.

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However, Colorado's Draft Report (discussed in Section III, G) identified several limitations in existing guidelines and protocols, noting that:

- They generally focus on SCA and not on the full range of potential COCs that result from wildfires, particularly in WUI fires in a large-scale disaster.
- "There is no single source that has established a standard sampling protocol or applicable cleanup standards, allowing for variances in application of these standards and inconsistency between insurance company protocols and by consultants supporting insurance companies, insured parties, and cleanup contractors." The individuals who identify the extent of smoke damage and develop the recommended scope of work "often come from diverse backgrounds and may not follow consistent industry standard practices." "The ultimate result is that currently the response to fire residue cleanup varies significantly based on who is leading and conducting the fire cleanup." (p. 17)
- They rely primarily on microscopy, and "applying microscopy alone may not provide sufficient resolution or specificity to differentiate ultra-fine particulates nor definitively attribute contamination to combustion sources . . ." (p. 22)

### ***IH Fire Investigation Presentation, Daniel M. Baxter, R. Christopher Spicer, Dr. Richard Wade, October 27, 2025 ([Appendix E](#))***

Three of the contributing authors of the AIHA Technical Guide presented to the Task Force. They stated that SCA have been used as a surrogate wildfire impact test for over 25 years and that the fire source, inherent chemistry (i.e., the potential constituents in settled wildfire smoke, such as organics and metals), and the scope of cleaning can all be inferred from evaluating SCA because it is assumed that SCA and firestorm debris have adsorbed the organic and inorganic chemistry. They strongly refuted recent claims that microscopical SCA measurements do not provide useful diagnostic or public health information regarding wildfires.

They differentiated the burn zone from downwind areas (i.e., the near-field and far-field). They noted that fire chemistry, thermal dynamics, and infiltration pathways differ depending on location, and the necessary testing and cleaning methods may also differ. IHS conduct a thorough, systematic site inspection and evaluate the property by integrating a visual and olfactory inspection with targeted sampling, based on time and distance and analytical detection windows. With regard to sampling and analysis, there are no fixed applicable threshold levels for VOCs, SVOCs, heavy metals, etc., and background levels require differentiation. Microscopy provides simultaneous quantification and differentiation of fire-related particles from background. The assessment must consider the life-time decay of fire-related organic compounds which change as a function of elapsed time, temperature, and ventilation.

SCA are the most appropriate surrogates to quantify a fire-related impact and to infer potential chemical hazards. If an impact can be demonstrated, potential exposure may be inferred. They contend that using raw chemical analysis data poses several issues: 1) lack of numerical standards for most CBP deposition; 2) a chemical number does not

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differentiate between fire or background; and 3) unlike microscopy, it does not preserve the physical evidence of decreasing compound decay/dilution over time. They state that sampling for every possible toxin leads down a rabbit hole and that the mere detection of contaminants associated with SCA does not alter the need or scope of cleanup and often introduces more data confusion than solutions. It is more appropriate to compare representative “test zones” with “control zones” or background and to use probability to infer when a “test zone” is impacted. In addition, a single elevated sample in a given zone does not indicate that the entire test zone is impacted.

They believe the public’s health and insurance industry are better served by cleaning up the deposition of smoke-borne contaminants, as indicated through a visual and olfactory inspection and SCA sampling and analysis, regardless of the presence of potential toxins. This approach is a systematic, cost-effective way to determine what needs to be cleaned without wasting time and resources on potential toxins for which there are few applicable health-based standards and are significantly altered and diluted over time and distance.

### ***AIHA Technical Guide for Wildfire Impact Assessments for the OEHS Professional, 2<sup>nd</sup> Edition ([Appendix F](#))***

“AIHA is the association for scientists and professionals committed to preserving and ensuring occupational and environmental health and safety in the workplace and community.” “More than half of AIHA’s nearly 8,500 members are Certified Industrial Hygienists . . .”<sup>3</sup> The AIHA Technical Guide provides guidance to OEHS professionals on how to conduct wildfire impact assessments, including information gathering, occupant interviews, visual inspection, and odor perception. The Technical Guide discusses sampling methods, microscopical and analytical chemical methods, data interpretation, and restoration practices and procedures, “including the post-restoration verification conducted by the OEHS professional to confirm successful completion of the restoration goals.” (p. xiv)

“Wildfire smoke production and composition is dependent on several variables, including fuel type, the moisture content of the fuel, fire temperature, the size of the fire, and weather-related influences.” (p. 4) “The scope of this updated Technical Guide is on homes, buildings, and structures that were outside of the burn zone or survived a wildfire or a wildland-urban interface (WUI) fire and can be restored and reoccupied.” (p. xii) “Wildfires in the WUI burn homes, vehicles, and other structures in addition to vegetation. WUI fires generate a complex mixture of particulates, vapors and gases containing metals, volatile and semi-volatile organic compounds (VOCs and SVOCs), polycyclic aromatic hydrocarbons (PAHs), dioxins, furans, and other inorganic and organic compounds. These compounds can affect the indoor environment when they infiltrate a structure.” (p. xii-xiii)

“The primary air pollutant of health concern in wildfire smoke for the general population is particulate matter.” (p. 14) “However, there is limited evidence of the cumulative, long-

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<sup>3</sup> [About AIHA | AIHA](#)

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term health effects from exposure to wildfire particulates . . .” (p. 14) Moreover, “detection of a chemical or particulate in a sample does not mean that there is an elevated health risk or that a health effect will occur as a result of exposure.” (p. 15) “[T]he human health effects of wildfire residue after a fire have not been thoroughly studied.” (p. 15)

The Technical Guide discusses the concept of time and distance from the burn zone and how the length of time elapsed after a fire and “the near-field and far-field distance from the fire perimeter determine the types, composition, and concentration of wildfire residue.” (p. xiii) “Time and distance from the fire event affect plume temperature and the chemistry of these [organic and inorganic chemical] compounds.” (p. 1) Time and distance also impact the types, concentration, and size distribution of particulate matter. (p. 12) “For the most part, smaller particles (PM10 and PM2.5) are transported by wind and air currents, become diluted, and eventually settle to the ground. Gases, VOCs, and SVOCs carried by the plume will dissipate after the fire has been exhausted and natural weather conditions are reestablished.” (p. 14-15)

“The near field has been defined conceptually as ranging from 1-10 km (0.62-6.20 miles) beyond the fire perimeter [ $<1$  km ( $<0.62$  miles) from the burn zone] based on effects associated with smoke plume transport, deposition, and atmospheric transformation.” (p. 6) “The far field was further subdivided into order-of-magnitude conceptual scales with a local scale from 10-100 km (6.2-62.0 miles), a regional scale from 100-1,000 km (62-625 miles), and a continental scale greater than 1,000 km (or 625 miles).” (p. 6)

The Technical Guide “provides a framework for categorizing forensic impact on a continuum from Level 1 (Background) to Level 4 (Heavy).” (p. 2) “The initial criteria for assigning preliminary impact levels are based on the findings of the visual inspection, in-field testing, and odor perception and recognition.” (p. 32) “These preliminary impact levels serve to direct sampling strategies to further refine and complete the impact assessment. They can also help define the scope of subsequent restoration efforts.” (p. 32) “Preliminary smoke impact levels must be assigned on a case-by-case basis. Contents should be evaluated independently from structural elements and may be assigned different levels than the room or area they occupy.” (p. 32)

“In some cases, a visual walkthrough inspection may be sufficient to establish impact. Sampling is always secondary to the visual assessment process. Based on the initial results, a comprehensive sampling plan including sampling and analysis of microscopical particles, organic and inorganic chemicals, or metals using appropriate methods may be warranted to confirm and assess wildfire impact.” (p. 30) The goals of sampling are to determine whether there is “an atypical impact above background” and whether the impact “is more likely to be associated with a specific fire event or with a site-specific background condition . . .” (p. 35) “Background sources of potential health concern include VOCs, SVOCs, and PAHs commonly found in building materials, furniture, and consumer goods; generated from cooking meats; or infiltrated from outdoor sources.” (p. 17)

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SCA “are used as surrogates for the quantitative and qualitative impact and chemistry transformations occurring in the combustion process.” (p. 37) “Sampling and analyzing the airborne VOCs and SVOCs soon after a fire event (i.e., days to weeks) may help locate and characterize sources of wildfire residue odors and evaluate potential health hazards to occupants from exposure to wildfire residuals.” (p. 43)

“Optical microscopy is the primary method used to identify and quantify the surface impact from wildfire combustion residues.” (p. 50) “Optical microscopy can be used as a screening or surrogate method to determine if other chemical organic and inorganic testing and analytical methods may be required.” (p. 50) “Organic chemical analysis is primarily useful in the near field close to the burn zone or the WUI.” (p. 60) “[T]here are generally no fixed numerical levels of settled combustion particulates that are universally associated with an unacceptable condition or unequivocally denote impact from a wildfire. The same holds for combustion-related airborne chemicals that may be detected at trace levels (i.e., near the limits of detection) and well below recognized health-based standards.” (p. 63)

The Technical Guide discusses the post-restoration evaluation (PRE), which does not include sampling for quantitative laboratory analysis. (p. 47) “In wildfire and WUI fire impact cases, an optional PRV [Post-Restoration Verification] may be performed following the PRE to determine whether the concentrations of wildfire-associated residues have been reduced to background levels or are still elevated and require further restoration.” (p. 47) “The PRV involves similar steps as the PRE, plus collection of representative samples for laboratory analysis.” (p. 48)

### ***IICRC S700 Standard for Professional Fire and Smoke Damage Restoration, 1<sup>st</sup> Edition ([Appendix G](#))***

The IICRC is a trade group that aims to establish recognized standards, credentials, and certifications for the inspection, cleaning, and restoration industries.<sup>4</sup> They have more than 49,000 active certified technicians and more than 6,500 certified firms. They published the S700 Standard, the restoration industry's first fire and smoke damage repair standard, which “is intended to provide information about the restoration of fire and smoke-damaged structures and contents and to assist individuals and entities working in the fire and smoke damage restoration industry in establishing and maintaining their professional competence.” (p. 3, 9) It “is not intended to be either exhaustive or inclusive of all pertinent requirements, methods, or procedures that might be appropriate for a particular fire and smoke damage restoration project,” and “restorers must use their professional judgment throughout each and every project, as a project may have unique circumstances that require a deviation from the S700.” (p. 3)

Notably, the S700 “does not comprehensively address . . . issues occurring from certain situations such as wildfires” (p. 15) and “does not specifically address the protocols and procedures for restoration when potentially hazardous, regulated materials are present

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<sup>4</sup> [About the IICRC - IICRC](#)

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or likely to be present in fire and smoke-damaged structures, systems, and contents.” (p. 4)

The S700 primarily focuses on the protocols for conducting a Fire and Smoke Damage Assessment to develop a Restoration Work Plan (RWP), sampling methods for fire-related residues, and restoration methods. For pre-remediation testing, the S700 states that “[r]estorers use targeted sampling (e.g., wipes, cellular sponges, or cosmetic sponges) combined with an olfactory inspection to rule-in or rule-out the presumptive presence or absence of fire-related residue and odor and to establish the boundaries of fire-related damage in a building.” (p. 7) “When fire residue is suspected or is questionable, such as in areas remote from the fire source, the restorer may perform on-site testing to determine the presence of fire residues.” (p. 43) However, “[w]ithout pre-loss baseline testing of a property to establish which contaminants were present prior to the fire, it is not possible to determine the specific contaminants created and deposited directly as the result of the fire.” (p. 6)

For post-remediation testing, the S700 states that “[c]onfirmation that removal of fire-related residues and odors from surfaces is complete, is based on clearance criteria that should include visual inspection (e.g., surface wipes, white glove), smoke odor testing, and can include the surface preparation procedures required for repair treatments, where applicable (e.g., sealing, painting, refinishing).” (p. 119)

For lead and asbestos, the S700 states that restorers must abide by applicable requirements “regarding testing of coated surfaces (e.g., painted) prior to performing demolition, scraping, sanding, or any other service that may cause lead dust to be released into the air” (p. 56) and that “[r]estorers shall abide by the requirements of the applicable AHJ [Authorities Having Jurisdiction] regarding testing prior to performing demolition, scraping, sanding, or any other service that causes the asbestos-containing materials to be released into the air.” (p. 56)

The IICRC, along with the AIHA, also drafted S760, a Standard for Professional Wildfire Investigations and Restoration of Impacts to Structures, Systems, and Contents, which was specifically “intended for individuals involved in the investigation, assessment, and restoration of structures and contents impacted by a wildfire smoke event.” (p. 4) However, S760 was not adopted. The IICRC intends to revise the S700 to address wildfire-related losses, incorporating relevant elements from the draft S760 and the IICRC Technical Guide and referencing the AIHA Technical Guide in the revision process.<sup>5</sup>

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<sup>5</sup> [Call for Members: Revision of ANSI/IICRC S700 Standard for Fire and Smoke Damage Restoration - ISSA | The Association for Cleaning & Facility Solutions](#)

***IICRC/RIA/CIRI Technical Guide for Wildfire Restoration, Version 2: December 9, 2025<sup>6</sup> ([Appendix D](#))***

The RIA is the oldest and largest non-profit, professional trade association dedicated to promoting best practices through advocacy, standards, and professional qualifications for the restoration industry.<sup>7</sup> The CIRI aims to lay the groundwork for developing the basic science for measuring and establishing methods for quantifying clean.<sup>8</sup>

The IICRC, RIA, and CIRI issued their Technical Guide, which cites the AIHA Technical Guide and draws from the draft S760 Standard, in response to the growing notion that homes affected by wildfire smoke and its byproducts are categorically uncleanable and unrestorable. They note that there is no governmental or public health agency that recommends that occupants of wildfire smoke-infiltrated homes should dispose of their personal items or demolish their homes. “Wildfire smoke, together with its volatile and semi-volatile compounds and metals, which can adsorb or condense on the surfaces of particles, infiltrate structures and settle on the surfaces of interior materials. This is a superficial occurrence that can generally be cleansed. Specialized cleaning methodologies have been successfully used to remove infiltrated and deposited wildfire smoke residues and other potentially hazardous contaminants to typical background levels for decades . . .” (p. 3) “Disposal may be considered where cleaning costs surpass the item’s value or where heavily impacted porous materials such as apparel, bedding, infant items, and toys exhibit hand to mouth contact risks. However, the presumption that all materials and structures are unrestorable is inconsistent with science . . . and accredited industry standards.” (p. 3)

Professional restoration provides consumer benefits by preserving property, minimizing loss and replacement of personal property, mitigating environmental waste by restoring salvageable materials, and providing a science-based path to safe reoccupation.

The Technical Guide “presents a framework for the effective restoration of wildfire-impacted buildings” and states that “[f]or structures that have not sustained direct flame, radiant heat damage, or hot turbulent smoke plume impact, restoration is overwhelmingly a matter of thorough and professional cleaning.” (p. 4) “For most properties, the goal of returning to a pre-fire condition is achievable through systematic cleaning and remediation.” (p. 7) The first step is a Pre-Restoration Evaluation performed by the restorer through a visual and olfactory inspection to identify the presence of CBPs (e.g., char, ash, smoke) and information gathering (i.e., interviewing occupants). “Odor is a key indicator of wildfire impact from VOCs and SVOCs.” (p. 13) Interstitial spaces (e.g., attics, crawlspaces, wall cavities, HVAC systems) should be evaluated if there are visual indicators of penetration. (p. 14) This evaluation determines

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<sup>6</sup> The IICRC, RIA, and CIRI issued a Wildfire Position Statement and a Technical Guide, Version 1, prior to issuing Version 2. Those are not summarized in this Report as Version 2 contains the same information as those documents. However, all of the documents are included in [Appendix D](#).

<sup>7</sup> [Restoration Industry Association \(RIA\)](#)

<sup>8</sup> [CIRI – Cleaning Industry Research Institute](#)

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whether restoration can begin immediately or if a Pre-Restoration Assessment is necessary.

A Pre-Restoration Assessment should be conducted when there are elevated risk factors (e.g., heavy visible residue, strong persistent odors, proximity to the burn zone); when there is a conflict among materially interested parties regarding the presence or extent of CBPs or COCs; or upon request by a materially interested party. The Assessment is performed by an IH or other OEHS and entails scientific sampling, specific chemical testing, and laboratory analysis to characterize the type and extent of CBPs and to establish a scope of work for the restoration contractor. "Given the vast range of possible chemicals, it is not feasible to test all substances in the environment following a wildfire. Decisions regarding if testing is required, and what to test must therefore be based on what is reasonable, feasible, hazard-relevant, and plausibly present at concentrations high enough to demonstrate impact, structure damage, or health hazards." (p. 8) "[T]he IH uses professional judgment to select sampling locations most likely to reveal CBCs [combustion byproducts of concern] . . ." (p. 15)

The Technical Guide identifies CBCs, including but not limited to, SCA, VOCs, SVOCs, heavy metals, and asbestos. However, it notes that "[m]ost VOCs dissipate quickly through ventilation," heavy metal "[l]evels drop off sharply over 400 meters from the fire boundary," and although asbestos is "[a] potential concern for structures built before approximately 1970 that were fully or partially burned and show structural damage, particularly in the Burn Zone," "[l]evels found outside the immediate fire zone have been concluded to be less than actionable levels set by regulatory agencies." (p. 8-9)

The Technical Guide states that "[t]he single most important factor in determining the scope of restoration is the property's distance from the fire" and uses the impact zones established in the AIHA Technical Guide. (p. 10) The distances are approximate to reflect the plume aging and cooling as particulates travel from the source to the area of impact:

- Burn Zone – "[T]he primary concern is structural integrity." "Restoration may involve both structural repair and remediation of heavy impact from Combustion By-Products (CBC)." (p. 10)
- Near-Field Zone (~0.6 to 6.2 miles) – "Remediation in this zone should address settled particulates, VOCs, and complex odors they produce." (p. 10) "Properties within the near-field zone will require more significant restoration efforts and may require some replacement of impacted materials but are generally restorable." (p. 10)
- Far-Field Zone (~6.2 miles or greater) – "By the time the smoke plume reaches this area, it has cooled, and heavier particles have fallen out. The primary impact is the infiltration of fine chemically aged particulate matter (PM<sub>2.5</sub>). These particles are often non-damaging to most building materials and can be effectively removed." (p. 10) "[F]or the vast majority of affected properties, which lie in the far-field, the impact is a surface-level issue that is highly correctable." (p. 10)

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The Technical Guide recommends the following sampling and testing methodology (p. 15):

- Burn Zone
  - CBPs on deposited surfaces
  - pH bulk or micro vacuum samples of settled particles
  - Heavy metals, including lead, especially for structures built before 1978
  - PAH organic compounds via wipe sampling
  - Asbestos for structures built before approximately 1970 that were fully or partially burned and show structural damage
- Near-Field
  - CBPs
  - Heavy metals
  - pH of deposited fire particles
- Far-Field
  - Testing, if any, is typically limited to CBP particulate

“If laboratory analysis identifies significant levels of organic compounds, corrosive chemicals, or certain heavy metals above background, the findings may heavily influence the decision to repair versus replace specific affected systems or materials.” (p. 15)

The next step is the restoration phase. The Technical Guide discusses the general restoration approach by zone and for different materials and surfaces. For soft goods, “[p]orous items (e.g., clothing, bedding) should be professionally laundered or dry-cleaned. Items that cannot be effectively cleaned should be disposed of.” (p. 17)  
“Replacement may be necessary when cleaning costs exceed the item’s value, especially for heavily impacted porous materials like apparel, bedding, or toys.” (p. 18)

The final step is the Restoration Completion Evaluation by the restorer based on a visual and olfactory inspection. This is the standard process to ensure the scope of work has been completed. “The restorer conducts a thorough walkthrough, wipe-testing, and odor assessment to confirm that all impacted surfaces have been addressed and the property is free of visible residue and smoke odors.” (p. 21) The Evaluation does not include laboratory sampling.

A Post-Restoration Verification by an IH or other OEHS which involves sampling and laboratory analysis is done in certain circumstances, including when there is a dispute about the efficacy of the restoration; when an occupant is at-risk or susceptible to health concerns (e.g., pre-existing asthma, COPD, or compromised immune system); or when required by a third-party (e.g., insurer, lender). “In rare cases, restoration may remove all visible and olfactory evidence, but occupants may still report symptoms or suspect remaining hidden or residual CBCs.” (p. 21)

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### ***Jeanine Humphrey, M.A.R.S. Environmental Presentation, December 1, 2025*** ***[\(Appendix I\)](#)***

The Task Force heard a presentation by Ms. Humphrey, an ACAC Certified Fire and Smoke Damage Technician, who provided a different perspective from other IHs. She stated that, in her view, WUI fires can generate a broader range of toxic byproducts than typical wildfires or structure fires and that those toxins are transported via smoke, easily penetrating and depositing in homes. Many homes are engulfed in the smoke plume for several hours to days during a fire.

From her perspective, post-fire inspections are typically either limited or comprehensive in scope. Limited inspections take fewer samples, may not include all areas of the home, and test for fewer toxins (mainly SCA, lead, and asbestos). Comprehensive inspections take more samples, may include spaces such as wall cavities, and test for more toxins, and in her opinion, are necessary to determine a full scope of contamination and to determine a proper remediation plan to reduce health risks to occupants, especially for vulnerable populations.

Unlike some IHs, Ms. Humphrey performs comprehensive inspections for homes that have been directly impacted by fire, and samples for many contaminants found post-WUI fires, such as CBPs, cyanide bulk and air, lithium, CAM-17 heavy metals, beryllium wipe and air, hexavalent chromium VI wipe and air, VOCs, formaldehyde/aldehydes, chloride anions, dioxin/furans, and PAHs. She opined that post-WUI fire contamination is rarely isolated to a single room or surface, and smoke, soot, and chemical vapors can migrate throughout a structure, which in her view, supports remediation approaches that address the entire home rather than localized areas.

Ms. Humphrey opined that dioxin/furans are extremely toxic, even at low levels, and can cause cancer, endocrine disruption, and birth defects; several VOCs are known carcinogens; formaldehyde is a known carcinogen and remains in homes through sorption into porous materials and can continue to off-gas for long periods of time; cyanide can be present in homes after a WUI fire in salt or gaseous form and residual cyanide can form into HCN, a known chemical asphyxiant.

Ms. Humphrey asserted that certain groups require heightened protection because they are more vulnerable to these toxins, including infants and toddlers who spend more time on floors and soft surfaces where particulates settle, have a greater breathing rate relative to body size, and are particularly vulnerable to formaldehyde, ultrafine particles, and nitrile/cyanide residues; children who engage in higher hand-to-mouth behavior leading to greater dust ingestion, have developing respiratory, neurological, and immune systems, have smaller body mass leading to higher doses per exposure, and have increased sensitivity to VOCs, aldehydes, cyanide residues, metals, and soot; immunocompromised individuals who have reduced ability to clear contaminants, a greater risk of respiratory effects from soot and ash, and are adversely affected by low-level chemical exposures that may not impact healthy adults; the elderly and individuals

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with chronic illnesses who have pre-existing respiratory or cardiovascular conditions and are more sensitive to particulates, HCN, VOCs, and oxidizing chemicals in smoke.

She stated that remediation involves numerous considerations and a wide range of effective options. She asserted that removal of building materials is generally only required for severely impacted homes or materials that cannot be effectively cleaned. Some homes may require limited removal of building material, such as removal of drywall on walls where the fire reached the exterior of the home or removal of porous flooring materials that cannot be properly cleaned. She also asserted that for homes near burned structures, replacement of soft goods and HVAC systems should be considered and that flexible ducting cannot be effectively cleaned of all contaminants and poses an ongoing risk as it circulates air.

### ***Kris Griffith, Anderson Group International Presentation, December 8, 2025***

Mr. Griffith, a Task Force member, gave an anecdotal presentation in his role as Vice President of Operations for Anderson Group International, which is a full-service remediation and reconstruction company that has worked on residential and commercial projects in Altadena and the Pacific Palisades following the wildfires on behalf of homeowners as well as large-loss adjusters. He provided case studies based on four projects and emphasized the need for proper education, training, experience, and/or certification for all parties involved in the claims process, including insurance adjusters, consultants, IHS, and remediation and restoration contractors. He asserted that post-remediation testing is critical for the homeowner's peace-of-mind and to confirm the effectiveness of their remediation work.

### ***Hamid Arabzadeh, HRA Environmental Consultant Inc., February 27, 2026*** ***[\(Appendix J\)](#)***

Mr. Arabzadeh, a Task Force member, provided his written opinions, stating that industrial hygiene is a science-based field under the umbrella of public health and that an IH with undergraduate and graduate degrees in physical sciences with advanced education in other subjects, such as toxicology, is a scientist qualified to conduct evaluations for fire-related impact and to provide recommendations for cleaning and remediation. He noted that because the practice of industrial hygiene is not licensed by the state, there are individuals who conduct testing and provide recommendations without the requisite education and qualifications. He advised that IHS with the proper qualifications conduct exposure assessments, including what to test for and how to interpret test results.

He opined that the best methodology to evaluate fire-related impact is to:

- Conduct a site visit and survey;
- Ascertain the presence and extent of visible impact from SCA;
- Assess the presence of smoke odor;
- Collect surface samples for SCA;

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- Where the presence of lead or asbestos is reasonably likely (for e.g., where older structures or industrial facilities burned in close proximity), conduct surface testing for lead and asbestos, or alternatively, assume the presence of lead and asbestos on surfaces and conduct remediation accordingly.

He opined that air sampling is unnecessary as VOCs dissipate quickly and naturally and that it may indicate low levels of chemicals that can be present in homes unrelated to a fire event and cause unnecessary concern.

He raised concerns with rigid classification of homes into arbitrary zones based on proximity to a fire as a home farther away from the epicenter of a fire may still have been impacted by SCA, and conversely, a home close to a fire may be minimally impacted due to individual characteristics of the home or weather conditions. Thus, in his view, the better approach is to have a qualified IH evaluate each home, and if there are no visible particulates or smoke odor, testing and remediation are likely unnecessary.

For remediation, he opined that the protocol should depend, in part, on whether the structure partially burned. For homes that have not been partially burned, remediation should consist of cleaning all surfaces inside the home by a qualified remediation company, followed by post-cleanup surface testing for SCA and if applicable, lead and asbestos. Remediation should be conducted as soon as possible after the fire.

Where the structure has been partially burned, qualified professionals (e.g., construction contractors), along with the IH and remediation company, should develop a plan to address the burned damage to the home and to clean and remediate the rest of the home. Lead-based paint and asbestos testing should be conducted in those cases. He opined that homes exposed to smoke should not be declared uninhabitable and torn down prior to any remediation and re-testing, and that thorough cleaning and re-testing should always be the first approach to smoke exposure.

### C. Survivor Groups and Consumer Advocates

***Eaton Fire Residents United (EFRU) Presentation, Nicole Maccalla, PhD, Jane Lawton Potelle, Dawn Fanning, October 13, 2025 ([Appendix K](#))***

EFRU is a coalition of concerned residents and survivors that formed in the wake of the Eaton Fire.<sup>9</sup> They created an infrastructure to receive and process professional environmental testing results from standing structures (homes and garages) after the Eaton Fire and have published what they describe as the largest database of indoor pre-remediation contamination in a post-fire environment (237 pre-remediation homes tested as of the date of the presentation). Their dataset provides peak maximum concentrations for multiple contaminants found indoors. Roughly half of the homes included in the pre-remediation contamination map are located inside the burn zone,

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<sup>9</sup> [EATON FIRE RESIDENTS UNITED](#)

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and the other half are at least 250 yards from the nearest burned structure or are located in the ash zone. Seventy-eight percent (78%) of homes were professionally remediated while 22% of homes were DIY.

EFRU presented indoor contamination results pre- and post-remediation based on their data. Of the 213 standing homes that were tested for lead pre-remediation, 100% tested positive and professional remediation was recommended in all cases. Many homes continued to test positive for contaminants post-remediation – 96% positive for lead and 36% positive for asbestos. Only 16% of homes had both pre- and post-remediation testing.

According to EFRU, only 60% of remediation companies are licensed for lead and only 20% are licensed for asbestos. Fifty-six percent (56%) of homes pre-remediation and 40% post-remediation were identified by EFRU as having been tested incorrectly, raising concerns about the reliability of the results. Access to CAM-17 heavy metal testing was provided in only 8-12% of cases post-remediation. In comparison to the pre-remediation contamination map, 5 out of 17 heavy metals either stayed the same or increased in positivity rates post-remediation. High levels of CAM-17 were found inside and outside the burn zone.

EFRU posited that absent a reasonable, alternative explanation, a presumption must be made that a contaminant is present due to wildfire. Based on their findings and perspectives, EFRU made the following recommendations:

- Declaration of an ash zone downwind from the burn zone
- Develop standards for remediation companies
- Require pre- and post-remediation testing
- Adopt evidence-based testing methods for pre- and post-remediation
- California Department of Toxic Substances and Controls (DTSC) to establish screening thresholds for heavy metal contamination in homes
- Expand access to testing, including for other known carcinogens
- CDI to issue a Bulletin requiring insurers to approve pre- and post-remediation testing, including for those who may have previously been denied testing; encouraging insurers to approve post-remediation testing that includes, at a minimum, CAM-17; requiring extended ALE until a home is cleared for habitation

### ***Department of Angels Presentation, Director, Christine Kwon, Tina Luu, December 1, 2025 ([Appendix L](#))***

The Department of Angels, a survivor advocacy group, presented the key takeaways from their third quarterly survey of 2,335 survivors of the Eaton and Palisades Fires conducted from September 8 to 17, 2025.

Survey results presented by the Department of Angels indicated that survivors with standing but smoke-damaged homes reported having the worst insurance outcomes compared to other survivor groups. Only 36% reported being satisfied with their insurer

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compared to 55% of total-loss survivors, and based on the survey results, they are four times more likely to have had their claims denied. Respondents with smoke-damaged standing homes also reported repeated displacement. Half expect to move again in the next year, which is the highest of any survivor group in the survey, often due to challenges they reported in having losses not fully recognized and in obtaining ALE approvals for no more than a month or two at a time. Survey results noted their ALE coverage is running out the fastest. Fewer than 10% indicated they have more than a year of ALE left, compared to 35% of total-loss survivors, creating a near-term housing crisis. The presenters indicated that, based on survey results, insurance processes are breaking down for this group. Survey results indicate they are twice more likely to get conflicting information, twice more likely to face poor communication, and significantly more likely to get insufficient estimates or multiple adjusters.

Roughly one in four survivors surveyed want testing but have been unable to get it. While survivors with smoke-damaged homes are more likely to have had insurance-funded testing (29%), they are also more likely to have paid out-of-pocket for testing (27%). Among the homes tested, the majority of respondents reported that test results exceeded acceptable contamination levels and required further action while over 30% remained untested or unsure. However, they acknowledged that the survey did not distinguish between indoor and outdoor testing and did not ask about specific contaminants, but rather, respondents were asked whether test results were above acceptable levels and if further action was required, without defining those levels.

Among those with structural and smoke or ash damage, most are still in the process of remediating (24% have not yet started); 40% have begun construction or repair/rebuilding. Roughly 8 in 10 Altadena residents and 9 in 10 Palisades residents are not back in their homes. The majority of respondents are depleting their savings and taking on debt, and those with the lowest incomes face immediate financial danger.

Respondents ranked actions that the government can take with the most popular being establishing uniform guidelines for testing and remediation, funding free testing and remediation, ensuring that public spaces are safe, and long-term health monitoring.

The Department of Angels recommended strengthening oversight of insurers, ensuring survivors can access full payouts for repairing, rebuilding, and remediation, expanding the availability of no-cost environmental and indoor contamination testing, and funding remediation. Other possibilities included requiring insurers to cover necessary outdoor remediation as that is intertwined with indoor contamination (via tracking) and deeming homes that are 360 degrees within a burn zone a total loss for insurance purposes.

### ***LA Standing Homes Letter to Task Force, February 4, 2026 ([Appendix M](#))***

LA Standing Homes, a survivor group, submitted a letter to the Task Force describing their experiences with smoke damage claims. In the letter, they assert that insurers have denied or disputed claims, have told insureds that their homes simply need light cleaning, and have sent adjusters or vendors who walk through, sniff the air, and say to

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wipe down their homes and run an air filter. The letter described how some insurers or insurer-retained vendors advised insureds that they can wash out asbestos and other toxins. The letter states that some survivors have paid for independent testing of their homes which shows that their homes are not safe and are contaminated with heavy metals, arsenic, asbestos, lead, spores, and microscopic particulates. They believe that insurers and their vendors focus only on cleaning visible smoke damage and ignore invisible contamination, which does not constitute returning their properties to pre-loss condition as required by their policies.

The letter describes how, in their opinion, many insurers delay claims and then terminate ALE/FRV even when policy benefits remain and state of emergency rules are in place. They contend that many insurers are telling insureds that they should have already restored their homes but have refused to pay out the funds necessary to start restoration. They report that insurers are not fully investigating claims and are not accepting professional estimates submitted by insureds. Standing-home survivors are running out of ALE/FRV faster than total loss survivors because long-term leases were not approved, and insureds have had to face multiple moves – on average, 6 times last year – which come with a 30-80% price premium over regular rentals.

The letter reports that, in the meantime, uninhabitable standing homes have been targeted by burglars because homeowners have had to choose between leaving their toxic contents in their homes to be evaluated by insurers or paying \$10,000 to over \$100,000 to contents vendors for removal and storage. Insurer-hired contents remediation vendors add large moving and storage fees even when the contents are ultimately deemed unsalvageable and are discarded. Many survivors also report that contents have been lost by vendors or have been returned incorrectly and that vendors have placed liens on their properties when there are payment disputes.

The letter refers to peer-reviewed academic research that they state establish a definitive link between WUI fires and toxic exposure. Some Palisades survivors have already experienced negative health impacts after moving back into homes that were supposedly remediated. They also discuss homes suffering from “sick building syndrome” because they have been compromised by smoke damage with pipes bursting, electronics and electricity failing, and metals decaying.

They state that homeowners who are not getting full remediation will have little incentive to invest in home hardening, which undermines public safety and the state's goals of wildfire mitigation. Many homeowners may be forced to abandon their homes and pursue legal action with unprecedented court-awarded damages. Undisclosed or unresolved smoke damage could depress marketability of real estate, trigger buyer cancellations, erode neighborhood stability, increase foreclosures, and result in declining property values. Survivors are losing their standing homes – giving them back to the bank, selling as-is, or draining their savings - to try to remediate while waiting for insurance payments.

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Their goals are to return homes to their pre-loss condition, speed up recovery, and enforce fair claims practices by insurers. They urge the need for both pre- and post-remediation testing, numerical screening levels, standards and protocols for testing methods, standards for how laboratories handle samples and the analytical methods they use, accelerated claims payments, reinstatement of ALE, and accountability for insurers and their vendors with sanctions, such as loss of licenses and certifications, fines, and criminal penalties. They request that the CDI and the Task Force publicize the volume and scope of smoke damage related complaints, issue a bulletin to reinforce state of emergency rules, request expedited claims treatment of burn zone and adjacent homes, and affirm an expectation of remediation and restoration to return homes to pre-loss condition, and create standards for insurers on how to investigate, evaluate, and pay for smoke damage claims that expedite returning standing homes to pre-loss condition.

### **D. Academics**

#### ***Purdue University, Dr. Andrew J. Whelton, Eric Bollens Presentation, October 13, 2025, and Related Publications ([Appendix N](#))***

Following the January 2025 fires, Dr. Whelton, Mr. Bollens, and their team conducted a survey of impacted residents, as well as a Home Environmental Test Result Study where households can upload environmental test reports and results are compiled, anonymized, and summarized. Based on the survey and study, they published a guide for building environmental testing post-wildfire.

“Community Survey Report: The REBUILD survey conducted in response to the January 2025 Palisades Fire and Eaton Fire in Los Angeles County”<sup>10</sup>

This online survey was conducted from April 3 to June 17, 2025 and was completed by 1,229 residents. Most of the households had their home inside a fire perimeter – 94.2% (Palisades) and 73.4% (Eaton). Nearly all households had insurance before the fires – 98.8% (Palisades) and 99% (Eaton). Air, water, or soil testing was conducted for less than half of responding households. About 38.6% (Palisades) and 48.5% (Eaton) of households wanted testing but did not receive it. Fewer than 1 in 4 households believed that they would receive enough money from their insurers to rebuild their home – 20.5% (Palisades) and 17.8% (Eaton).

They also presented the preliminary results of their Home Environmental Test Result Study, which shows that sampling, testing, and recommendations vary widely. Based on their review of submitted testing reports, insurers are not consistently covering testing, remediation of non-structural contamination, and loss of use for properties not yet remediated to pre-loss condition. A wide range of information is being provided to

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<sup>10</sup> Whelton, A.J., Ferrarezzi, C., Spearing, L., Hoover, A., Palomo, M., Proctor, C.R., Su, J., Toland, J., Community Survey Report: The REBUILD survey conducted in response to the January 2025 Palisades Fire and Eaton Fire in Los Angeles County, California. September 2025. West Lafayette, Indiana USA. 10.5703/1288284317912.

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residents with little consistency in how the companies provide the information. They reported instances in which insurance adjusters and consultants conducted site visits without wearing proper PPE when visiting properties to prevent cross-contamination. They also reported some adjusters and consultants are recommending that insureds smell their impacted items and that if there is no odor, they should assume it is safe. There is variation in what insureds are told to do with their clothing and appliances, depending on who inspects the property.

This forces residents to either risk their health by returning to properties without proper remediation and clearance testing or to incur significant personal expense to restore the property themselves. The greatest impact is to vulnerable populations, including children, the elderly, and individuals with disabilities. There may also be long-term community consequences, including a perception that a community is unsafe which will drive down property values and impact financial security.

Dr. Whelton and Mr. Bollens stressed that testing for SCA alone will not determine if lead, asbestos, or other COCs are present. They discussed the Public Health Advisory issued by the LACDPH on February 11, 2025 for those residing within 250 yards of a burned structure or parcel within or near the Eaton and Palisades burn areas. The Advisory stated that residents in those areas may face an increased risk of exposure to hazardous substances from ash, soot, and fire debris before the completion of Phase 1 (hazardous materials removal) and Phase 2 (fire debris removal), and that exposure to those substances may lead to health symptoms and may pose long-term health impacts. The Advisory warned about specific harmful substances, including asbestos, heavy metals like lead, hazardous chemicals, and fine particulate matter, and advised that strong winds and weather fluctuations may increase the exposure risk and the affected distance. Dr. Whelton and Mr. Bollens argued that given the Advisory, testing for smoke damage claims should have included, at a minimum, the specific substances identified in the Advisory.

They recommended that testing be made available for all impacted households and stressed the need for local and state leadership on wildfire recovery and rebuilding to shift the burden away from property owners having to become their own experts on a wide range of technical topics, and for local and county agencies to make actionable information available to property owners.

“After a Wildfire: Considerations for Building Environmental Testing”<sup>11</sup>

Based on their survey and study, they published a guide for building environmental testing post-wildfire. A primary objective of sampling and testing is to identify the type, location, and magnitude of environmental hazards to determine what remediation is necessary to return the property to pre-loss condition. The contaminants that are screened should be appropriate for the specific building space and materials and consider specific warnings by health officials. Contaminants identified by local and state

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<sup>11</sup> Whelton, A.J., Bollens, E., Ferrarezzi, C., After a Wildfire: Considerations for Building Environmental Testing. September 2025. West Lafayette, Indiana USA. 10.5703/1288284317911.

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officials should be included. At a minimum, attic, garage, and crawlspace samples should be collected, along with surface, floor, and windowsill samples of each bedroom and living area. Additional locations should be considered. Samples should be collected from interior and exterior parts of the building.

The authors made recommendations as to what to test for and where. At a minimum, surface dust in buildings should be screened for the RCRA-8 metals, which include arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver, as well as asbestos because there are existing federal regulatory thresholds indicating a health risk exists. As other metals may also be present, CAM-17 heavy metal testing may be more appropriate. In addition to the RCRA-8 metals, CAM-17 includes antimony, barium, beryllium, cobalt, copper, molybdenum, nickel, thallium, vanadium, and zinc. Screening for lithium and manganese may also be advisable. They referenced various USEPA Methods that should be considered for sample analyses and screening.

The authors noted that there are no health-based human exposure standards for SCA and that testing for SCA alone is insufficient. Testing should include chemical-specific screening. Lead, asbestos, and some VOCs have health-based indoor exposure standards, and lead and asbestos have federal exposure limits and require specific worker safety actions. By federal law, the removal of lead and asbestos requires abatement, specialized training, site safety, and worker safety requirements. By not testing for substances like metals and asbestos, residents may be led to believe a property is safe when it poses a health risk, become exposed, and spread contamination. The authors also discussed air sampling and noted that the presence or absence of an odor does not mean the chemical exposures are safe.

The authors recommended that all sampling and testing should be done by competent professionals. If contamination is found, remediation professionals skilled at removing the specific contaminants without spreading them throughout the property should be engaged. If contaminants penetrated drywall and personal items (e.g., mattresses, pillows, clothing, upholstery furniture, rugs), specialized decontamination methods and subsequent contamination testing of the items may be needed, or the items should be discarded. Using a HEPA filter vacuum cleaner on carpets, rugs, and upholstery, for example, has shown less than adequate lead removal effectiveness with detectable lead remaining. Possible professionals that may have the requisite expertise to conduct a property investigation include licensed professional engineers or certified IHS. Samples should be analyzed and validated by skilled laboratories, and all results should be quantitative, not presence/absence responses. Post-remediation testing should be conducted to confirm hazards were removed and should be done by a contractor that did not complete the remediation.

### **E. Insurance Industry**

The American Property Casualty Insurance Association (APCIA) and the Personal Insurance Federation of California (PIFC) do not support mandating automatic testing and remediation based solely on impact zones, particularly for homes that are far from

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the burn zone, and stresses that there must be flexibility to determine whether testing and remediation are needed on a case-by-case basis based on individual property assessments. Where there is no demonstrable physical damage, the APCIA does not support costly, universal testing mandates.

The APCIA supports a systematic, science-based approach to assessment, testing, and remediation, which may be based on a visual inspection and targeted sampling, as necessary, with more extensive remediation reserved for severe cases. When smoke damage is readily apparent, some insurers may proceed directly to cleaning of the home and contents, noting formal pre-remediation testing may not be necessary if the carrier makes an adjustment for thorough cleaning of the home and contents. Initial methods to determine the level of smoke contamination should include non-destructive surface tests (e.g., tape lift, chemical sponge) to accurately isolate wildfire smoke residue. Escalating to IH testing or other professional involvement should only occur when warranted by initial findings (e.g., presence of heavy metals or asbestos) or when required by policy language. Minor smoke damage may not require IH testing. With regard to expansive testing in general, the APCIA believes that it should only be conducted when it will inform physical damage assessment or guide remediation.

Remediation should generally be proportional to the level of contamination. For light or moderate cases, surface cleaning will often suffice. For soft goods, the APCIA believes that the best practice is to attempt cleaning first and to consider replacement if cleaning is ineffective or if the contamination is severe. Automatically deeming soft goods as total losses and requiring replacement is not supported unless there is objective evidence that the items cannot be restored or the cost of restoration exceeds their value.

With regard to post-remediation testing, the APCIA disagrees with a universal mandate because there is no baseline to restore to, and it would be costly and impractical, with the increased costs ultimately harming consumers. The APCIA recommends a case-by-case determination of whether post-remediation testing is necessary. Post-remediation testing may be used to determine the effectiveness of the remediation if the contamination was significant or if there are significant concerns raised after the remediation. The PIFC states that where contaminants continue to be found post-remediation, insurers should be able to seek recovery for the additional costs from the remediation company. Insurers argue that ongoing, uncontained cleaning costs are impossible to rate for and that if a home has passed post-remediation clearance testing, it may be deemed fully remediated under policy terms, allowing the claim to be closed, and the insurer's obligation should end.

The APCIA cautions that blanket mandates for testing and remediation may encourage fraudulent or frivolous claims, create moral hazard, cause delays, and could significantly increase costs which will reduce funds available for remediation. In large-scale disasters, there may not be sufficient certified vendors or laboratories to conduct testing or analyze samples for every impacted property. The PIFC cautions that using impact zones, such as those discussed in Section III, H, will increase costs for testing and remediation and will have a serious impact on the availability and affordability of

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insurance in the state. The PIFC also suggests that if the hiring of professionals and testing are to be mandated by the state, then it should be subject to indemnity limits.

The insurance industry members of the Task Force also raised the additional issue of aggressive solicitation efforts by vendors, public adjusters, and attorneys following a large-scale wildfire. These solicitations may target properties or vulnerable populations well outside of the wildfire and smoke footprint, contributing to questionable or inflated claims and increasing loss costs which are ultimately borne by consumers. Industry members indicated that solicitations may occur at inappropriate times, including during active fires when evacuation orders are in place and public adjusters are prohibited from soliciting, or months after the fire when the connection to the fire is tenuous. Industry members noted solicitation methods may include directly approaching residents at home or at hotels (e.g., informational seminars at evacuation shelters), unsolicited phone calls, and expensive mailers that may employ misleading, high-pressure, or fear-based tactics. Also, public adjusters often solicit and sign clients before reporting the claim and may attempt to act as attorneys by preventing any direct communication between the insurer and the insured, despite contractual and legal provisions that allow such communication. Industry members cautioned that such practices can create confusion for insureds and undermine the integrity of the claims process.

The APCIA suggested the following:

- Establish geographic boundaries for direct solicitations supported by objective evidence such as incident maps and environmental data.
- Expand prohibited solicitation timeframes and activities under CIC § 15024 with stricter enforcement and penalties for violations.
- Establish restrictions and oversight of direct solicitation methods (i.e., at homes, hotels, evacuation shelters, by phone, or through mass mailers). Require standardized disclosure language to ensure policyholders are informed about fees, services, and claim legitimacy to promote transparency and informed decision-making and to prevent misleading, high-pressure, or fear-based messages.
- Prohibit public adjusters from restricting direct communication between insurers and insureds. If they attempt to do so, they should be subject to the same bans and rules on solicitation that apply to attorneys (e.g., restrict to general advertising only).
- Enhanced coordination among insurers, regulators, and law enforcement to monitor, report, and address aggressive or inappropriate solicitation practices.
- Limitations on public adjusters and attorneys that broadly pamphlet should be subject to more oversight by the CDI.

***APCIA Presentation, Karen Collins, Vice President, Property and Environmental Policy, Research and International, January 12, 2026 ([Appendix O](#))***

The APCIA presented the insurer perspective regarding smoke damage claims. They recognized that “emissions from fires in the built environment may include more

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synthetic materials or chemical compounds resulting in more harmful particles for persons or property.” They stated that “[g]lobal wildfire losses in the last decade were more than 5 times higher than prior decades, largely driven by the wildfires in California” and that the nature and scope of recent wildfires have resulted in extreme smoke events. They stated that there have been \$40.5 billion in insured losses to date as a result of the January 2025 fires making it the costliest wildfire disaster in history.

They presented results from a joint trades survey conducted after the 2020 fires that included 2,300 smoke damage claims. The survey found more than a 50% increase in smoke damage claims filed 20+ miles from the fire in the 2020 fires versus the 2018 fires; an 85% increase in smoke damage claims filed with representation by an attorney or public adjuster; and more than a 70% increase in late-filed smoke damage claims (60+ days after a fire). Another survey was conducted at the CDI's request that found a four-fold increase in the percentage of claims reported by an attorney or public adjuster and claims filed more than 4 months after a fire when comparing claims from 2016/2017 to 2018/2019.

They also discussed another joint trades survey conducted between August to October 2025 that included 69,000 wildfire claims, including 19,000 smoke damage claims, for 15 of the 20 costliest insured wildfire events since 2017. The survey found that the average severity of smoke damage claims increased at a higher rate than for other wildfire claims. Average claims severity for smoke damage claims was 112% higher for the 2025 fires versus the 2017/2018 fires, compared to 38% for all wildfire claims. Large loss severity trends (i.e., payments totaling over \$100k and \$200k) notably increased after the 2023 Lahaina Fire and further accelerated after the January 2025 fires. The percentage of smoke damage claims for the 2025 fires with payments totaling over \$100k and \$200k have each increased tenfold since 2017.

They discussed what they believe to be sensational media coverage and the increasing use of medical toxicology based on scientifically flawed methodologies and toxicological interpretations that have increased public fear regarding wildfire smoke damage claims. They stated that there was a significant shift in media coverage and increased public fear after the 2023 Lahaina Fire. Articles following the Lahaina Fire emphasized unsafe homes due to toxic damage that could not be cleaned, often citing the same “expert,” and which were republished by other media outlets. Media coverage escalated after the January 2025 fires “amplifying toxic fears” and introducing new COCs, such as cyanide and beryllium, again often attributed to the same “expert.” The APCIA disputed these claims, explaining that cyanide typically dissipates quickly from the environment and “is NOT a threat in the aftermath of a wildfire” – a point which they contend some IHs have acknowledged, with some IHs noting that cyanide tests are offered merely for “peace of mind” in response to public fear. The APCIA further pointed to experts who indicated there are no national or state standards for how much beryllium inside a home is safe or how to test for it or remove it, and that it is not clear whether beryllium is originating from the fires. The APCIA noted that “[m]edia coverage has become increasingly hostile through attacks on the credibility of individual experts and expert bodies with differing

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scientific viewpoints, in addition to suggestions of bias within" the Task Force and the standards organizations.

They discussed how insurers routinely see opportunists seeking to profit from large-scale insurance losses and that the same thing is occurring with smoke damage claims. Contractors "arrive in wildfire-affected areas offering unsolicited, quick, and often fraudulent cleanup or repair services. They exploit homeowners' stress and fears – especially health concerns about smoke exposure – and may involve them in scams, insurance fraud or excessive repairs." These bad actors use high-pressure tactics and display red flags such as aggressive solicitation irrespective of distance from a wildfire, payment demands, lack of credentials, vague contracts, unprofessionalism, and poor work quality/abandonment. They noted that there has been increased attention by the CDI and the Attorney General to investigate and prosecute bad actors.

They highlighted patterns of questionable claims that insurers have seen, including late-filed claims often represented by an attorney or public adjuster, claims lacking evidence, claims being withdrawn when additional documentation is requested, staged claims or those using estimates from fictitious companies or without site visits, and claims demanding extreme remediation such as gutting homes and disposal of all contents without supporting scientific evidence. They noted that some IHs and contractors deem contents "non-cleanable" and recommend replacement due to liability concerns amid public health fears. Some positive lead tests have triggered referral to lead remediation companies that refuse to get involved due to the novelty of the health concerns and testing protocols. They highlighted observations from insurers that many insured and contractor decisions are emotionally-driven, based on fear and comfort, not on scientific evidence. Insurer feedback indicated that disputes over the scope of remediation are stalling claims, in some cases often with the same law firm involved. The APCIA indicated insurers are concerned that some of the environmental testing reports that they have received recommending extreme remediation are "designed to escalate claims costs and negotiations rather than reflect actual damage." The APCIA drew parallels from prior asbestos and mold crises which were also characterized by environmental health concerns, a surge in claims, and increased litigation that destabilized the insurance market. They indicated that mandates regarding smoke damage claims could jeopardize coverage for wildfires altogether since insurers must take an all-or-nothing approach due to statutory restrictions.

The presentation also included a critique of Colorado's Draft Report. The APCIA submitted lengthy written comments to the Colorado DOI in response to the Draft Report, which is discussed in detail in Section III, G, 2. They argued that the science underpinning the Draft Report is not sound or defensible for policymaking and that it does not present objective, evidence-based standards. They argued that the science does not exist for residential smoke exposure and that the Draft Report used pseudo-science to support its recommendations. They argued that the Draft Report's proposals risk introduction of unwarranted complexity and additional costs in the claims process that could ultimately threaten insurance affordability and availability for homeowners in Colorado.

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The APCIA proposed the following possible solutions:

- Explore a parametric or index-based policy under which a triggering event would result in a pre-determined policy payout without claim adjustment. This would be a supplement to a residential property insurance policy.
- Use the AIHA Technical Guide and the IICRC Technical Guide as resources to ensure greater consistency in claims handling.
- Statewide certification for labs, including mandatory training, proficiency testing, and audits.
- Regular lab calibration exercises to align methodologies and reduce measurement discrepancies.
- Use existing lab samples for retrospective analysis to establish baselines and inform standards, reducing costs and unnecessary new testing.
- Allow tiered testing protocols that leverage risk-based tiers (e.g., trace, moderate, severe) with clear thresholds and escalation steps, starting with visual inspections and advancing to lab analysis, as needed.
- Require licensing and minimum standards for remediation vendors to ensure quality and to protect policyholders.
- Formal process for stakeholder input and independent peer review before adopting standards or protocols.
- Implement safeguards to prevent exaggerated or fraudulent claims, including limits on solicitation practices, standardized disclosures, and reasonable fee caps for public adjusters and contractors to help deter abuse, protect consumers, and maintain integrity in the claims process.
- Develop clear, standardized materials or an online resource with FAQs to inform policyholders about the typical claims process for smoke remediation, including an overview of testing and remediation that may occur. Provide clear, science-based public health guidance on potential smoke exposure and practical steps for mitigation.

The APCIA argued that “[d]etection alone does not equate to risk or damage, and testing for “peace of mind” or future research is outside the scope of property insurance. Coverage is meant for physical damage to structures or contents – not individual health sensitivities – and expanding it to address speculative and subjective health risks would effectively turn property insurance into a health insurance product, undermining its core purpose and pricing structure.”

### **California Wildfire Smoke Claims – Insurance Industry Policy Blueprint ([Appendix P](#))**

Following their presentation, the APCIA and the PIFC provided an Insurance Industry Regulatory and Legislative Policy Blueprint for California wildfire smoke damage claims with 14 proposals. Much of the Blueprint was included in the APCIA presentation, but they expanded upon and elaborated some of their recommendations:

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- Require the use of residential thresholds rather than occupational, hazardous waste, or ambient outdoor air standards.
- Require contamination assessments to be conducted by qualified IHs or restoration professionals following technical guides.
- CDI and public health agencies to issue timely, factual advisories during wildfires.
- CDPH or county public health agencies to conduct ongoing environmental sampling, in partnership with academic and scientific organizations, to characterize normal background levels across the state.
- CDPH or county public health agencies to conduct immediate post-wildfire sampling of SCA to help identify the COCs associated with a specific wildfire.
- Create a centralized state consumer education portal that provides a simple explanation of the smoke damage claims process, including typical testing, inspection, timelines that may be involved, and typical background levels, and offering cleaning guidance, filtration advice, and state-approved wildfire smoke health information.
- Update Standard Fire Policy statutes to allow for optional endorsements defining thresholds or standards for smoke-related contaminants and separate sublimits or deductibles for smoke contamination.
- Codify that direct physical loss or damage is required to trigger coverage and that the detection of trace contaminants, without demonstrable physical alteration, does not constitute covered damage.
- For claims reported more than 6 months after a wildfire, require the insured to demonstrate the presence of contaminants and wildfire causation before testing is reimbursed.
- Confirm that a still-standing property that passes post-remediation clearance testing may be deemed fully remediated under the policy with discretion for insurers to extend the occurrence period when additional cleaning becomes necessary due to surrounding activities.
- Expedited enforcement for adjusters, vendors, attorneys, and consultants engaged in deceptive or fraudulent conduct.
- Develop or integrate real-time smoke monitoring systems with transparent data on plume patterns, duration, and concentration.
- Allow insurers to offer optional parametric add-on products for basic cleaning or filtration when independent smoke-exposure indices are triggered.

### **F. Legal Perspective**

***Laura Geist, Esq., Willkie, Farr & Gallagher LLP, California Legal Landscape for Wildfire Smoke Claims, January 20, 2026 ([Appendix Q](#))***

Ms. Geist presented a legal perspective from an insurer-side litigation standpoint and discussed the current state of wildfire smoke damage litigation. She drew significant parallels between mold claims in the 1990s to wildfire smoke damage claims today and cautioned that the goal of having available coverage at affordable, competitive rates is at risk. She discussed some of the results of the APCIA's joint trades surveys, which

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were previously discussed, to highlight the significantly increased smoke damage claims that insurers are handling. She stated that while some smoke damage claims fall squarely within the standard homeowners' policy coverage for "direct physical loss or damage to covered property," others do not (i.e., showing no visible signs of damage or any perceptible smell) and that these latter claims are creating uncertainty regarding the scope of coverage. She discussed cases involving endorsements, exclusions, and policy language that insurers put into place to address these uncertainties.

Ms. Geist discussed the statutory framework governing standard fire policies under California Insurance Code Sections 2070 and 2071. Section 2071 requires standard form fire policies to insure against all loss by fire, which courts have interpreted to include smoke from a fire. "As a general proposition, if an insured's property suffers non-fire damage caused by a fire on another property (such as smoke damage caused by a wildfire on another property), the insured's fire policy covers that loss." *Vasquez v. Residence Mut. Ins. Co.* (Sup. Ct. Orange County, July 23, 2021).

In *Marrufo v. Automobile Club of Southern Cal.* (Sup. Ct. L.A. County, May 10, 2018), the trial court found an endorsement limiting coverage to \$5,000 for smoke losses reported more than 90 days after the commencement of a wildfire to be unenforceable. In *Aliff v. Cal. FAIR Plan Assn.* (Sup. Ct. L.A. County, June 24, 2025), the court found the FAIR Plan policy's definition of "direct physical loss" as "actual loss or physical damage, evidenced by permanent physical changes" to be unlawful under Section 2070. The court also found the policy's requirements that smoke damage be "visible to the unaided human eye" or capable of being "detected by the unaided human nose of an average person," rather than being perceptible "by the subjective senses of [the insured] or by laboratory testing," to be unlawful under Section 2070. Both *Marrufo* and *Aliff* are Superior Court decisions and are not binding appellate precedent, but they were cited to illustrate arguments being raised in current litigation.

Ms. Geist also discussed cases highlighting evidentiary issues in smoke damage claims, noting the need for testing standards. In *Shirley v. Allstate Ins. Co.*, (2020) 825 Fed. Appx. 472, the court affirmed summary judgment for the insurer where the plaintiffs "failed to prove that ash or soot physically contaminated their home." Four inspectors failed to find any evidence of fire contamination, including soot and ash. "In the absence of physical contamination, the Shirleys rely on subjective reports of a smoke smell in their home. However, the agreement explicitly precludes coverage based on "vapors" or "fumes.""

In *Keshish v. Allstate Ins. Co.*, (2013) 959 F. Supp. 2d 1242, 1243, the court found that "plaintiffs' failure to adduce any evidence that the smoke damage to their home was such that the services of a hygienist were required defeats their claim that Allstate acted in bad faith because it failed to retain a hygienist before closing plaintiffs' file." "The fact that Allstate subsequently sought to have a hygienist review the property . . . simply shows that once Allstate learned plaintiffs had retained a hygienist and submitted her report to the appraisal panel, it sought to protect its interests by having a comparable report prepared." *Id.* at 1243.

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Ms. Geist opined that these cases highlight the need for guidelines and standards for testing. She also recommended regulatory oversight of vendors, including licensing requirements, and guardrails to prevent moral hazard or fraudulent claims.

### **Kevin Pollack, Esq., ACTS Law LLP, *Smoke Damage in California, The Law, The Science, and The Claim Handling Crisis*, January 20, 2026 ([Appendix R](#))**

Mr. Pollack presented a legal perspective on behalf of policyholders. He discussed CIC Sections 2070 and 2071, which require coverage against “all loss by fire,” including smoke damage from fire. He cited an 1892 case (*Heuer v. Westchester Fire Ins. Co.*), which found that coverage extends to “injury done by combustion, heat, smoke, and expansive effect of the fire,” and stated that smoke damage has been covered for over 130 years. If a fire policy provides coverage that is less favorable to the insured than what is required by Section 2071, then the provision is invalid under Section 2070. He argued that the typical policy language in all-risk policies requiring “direct physical loss or damage” is narrower than what is required under Section 2071 and is therefore invalid. He argued that smoke, soot, ash, and toxic contamination are all covered as loss by fire.

He discussed *Aliff v. California FAIR Plan Assn.* (Sup. Ct. of Los Angeles County, Case No. 21STCV20095, June 24, 2025), in which the court held that the FAIR Plan’s policy language requiring “permanent physical changes” “limits coverage to be less favorable than and not substantially equivalent to the Standard Form Policy contained in Ins. Code § 2071.” The court also held that the policy cannot exclude evidence from scientific laboratory testing.

He distinguished *Another Planet* as a COVID-19 case and argued that it cannot be relied upon to deny smoke damage claims and that the “easily cleanable” standard does not apply to smoke contamination that requires professional remediation. He argued that although *Another Planet* is distinguishable, it nonetheless supports coverage in smoke damage cases when contamination requires remediation. He argued that smoke contamination satisfies the three triggers for “direct physical loss” set forth in that case: 1) physical alteration (“need not be visible to the naked eye” and “alterations at the microscopic level may meet this threshold”), 2) functional impairment (property “rendered effectively unusable or uninhabitable”), and 3) active remediation (“persistent pollution . . . requiring active remediation efforts”). He pointed out that in oral argument before the California Supreme Court, attorneys for the insurer admitted that smoke damage “indisputably” causes compensable loss.

He discussed *Bottega* and another federal case, *Maxus Metropolitan LLC v. Travelers*, which both distinguished the COVID cases. In *Maxus*, the court found that “[s]oot damage – like asbestos damage and unlike a virus – is both ‘directly material, perceptible, or tangible’ and ‘permanent absent some intervention.’”

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He argued that *Gharibian* did not address Section 2071, is limited to its facts, and that the plaintiffs failed to present any evidence of contamination. By way of contrast, he discussed two cases that he litigated, *Nolte v. Allstate* and *Hamilton v. Allstate*, in which the plaintiffs presented evidence of smoke damage contamination, and summary judgment for the insurer was denied.

He asserted that insurers have a legal obligation to restore homes to pre-loss condition and that ALE coverage continues until a home is habitable, and that both require a determination of whether a home is safe. He analogized to other regulatory contexts, such as with lead, asbestos, and workplace/OSHA, where a health professional must be involved before declaring contaminated sites safe and questioned why homes should be different. He opined that a complete investigation must include pre-remediation testing by a qualified, independent IH, a health risk evaluation by a qualified health professional (not the insurer's IH) when contamination is identified with consideration for vulnerable occupants, independent post-remediation testing, and a written safety determination before ALE termination or claim closure.

He cited case law stating that insurers have a legal duty to thoroughly investigate claims and cannot plead ignorance of facts that they failed to discover because they failed to investigate. He cited case law stating that insurers must search for evidence supporting the claim with equal vigor and that a one-sided investigation is per se insufficient. He discussed *Fadeeff v. State Farm General Ins. Co.*, (2020) 50 Cal. App. 5<sup>th</sup> 94, in which the court stated that “[a] jury could conclude that FACS [the insurer's expert] was not retained to offer an unbiased report, but instead was retained to ‘rubber stamp’ the decision to pay . . . no additional benefits” and reversed summary judgment for the insurer. He discussed case law stating that hiring experts does not create automatic immunity and that a biased investigation by an insurer defeats the “genuine dispute” defense even with expert opinions. He cited case law for the proposition that an insurer may not rely on a one-sided investigation or uncritically accept expert opinions while disregarding contrary evidence, and that such conduct may defeat the “genuine dispute” defense.

He criticized the APCIA's presentation and concluded that the absence of residential standards does not mean a substance is safe; rather, it only means that the danger has not been quantified.

### **G. Colorado Wildfire Remediation Analysis Residential Premises and Insurance Impacts Draft Report, November 18, 2025 ([Appendix T](#))**

There are other states that are also working to address wildfire smoke damage and remediation. In response to a legislative mandate, the Colorado Division of Insurance (DOI) conducted a study including several stakeholder meetings, and a Draft Report was prepared on their behalf by their vendor, Partners Environmental Consulting Inc. However, following a stakeholder meeting on December 18, 2025 and after initial review of extensive written comments and substantial criticisms of the Draft Report, the Colorado DOI decided not to extend their vendor's contract which concluded on January

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31, 2026 and removed the Draft Report from their website. As of the date of this Report, the Colorado DOI is proceeding with publishing a report with recommendations for the Colorado Legislature as it works on future legislation to develop standards for smoke, soot, and ash remediation.<sup>12</sup> The Task Force reviewed the Draft Report prior to these developments and provides a summary of the Draft Report's preliminary findings and recommendations.

Their primary recommendations included:

- A standard list of fire-related COCs, including SCA, SVOCs, heavy metals, and dioxins/furans that serve as surrogates for potential health impacts resulting from wildland/range and WUI fires.
- Standardized testing protocol as the starting point for any claim of impact from fires.
- Cleanup standards that consider background for all fire-related COCs.
- Economic evaluation of replacement versus repair in situations with widespread and significant impact from fire-related COCs. (p. 56)

They found that both pre- and post-remediation assessments are critical to establish the appropriate remediation plan and to document that the home has been returned to pre-loss condition.

SCA remain primary concerns, but there are additional COCs that the Draft Report identified as present post-wildfire at levels that pose human health risks, including VOCs, SVOCs, and heavy metals, and emerging contaminants, including dioxins/furans and PFAS/PFOS, which may represent potential exposure, though scientific understanding and regulatory guidance around these substances are evolving. “[I]f the focus of the pre-remediation assessment is limited to exclusively soot, char, and ash particles, the associated remediation activities may not adequately remove the chemical contamination that may exist downwind from the fires.” (p. 24) At the same time, “[a]ggressive sampling tends to drive up costs, promote fear mongering, ignores background conditions and creates unrealistic cleanup goals. The use of reliable surrogates is deemed as a best practice.” (p. 45) “[W]hile it is suggested that initial sampling includes the full range of fire related COCs, in cases where a COC is recommended for testing but does not have an established cleanup standard or sampling methodology, this study recommends that cleanup be based only on those COCs with published standards.” (p. 39)

Table 1 of the Draft Report identifies the COCs that the report proposes as the primary indicators of impact from residential fires and provides comparison standards, background levels, sample collection methods, and laboratory methods. “These standards should be considered potential comparison standards and may be relied on to provide guidance on cleanup protocols. Until such time that regulatory risk-based, state-wide, or federal standards are adopted, these potential comparison standards can

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<sup>12</sup> [Homeowners Insurance - Affordability & Availability | DORA - Division of Insurance](#)

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serve as a starting point for cleanup decision making. Specifically, various OSHA standards are provided because they offer relevance to workers that may be involved in wildfire cleanup. However, OSHA standards are not directly applicable to residential exposures and should not be [used] as such.” (p. 39) For COCs that have state or federal regulatory requirements for assessment, removal, and disposal, such as lead and asbestos, professionals are expected to follow those requirements.

The Draft Report also emphasized that odor should be formally assessed. “Odor following a fire or smoke event is a critical indicator of residual contamination and should be formally assessed. . . . [I]t often signals the presence of VOCs, SVOCs, particulate-bound contaminants, or absorbed residues on surfaces and within the indoor air environment.” (p. 29)

The Draft Report proposed protocols for sampling (i.e., number and location of samples) for a WUI-fire utilizing a zone method for each property:

- 4 exterior zone tests biased to observations for indications of impact and based on surface or soil methods with samples taken in the center, outermost section of each of the 4 zones
- If the primary structure is the feature at the center, outermost section of a zone, then proceed to conduct interior testing for the primary structure, as follows:
  - 4 surface samples and 1 air sample on the ground level
  - 2 surface samples at each level other than the ground level
  - Samples will be taken on opposite elevations from one another and in areas and biased to areas of worst observed impact resulting from the initial screening assessment (e.g., air supply ducts, windowsills, etc.).
- If the other structure is the feature at the center, outermost section of a zone, then proceed to conduct 1 additional indoor air sample for SVOCs.
- If any zone sample meets applicable standards, the zone is deemed acceptable.
- If a test within a zone is above applicable standards, the area from that test point inward in the zone shall be determined to be impacted.
- Any test that identifies results above an applicable standard within or along the perimeter of a zone will supersede previous results.

“[C]ontents would be treated similarly to the area they are located in.” (p. 48) “If a zone is not impacted by fire related COCs above applicable standards but is affected by soot, char and ash residue, standard cleaning/replacement methods detailed in the S700 and S500<sup>13</sup> standards would be deemed to apply.” (p. 48)

Post-remediation assessment should be conducted similarly to the pre-remediation assessment. “Only the COCs that were sampled and determined to be needing remediation during the pre-remediation sampling should be sampled during the post-remediation sampling assessment.” (p. 43) A home is cleared when the following criteria are met: 1) olfactory clearance, 2) exterior visual clearance, and 3) interior visual

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<sup>13</sup> IICRC S500 Standard for Professional Water Damage Restoration

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clearance. Once no smoke odors persist and no visible fire or smoke-related dust or debris are present in the remediated areas, then tape-lift samples should be collected to determine whether additional cleaning and resampling are required.

The Draft Report proposed a conceptual economic framework under which, “[i]n cases where fire-related COCs have impacted at least 50% of the floor area, the economics will likely support the conclusion that the structure is a constructive total loss and should be replaced rather than repaired.” (p. 40) “[T]his means that, of all the floor area on all levels of the home, a total of 50% or more is contaminated by fire related COCs at levels that warrant the need for the flooring, walls, ceilings, and structural elements to be replaced (above, around, and below this area).” (p. 42) “[I]f the house is deemed a replace scenario, the other structures and non-dwelling contents would be treated in the same manner.” (p. 52)

The Draft Report noted that “[t]he lack of binding regulatory thresholds tailored to residential fire environments forces practitioners to apply proxy standards – often developed for industrial exposures – which may not be sufficiently protective in a post-fire remediation context.” (p. 22) Residential risk-based standards should be developed to apply post-WUI fire for those COCs that currently do not have USEPA Regional Screen Levels. There should be guidance for soil, structural materials, and personal property affected by smoke. Background testing should be conducted so that it can be used in the future to develop state-specific residential background levels.

The Draft Report opined that their preliminary recommendations would result in increased initial costs for insurers for sampling and testing but that establishing a standardized approach and a streamlined process may ultimately result in lower overall costs due to anticipated savings on ALE, legal, mediation, expert, and consultant fees.

### 1. UP's October 24, 2025 Feedback Regarding Colorado's Smoke Study Stakeholder Meeting on October 20, 2025 ([Appendix U](#))

United Policyholders (UP), a consumer advocacy group, provided the Task Force with their feedback to Colorado during the course of the stakeholder meetings that were held prior to the issuance of the Draft Report. UP opined that it is unacceptable to send an unqualified adjuster or a captive restoration company to conduct a limited, superficial visual inspection for SCA and to obtain a few samples or to conduct an olfactory assessment. They noted that there are no established legal standards that set specific limits for indoor concentrations of SCA. They took issue with the IICRC S700 Standard ([Appendix G](#)) because it offers no defined levels or science-based COCs or testing protocols to guide remediation and expressly does not apply to wildfires.

UP recommended the following:

- Mandatory pre- and post-remediation testing before a property is deemed safe for habitation and before ALE can be cut off.

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- Standardized testing methods with due consideration for the conditions specific to each property (i.e., location, proximity to flames/smoke plumes, ventilation, construction materials) and recognizing the importance of testing in attics, crawlspaces, behind walls, inside ducts, and on porous surfaces.
- Education, training, and certification standards for indoor air quality/IH professionals.
- Mandatory disclosure to insureds where a vendor is captive to an insurer or derives a significant portion of income from insurers, giving the insured an opportunity to request an independent professional.

UP also provided redacted sample language from a recent proposal for smoke testing in California, which recommended testing for SCA, heavy metals, VOCs, formaldehyde, lithium, and cyanide.

### 2. APCIA Comments on Colorado’s Draft Report, December 11, 2025 ([Appendix V](#))

The APCIA submitted comments in response to the Draft Report raising numerous concerns:

- The Draft Report was based largely upon the Rocky Mountain Association of Public Adjusters (RMAPIA) report, “Fire Protocols,” which was developed for public adjusters and poses an inherent conflict of interest.
- The Draft Report applies comparison standards, benchmarks, and thresholds that are not applicable to residential wildfire smoke impacts and resulting COCs. USEPA hazardous waste methods and OSHA occupational exposure limits do not apply to residential properties.
- The Draft Report discusses the possible health risks of COCs without direct evidence. “[T]here are currently no peer-reviewed scientific studies that directly measure acute or chronic dioxin or furan exposure in residential occupants following wildfire events. The existing body of research is limited to occupational exposures . . . or relies on surrogate metrics like PM2.5 to infer potential health impacts. While these studies confirm the presence of dioxins in fire environments, they do not provide direct evidence or quantification of risk for individuals re-occupying smoke-impacted homes.” (p. 4) “[I]t is essential to distinguish between the chronic, long-term exposures typically associated with industrial emissions or contaminated food sources, and the acute, short-term exposures that may result from wildfire smoke events.” (p. 7)
- COCs, such as dioxins, bind to smoke, ash, and char particles, which can be cleaned. “The *Draft Report* fails to adequately consider the well-established practices for cleaning and restoring homes affected by smoke, ash, and char – materials that may contain dioxins – which significantly reduce potential exposure.” (p. 5)
- The Draft Report does not address background contamination. Many of the identified COCs have multiple indoor sources other than wildfire smoke. “Well established literature indicates indoor environments are never “clean” – volatile

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organic compounds (VOCs), semi-volatile organic compounds (SVOCs, which include dioxins/furans), and particulate levels in homes often exceed outdoor concentrations by orders of magnitude, even in the absence of wildfire or WUI fire exposure.” (p. 5) “In fact, air pollutant concentrations in homes frequently surpass industrial limits for VOCs set by OSHA, NIOSH, EPA, and state agencies.” (p. 6)

- The Draft Report's sampling and testing protocols are not supported by current science and disregards established remediation methods.
- Mandating insurance claim testing to build a database of sampling data to establish accepted background standards “would impose a significant operational and financial burden on insurers . . .” (p. 7)
- The Draft Report disregards the IICRC Technical Guide, which “offers a more science-based, consensus driven method for wildfire restoration” and complements the AIHA Technical Guide. (p. 8)
- The Draft Report's recommendations to fully replace homes and belongings without adequate evidence may lead to claim delays, more litigation, bigger insurance claims, and higher costs for everyone. “The push for universal testing and strict toxic thresholds would strain available laboratory and expert resources, potentially displacing policyholders from homes for extended periods.” (p. 10) “[B]ased on extensive claims experience, APCIA member companies estimate that mandatory testing requirements could increase indemnity spend by \$4,000-\$6,000 per test panel, at minimum and potentially much higher.” (p. 11)

The APCIA cautioned that key cost drivers were not fully accounted for in the Draft Report's economic analysis, which could materially increase costs beyond those estimated and reduce or negate the anticipated efficiencies or savings under the Draft Report's proposed conceptual framework. The APCIA strongly urged the Colorado DOI to explore alternative approaches, including tiered testing protocols and vendor licensing and oversight, and supported independent review of the scientific viewpoints and methodologies presented to ensure any future standards are evidence-based, effective, and operationally feasible for residential wildfire recovery.

### **3. NAMIC Comments on Colorado's Draft Report, December 16, 2025** **[\(Appendix W\)](#)**

The NAMIC raised similar concerns with the Draft Report and criticized the opinions regarding the cost impacts of their recommendations on residential insurance, noting that the opinions were formed “without conducting a data call, performing actuarial analysis, or providing any empirical support . . .” (p. 1) In fact, there will be substantial cost as a result of the number of homes that will likely have to be tested after a wildfire under the Draft Report's recommendations, which will exacerbate concerns about affordability and availability. They argued that litigation will increase because “[t]here will be disagreements as to who pays for the testing and whether a finding of chemicals was a result of the fire or was the result of background chemicals.” (p. 6) They stated that the Draft Report's estimates regarding testing costs are inaccurate and that “the actual cost of testing is likely to be significantly higher than the cost stated in the draft given

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the inevitable surge demand for testers and industrial hygienists after any wildfire event.” (p. 4)

They cited the IICRC Technical Guide which “refutes many of the findings and conclusions in this draft study.” (p. 3) They criticized the 50% threshold for replacement stating that it “ignores the opinions of the actual scientists and remediation experts that indicate that in most cases those homes can be effectively cleaned and remediated.” (p. 4) They argued that the Draft Report’s testing recommendations do not account for distance from the fire which is “the single most important factor in determining the scope of restoration . . .”, citing the IICRC. (p. 4) Under the Draft Report’s recommendations, “[t]he fire does not even need to be one that burns a significant number of homes, or even one that took place in Colorado.” (p. 4)

They noted that the Draft Report acknowledges many of the COCs already exist in most homes and pointed out the difficulties with the recommendation that background testing be conducted to develop state-specific residential background levels. “Without having a background level just prior to the fire, any testing for these chemicals of concern, absent evidence of the fire – such as soot, char and ash – will be meaningless.” (p. 5)

### **4. UP Comments on Colorado’s Draft Report, December 16, 2025 ([Appendix X](#))**

UP also submitted comments regarding the Draft Report, opining that “[i]ndependent 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).” (p. 2) UP opined that “[s]tandards 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”.” (p. 4)

### **5. CDPH Review of Colorado’s Draft Report ([Appendix Y](#))**

The CDPH provided its summary of Colorado’s Draft Report, noting that although the Draft Report finds that a standardized minimum testing protocol would streamline claims and ensure comprehensive cleanup, it stops short of making any definitive testing recommendations that could be universally applied. They noted that the Draft Report did not consider alternative ways to minimize exposure when contaminants are present and reiterated that although remediation may be the preferred way to eliminate the risk of exposure, the presence of contaminants does not directly imply that exposure is likely. They also noted that the Draft Report predicts risks using standard assumptions, such as a half-acre lot size, which may or may not be applicable to California.

The CDPH summarized the Draft Report’s primary recommendations, discussed in Section III, G, as well as the recommendation of tracking and integrating emerging scientific data on wildfire-related COCs into any testing and remediation standards.

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They opined that these recommendations provide a reasonable framework to address what, when, and how to test for COCs to reduce liability when remediating smoke damage in residential properties, and agreed with the environmental measurements and analytical techniques discussed in the Draft Report. They also agreed with the Draft Report's finding that existing standards for most COCs are limited or lacking and that ongoing testing will help to build a better knowledge database. They suggested that any new information should be assessed to determine whether it would justify any changes to any developed recommendations and protocols.

The CDPH highlighted some differences between Colorado and California and made suggestions to consider if the Draft Report were to be adapted to California. For instance, they noted that Cal/OSHA has existing regulatory requirements to protect construction workers from occupational lead exposure and that once a lead hazard is identified, contractors must follow existing state standards for lead hazard evaluation and abatement. Where there is evidence to suggest indoor lead contamination, such as building materials, they stated that it would be advisable to test for lead or to proceed with remediation that is compliant with existing regulatory requirements with the presumption that lead is present, particularly in homes where young children or pregnant individuals may reside. They stated that practically speaking, if the testing methodology bundles other COCs with lead, it is likely to be efficient to proceed with the method and to generate results for the other COCs as well. They also stated that due to the known risks of lead for children, testing and remediation should be done by CDPH-certified workers for households with children.

They also suggested that the presence and location of HVAC systems should be further explored as those may be located in parts of the home that are not normally considered inhabited. If HVAC systems are located in attics or unfinished basements, that may change the value of assessing the presence of COCs in those spaces that might otherwise not pose a high risk of exposure.

### **H. CDI Summary Presentation by Deputy Commissioner, Tony Cignarale, CDI's Draft Issues and Preliminary Recommendations, January 26, 2026 ([Appendix Z](#))**

Deputy Commissioner Cignarale gave a presentation summarizing potential high-level concepts to see where the Task Force stood on them.

The main issues presented were:

1. The presence of smoke in a home from wildfire is physical damage, is covered under the peril of fire, and must be remediated. There are recognized impacts to occupant health and property if smoke, soot, char, ash, and other substances are not properly remediated.
2. Classification, Inspection, Evaluation, and Remediation of Smoke Damage Inside Homes

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3. Training and Certification of Insurance Claims Adjusters, Public Adjusters, Inspectors, Hygienists, Restorers, Testing Labs
4. Workplace Safety

There was general consensus, with some noted exceptions, regarding the main issues presented. For instance, with regard to the first issue presented, insurance industry representatives highlighted concerns that the presence of smoke alone may not indicate property damage in all cases. However, the issue that elicited the most discussion involved the Tiered Classification concept based on a home's proximity to the "fire perimeter," "burn zone," or "ash zone."

The Tiered Classification concept suggested that the degree of smoke damage to an impacted home varies by the density of smoke in the area, direction of the wind, proximity of the home to the wildfire burn zone, duration of the fire, characteristics of the home, and other factors. For purposes of the presentation, "wildfires" were assumed to potentially include burned vegetation, vehicles, and structures. The recommendation was that homes within and adjacent to the fire perimeter are generally the most impacted by wildfire smoke and should require a more robust inspection and evaluation of the potential impacts of smoke damage.

Deputy Commissioner Cignarale suggested that determining proximity to the burn zone and subsequent classification could be accomplished using two possible standards:

**Objective Standard:** Based on Distance of Home to Fire Perimeter

**Wildfire-Specific Standard:** Mapping of an "Ash Zone." "Ash Zone" would be defined as the area covered by settled, fine particulate residue, including soot, char, and ash, from a wildfire, carried by a smoke plume and winds as determined by federal, state, or local government agencies with jurisdiction over the specific wildfire.

Under the Objective Standard, classification of smoke damage to a home as High, Moderate, or Low Impact would be accomplished as follows:

**High Impact Zone:** If the home is located (1) in the Fire Perimeter or within 6 miles from the Fire Perimeter or (2) within a designated Ash Zone (if applicable), there is a rebuttable presumption of significant smoke damage and the smoke damage claim will be classified as High Impact for purposes of the type of testing, inspection, and evaluation it receives.

**Moderate Impact Zone:** If the home is located (1) within the 6-mile to 12-mile range from the Fire Perimeter or (2) within 6 miles from the designated Ash Zone (if applicable), there is a rebuttable presumption that the smoke damage to the home will be classified as Moderate Impact for purposes of the type of testing (if applicable), inspection, and evaluation it receives.

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Low Impact Zone: If the home is in a location (1) greater than 12 miles from the Fire Perimeter or (2) greater than 6 miles from the Ash Zone, there is a rebuttable presumption that the smoke damage to the home will initially be classified as Low Impact for purposes of the type of inspection (if any) and evaluation it receives.

Classification of smoke damage to a home by its proximity to the burn zone or ash zone would then determine the scope and degree of automatic testing. For example, if the smoke damage to a home is classified as High Impact, it would require a full in-depth on-site inspection by a certified industrial hygienist or equivalent professional and automatic pre-remediation testing for smoke, lead, asbestos, and any other substances identified by state or local agencies as substances of concern for WUI fires (in general) or for a specific WUI fire, to the degree that there are health-protective levels and standards that would inform interpretation of results. A home that has a Moderate or Low Impact classification would require a lesser degree of automatic testing, depending on the on-site inspection and other factors.

There was consensus by some members of the Task Force that this concept had potential. However, there were also concerns and questions raised:

- The zone parameters may be too broad and encompass too many homes, or homes that have no smoke damage, especially in the proposed impact zones with no outer boundary. The zones should adhere, instead, to the zone parameters in the AIHA and IICRC Technical Guides. The PIFC argues that smoke, in and of itself, may not justify a claim as it may not be attributable to the fire and/or may not result in direct physical damage to the structure and that such claims cannot be included in presumed coverage. They also argue that there is no consideration for baseline issues that exist prior to a fire.
- The PIFC contends that the above framework would increase costs for both testing and remediation by adding broad presumptions and would ultimately result in substantial increases in the cost of insurance for consumers. The APCIA contends that the rebuttable presumption of automatic testing for homes in the High Impact Zone could have legal and cost implications, may create operational challenges and large-scale expansion of exposure, and may affect affordability and market stability. In addition, automatic testing may not be possible after a catastrophic wildfire due to demand surge, which may cause delays in claims handling and increased ALE durations.
- It is unclear how the rebuttable presumptions regarding the tiers would be resolved and how disputes would be resolved when an insured believes that their home is unsafe but the testing does not support that belief. It is also unclear what needs to be included in remediation and who gets to decide.
- The CDPH suggested removing automatic testing because they are not aware of sufficient evidence that would lead them to recommend a specific list of contaminants that should be tested for, even in the High Impact Zone. The CDPH asserts that the proposed mileage cutoffs for defining High, Moderate, and Low Impact Zones are somewhat arbitrary and lack

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justification and that although they appear to be based on the distance cutoffs used in the AIHA Technical Guide, those were intended only as examples to describe the conceptual model and that the use of 1 km, 10 km, and 100 km zones was not meant to imply any actual relevance to real situations. The CDPH raised the importance of distinguishing differences in assessment and remediation recommendations among three zones, and whether two zones might be sufficient.

- It should be required for any state and/or local agency that wishes to add toxins to the required testing for a specific fire to have tested the ash in the immediate aftermath of the fire to ensure the additions are evidence-based.
- There is insufficient data on the level that certain toxins must meet to be "cleared." It is critical that the entities certified to determine post-remediation clearance levels be explicitly stated and that those testing targets be based on residential thresholds for habitability, not other unrelated environments such as occupational safety or hazardous waste.
- There should be clear definitions of what types of wildfires would trigger any enhanced standards as the definitions will have a major impact on the application of the above framework.
- There must be consideration of background contamination in a home when interpreting test results and determining clearance of a home.
- Some of the terminology used should be clarified and defined.

### IV. OTHER CONSIDERATIONS

During the course of the Task Force meetings, suggestions were made, other than those already discussed, to address the issues related to smoke damage claims which may warrant further consideration in the future as these issues continue to evolve:

- Certified, competent professionals could develop decision-making criteria regarding sampling, testing, and remediation to apply to certain situations, thereby eliminating the need to hire a professional in every case.
- Establish the scope of smoke damage inspections and testing protocols, similar to Replacement Cost Estimate regulatory requirements, that specifically delineate what must be included.
- List of certifications and the requirements for each and establish a hierarchy as to who is the most qualified to inspect and test.
- Consider alternatives to defining impact zones based on distance from the burn perimeter, such as characteristics of the home, type of construction and extent of damage to neighboring homes, wind patterns, topography and/or fire duration.
- Determine which state or local entity (e.g., County or State Public Health, Cal-EPA, CalFire) should take samples in burn zones and conduct regional testing to determine the level of contamination in smoke and set a standard for what homes directly within the smoke path should be tested and remediated for, with analysis from the appropriate agency as to what is a health risk to residents. Any such determinations of testing responsibility will also need to account for funding source, availability, and responsibility.

**V. CONCLUSION**

Based on the foregoing, the concept of a Tiered Classification utilizing impact zones for WUI-fire smoke damage claims should be further developed and implemented by the appropriate governmental agencies, with careful consideration for what standards and protocols are required for each established tier. Also, establishing training and certification requirements that are administrated and enforced by the various agencies that have jurisdiction over the individuals involved in the smoke damage claims and restoration process would result in less confusion and more consistency in how these claims and projects are handled in the future.