

House Business Affairs & Labor
 03/06/2024 Upon Adjournment
 HB24-1315 Study on Remediation of Property Damaged by Fire
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
David Chagala For himself	<p>Thank you for taking my testimony. We are a partial damaged home and as such we have learned that there is NO industry standard for smoke impacted homes. Since there is a remaining structure, insurance can argue to keep their fiscal liability at a minimum without recourse. WE hired an Industrial hygienist who after testing our home recommended a complete tear down due to the extreme toxicity and the lack of an effective method of remediation. It has been 2 years now and it may be another year before resolution and a rebuild using mostly our own funds. Our fellow neighbors who had a complete burn have collected from insurance, rebuilt and are living in their new homes. It has been a nightmare our house did not burn as we are still fighting our insurance to pay us policy limits. We have plenty of coverage but insurance refuses to pay our limits. I have filled a complaint with DOI and the response is there is nothing they can do since there are no industry standards. Clearly there is a huge need for industry standards so insurance cannot dictate what they are willing to pay with absolutely NO repercussions short of litigation which takes years. I whole heartedly support this bill and ask your support as well. At least it will protect others from insurance exploitation and give some rights to the policy holders who currently have absolutely no recourse or rights to fight a billion dollar corporation. Thank you very much and I applaud the sponsors for taking up this very important cause.</p>
Tamara Chagala For herself	<p>Please support HB24-1315. We are a severely smoke damaged still standing house. We are at ground zero and many of our neighbors have already rebuilt and moved back in, while we are still waiting on insurance living in an apartment 1/3 the size of our house. Our house has been tested twice and has toxic results both times even a year apart. Because the house is still standing, insurance wants us to hepa vaccuum the soot, fix the broken windows and melted siding and move back in. This is not ok, our house acted as a Filter for the Marshal URBAN fire. This is Much more than a 'camp fire' my clothes smell like smoke. The contents of our neighbors burnt homes are plastered inside and on our walls, rafters, inside every duct, appliance, furnace, every nook and cranny - impossible to reach all areas, not to mention the off gassing of the chemicals. Insurance misled us initially by sending an adjuster who admitted he's never done fires before, only floods and hurricanes. Even after submitting our own independent Certified Industrial Hygienist reports - they were ignored and we were told our house is fine, no cleaning is necessary. We have piles of soot in all our insulation (no longer pink, it is black) as well as piled inside our window sills and on every surface area. People in Louisville and Superior are getting sick after returning without major remediation. Our CIH accurately</p>

	<p>recommended a full tear down and rebuild, insurance has given us a very difficult time. We were at ground zero and severely impacted - something needs to be done so that we may move forward to rebuild - to get back to 'pre-loss' condition. Please support HB24-1315 - we ALL need to have a Safe Healthy place to live. Thank you for your time and consideration.</p>
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March 5th, 2024

Thank you, Chair Amabile and members of the committee for taking the time to read our testimony for House Bill 24-1315. My name is Dr. Fuji Robledo and I am writing on behalf of myself and my husband, Dr. Madhur Atreya. We rented a townhome in Louisville at the time of the Marshall fire and would like to urge the committee to vote “yes” on House Bill 24-1315.

Even though it was just a rental, our townhouse in Louisville was our home for 2 years. We spent time decorating it and making it our own and were devastated to find out it was affected by smoke damage from the Marshall Fire. As a result, we were displaced from our home for 3 months while we waited for it to be professionally remediated.

After learning that our home was not habitable, we visited the FEMA center in Lafayette to get more information on what remediation consists of and how to ensure that our home was safe. Their handouts mentioned hiring an industrial hygienist who could perform pre- and post-remediation testing to make sure that the property was safe to return to. During our first meeting with our insurance claims adjuster, we asked if an industrial hygienist would be covered and he responded that he did not know what an industrial hygienist was.

Early in the process, we agreed to work with the landlords to find a single remediation company that would clean both their property and our contents. We vetted several companies, each of which toured the home with us and gave us their “professional” opinion on what needed to be cleaned, what could not be cleaned, and what was probably not affected. Decisions as to what to clean were made simply based on anecdotal observations and hunches—nothing was actually assessed for levels of contamination (the equivalent of a doctor shaking your hand and assessing your cholesterol levels). We heard contradicting information as to whether or not our mattress could be restored, whether our soft contents, such as clothes, needed to be cleaned, and whether our food should be thrown out or kept. Some of them even made incorrect factual claims that contradicted data regarding contamination (such as claiming the only volatile organic compounds (VOC) detected was alcohol “due to all of the perfume bottles that burned”).

Finally, we agreed upon a single remediation company to clean our landlords’ property and our hard contents (“Company A”), and a separate remediation company to clean our soft contents (“Company B”). Even though the project manager of Company A walked us through their process and reassured us that the property and our hard contents would be thoroughly cleaned, it seemed like the people who were assigned to actually do the cleaning were not aware of the plan we had agreed on. For example, we were told that the bathroom exhaust fans would be cleaned, but they were untouched and we were later told that this was not part of their job. This remediation process took more than 3 months and cost \$20,000. When the remediation was complete, the onsite manager conducted a 15 minute walkthrough where he simply pointed at areas that had been cleaned, all while the carpet cleaners were there and while two industrial air

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cleaners were running, making it hard to hear. No post remediation testing was done to ensure that our home was safe to move back into.

Once moving back in, we found evidence of visible soot and ash in several locations throughout the house and the same noxious smoke odor that had been there since the fire. The hydroxyl generator, which is a type of air cleaner designed to clean harmful contaminants, clearly indicated that the humidity had to be above 60% for it to work properly. However, no humidifier was used and the humidity inside our home was around 10%. This air cleaner operates on moisture in the air, so most likely, the machine was not doing its job. And, although the HVAC system was supposedly cleaned, the washable filters were still black with soot. After remediation, we attempted to re-clean the surfaces and purchased several air cleaners, but problems remained. Since our insurance did not cover the cost of post-remediation testing, we had a researcher from CU Boulder test our unit and they concluded the presence of harmful contaminants. Within a month of moving back in, we concluded that, especially due to my autoimmune disease, we were not safe to continue living there. We negotiated breaking our lease and moved out. We have since had to dispose of several items cleaned by Company A, including our cherished 400 book library.

Company B was no better. We decided to contract with this company because of their positive reviews and their supposed experience in cleaning fire-related contaminants. The project manager had indicated that they would send a team of trained professionals to assess what, if any, of our soft contents needed to be cleaned. When the team arrived, the team lead told us that she had just started working at the company and did not know much. Whenever we asked questions about whether or not something needed to be cleaned, the team would just state that it was up to us and that they did not know. When we got our contents back, we quickly realized that many of them continued to have an odor and that they were still contaminated. Because of the poor communication (no communication) and lack of standardized cleaning process, we opted to throw away most of our contents instead of dealing with them again, even though the bill for the work was \$10,000. We later learned from other people in the community that the cleaning process of Company B is not based on any standards on how to remove fire-related contaminants.

We dedicated a lot of time and effort in doing our own research, attending webinars, and talking with others to learn more about the danger of smoke, soot, and ash. This was a very traumatic process, and despite following the steps set out by our insurance on how to remediate our home, we still lost our home and much of our soft contents. We urge you to vote “yes” on House Bill 24-1315 to ensure that people in the future do not have to go through what we went through.

We appreciate your time and consideration,
Dr. Fuji Robledo and Dr. Madhur Atreya