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*In Memory Of
Our Friend*

Sadly we must announce that PSAA Past President (SCAA 1995-96) Sue Dahlin-Morales passed away on January 22, 2019. We will miss Sue's presence at the Past President's luncheon in May. Our condolences to her family and friends.

Services will be held this Saturday, February 16, 2:00pm, at Westminster Chapel in Bellevue, WA.

You may contact Sue's son Davy at 425/941-9800, davy.dahlin@gmail.com, or send a card to 15321 78th Ave SE, Snohomish, WA 98296. 🐦



PSAA BOWLING

*Broken Valentine
Bowl-A-Thon*

@ ACME Bowling
& Billiards
Has been rescheduled to
Friday, March 1
due to weather!



Claims Conversation

with **Roger Howson**, Claims Dispute Resolution, PSAA Newsletter Editor & Education Chair, TCAA Past President

preparation for that once in a decade significant accumulation of snow makes about as much sense as Port Orchard having a tornado preparedness protocol (...too soon?).

The national news declared this weekend's snowstorm the heaviest snowfall in Seattle and surrounding areas in the past seventy years. They misspoke. This is the heaviest snowfall in Seattle in the past seventy years... in the month of February. In fact, this is NOW the heaviest accumulation of snow in Seattle for the


(Continued on page 3)



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Blue Bucket Drawing...
\$150 would have gone to **Judy Daufel** of Norcross but she was not present to win! ☹

It pays to attend a meeting!

It's easy to RSVP for a meeting or an event on our website! Although PSAA claims members need not pay to attend our monthly meetings or events, we still need to know who's coming.

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Look for the RSVP link. Fill out the form and click submit! That's it! Also works for vendors and guests who plan to pay at the meeting with cash or check. Please submit an RSVP whenever you plan to attend an event on our calendar. Thank you!

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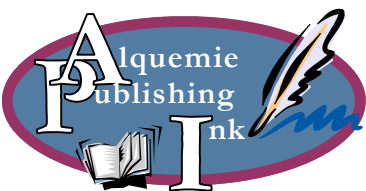


**President's Choice Charity
for 2018-19
Permission To Start Dreaming**

To submit an article to this publication contact Barb Tyler at npassist@msn.com

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month of February EVER... and we're not even half-way through the month. (I was reminded about the time that 21 inches of snow dumped nonstop on us one weekend in January of 1996, so the national news was unnecessarily sensationalizing this most recent snowstorm by making it sound like we NEVER get snow in the Pacific Northwest in this abundance.)

Our oldest daughter lives in Chicago where they recently endured an entire week of temperatures dropping to as low as 44 degrees BELOW ZERO; so, even though she grew up here, she's struggling to genuinely empathize with our current weather woes.

Our neighbors moved here from Wisconsin two years ago. Her mother-in-law gifted them a snow blower many Christmases ago, and her husband insisted they pack this heavy, bulky mass of machinery to Seattle so as not to offend his mother. Husband and wife are both lawyers, so he didn't flinch in the face of her sensible question, "What the ###@ do we need with a ginormous snow blower in Seattle?"

This past weekend our Wisconsin neighbors with their kids, all the neighborhood kids, and several envious husbands gleefully cleared paths through almost a foot of fallen snow in the back alley, up everyone's driveway, and along all the sidewalks. That run of the mill Wisconsin snow blower was a magical marvel of machinery here where we're usually snowless in Seattle. Our neighbor says her husband will never let her live this down, so I bet her that the snow blower never once leaves their garage for the next decade.

The problem with snow here in the Pacific Northwest is that the weather forecast has only a one in four chance of being correct, and the consequences of acting (or failing to act) on an erroneous forecast can be hugely expensive, inconvenient, embarrassing, and sometimes dangerous.

⌋ In 1990 mid-afternoon on a Friday a sudden and unexpected snowstorm hit the greater Seattle area with a ferocity that immediately shut down all commerce and transportation. School kids were stuck on school busses too far from school, but not close enough to walk home. Other school kids were stuck at school with no way to get home. Every hotel room in downtown Seattle was quickly booked, so that many people had

to sleep at their office. Bus patrons were forced to abandon transportation for a long, cold, and difficult walk home. No one was dressed for snow, so they ruined their best shoes schlepping through the ever-deepening snow. Many workers (and school kids) didn't arrive home until midnight. Parents were understandably outraged that their children's safety and security had been so compromised.

⌋ In response to the 1990 snowstorm catastrophe the schools swore that they would not be caught unawares ever again. Like I said, the weather forecast regarding impending snowfall has only a one in four chance of being right. Consequently, in the 19 years since that terrible Friday afternoon and night, there have been many embarrassing instances where school was cancelled or dismissed early without a single snowflake falling from the sky. Then the parents complain about having to scramble for emergency childcare "because those idiots on the School Board are too stupid to look out their window to see that there is NO snow in sight."

⌋ Event planning is an impossible endeavor best left to geniuses and masochists, because Murphy's Law almost always prevails- anything that CAN go wrong WILL go wrong... and Murphy was an optimist. Snow, ice, and windstorms are the Achilles heel of event planning. The PSAA Holiday Party (when it was TCAA) suffered several consecutive years of catastrophic weather conditions wherein the roads were impassible and/or the power was out, so we ended up delivering those unconsumed feasts to stranded claims offices



Save these dates in 2019

| | |
|----------------|---|
| Mar 1 | Broken Valentine Bowl-A-Thon at ACME Bowl |
| Mar 3 | Golf Tournament Lottery |
| Mar 15 | Claims Carnival & Vendor Circus at Renaissance Hotel (Annual Symposium) |
| May 17 | Past Presidents and Vendor Appreciation Luncheon at Renaissance Hotel |
| June 21 | PSAA Annual Golf Tournament at Northshore Golf Course |



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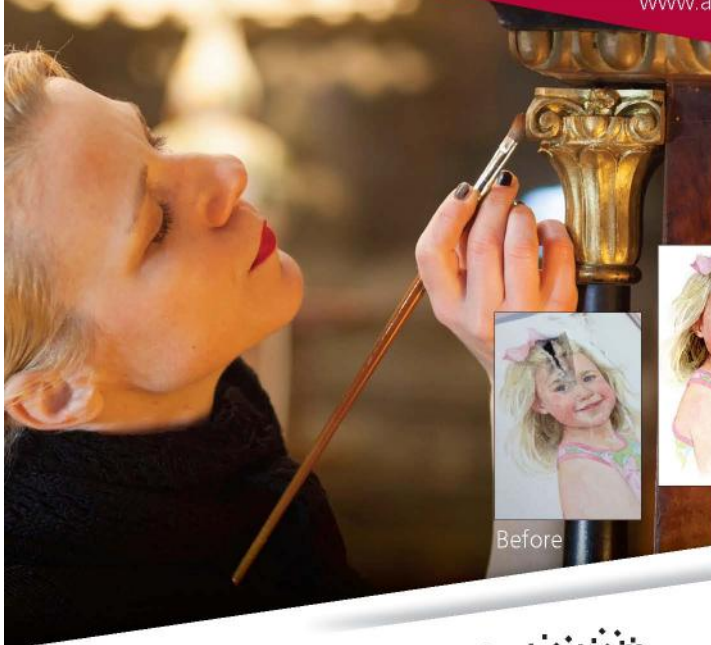


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and homeless shelters (we really couldn't tell the difference). In each one of those instances, the PSAA (I mean, TCAA) Board regretted not proactively cancelling or re-scheduling the event.

This is my long-winded way of reminding all of you that the PSAA Bowling Tournament is rescheduled to Friday, March 1st because YOUR safety is more important to us than this event. However, attendance at the PSAA Bowling Tournament should in no way discourage you from also attending the March 15th PSAA Claims Carnival and Vendor Festival. You won't regret attending both events.

Weather permitting... ❖



Case Study

Insured's Bad Faith Lawsuit is Revived after the Washington Court of Appeals Interprets Ambiguous Insurance Terms against the Insurer



From the desk of **Joshua P. Hayward:**



Washington law permits insureds to bring bad faith actions against insurers when claims made under their insurance policies are denied. Occasionally, these lawsuits focus on

the interpretation of insurance policies and can possibly lead to increased damages if the insurer wrongfully denied claims. What if the insurance company denies coverage based on language that the court deems ambiguous? May the insurance company be subjected to bad faith? Read on to find out.

Claims Pointer: In this bad faith lawsuit, The Washington Court of Appeals interpreted an insurance policy to determine whether an insurer was required to cover the costs incurred by its insured who rebuilt a similar structure after a fire. The court of appeals found that the language relied upon to deny coverage to the insured was ambiguous. Once the court found that the language was ambiguous, it construed the language against the drafter. Accordingly, the insurer was subject to a bad faith denial of coverage. This case serves as an important reminder that Washington courts consistently favor the insured in disputes against insurers. When contemplating denying an insured's claim, it is important to



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ensure that the language relied upon is unambiguous. If there is any question, seek legal advice.

Poole v. State Farm, 2018 Wash. App. Lexis 2851 (Dec. 18, 2018)

In 2014, Michael and Vicky Poole’s (“the Pooles’”) home, attached shop, and separate barn—all insured under a State Farm homeowner’s policy—burned to the ground. The Pooles began construction on replacement structures and sought compensation under their homeowner’s policy. State Farm accepted coverage for the Pooles’ replaced home and barn but denied coverage for the Pooles’ new shop. State Farm denied coverage based upon its contention that the original shop was attached to the home, whereas the Pooles’ new shop was detached from the home. The Pooles filed a bad faith lawsuit against State Farm, asserting that it breached its insurance contract by, among other things, refusing to cover the costs of building the stand-alone shop.

In response to the Pooles’ lawsuit, State Farm filed a motion for summary judgment. It argued that the following provisions of the homeowner’s policy precluded coverage. First, the policy provided that State Farm “will pay the cost to repair or replace with similar construction and for the same use on the premises...the damaged part of the property covered under...**COVERAGE A – DWELLING.**” In turn, the definition of dwelling included “structures attached to the dwelling[.]” Accordingly, State Farm argued that, while the Pooles’ attached shop was covered as an attached structure, the Pooles’ proposed stand-alone shop was not covered under the replacement cost loss settlement provision requiring “similar construction.” The superior court granted State Farm’s Motion for Summary Judgment on coverage for the stand-alone shop. The Pooles appealed.

The court of appeals reviewed the superior court’s decision by interpreting the homeowner’s policy in the same manner and method by which it would interpret a contract. First, the court gives terms undefined by the insurance contract their ordinary and common meaning. Second, the insurance contract is construed as a whole, with the policy given the same understanding as the average person purchasing insurance would possess. Third, when clauses in an insurance policy conflict, the court attempts to harmonize the provisions to give effect to all. Fourth, if a provision in the insurance contract is found to be susceptible to two different, but reasonable, interpretations, it is deemed ambiguous. Finally, when a term or policy is found to be ambiguous, it is always resolved against the insurer and in favor of the insured.



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The court of appeals identified that the policy's "Option ID" provision "provides that when the amount actually and necessarily spent to replace a damaged structure exceeds the policy's liability limit, State Farm will pay the Option ID coverage." This coverage under the policy applied to a dwelling, including "structures attached to the dwelling." The court identified that there was no dispute that the attached shop was a dwelling at the time of the fire. The issue the parties focused on was "whether the stand-alone shop and the attached shop were of 'similar construction'"

Engaging in this analysis, the Pooles argued that the attached shop and the stand-alone shop were constructed in the same style and quality, with the same type of materials and for the same purpose. State Farm responded, arguing that the fact that the replacement was a stand-alone shop rather than attached necessarily meant that they were not of similar construction. Rather than engage in this debate, the court identified an underlying issue with the provision relied upon. It found that the provision at issue only addressed whether a structure was covered at the time of the loss. The policy did not expressly prohibit rebuilding an attached structure that constitutes a dwelling at the time of loss as a stand-alone structure.

After identifying this ambiguity regarding whether a covered "attached structure" could be rebuilt as a "stand-alone" structure, the court resolved the dispute by construing the ambiguous term against the drafter. In this case, because State Farm drafted the policy, the court construed it against State Farm and in favor of the Pooles. Accordingly, it reversed the trial court's grant of summary judgment and held that the Pooles were entitled to recover the costs they incurred, up to the policy limits, in constructing the stand-alone shop.

This case serves as an important reminder of the method by which Washington courts interpret insurance policies. In the end, if there is any ambiguity in the coverage provisions, a court may end the dispute by interpreting the language against the insurer. When that happens, the insurer may be subjected to bad faith claims. ❖

— View full opinion at:
<https://www.courts.wa.gov/opinions/pdf/D2%2050140-6-II%20Published%20Opinion.pdf>

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The Art of Convincing Utilizing Socratic methods of persuasion in the claims process

By Eric Rudich, David T. Shoults
Reprinted from www.clmmag.theclm.org

The resolution of a claim involves much more than simply attending a mediation session to negotiate a settlement. The final negotiation of the settlement is often only a small percentage of actual claims activity. Yet there seems to be a greater focus among claims professionals on negotiation than on persuasion. Claims professionals spend a great portion of their work days either persuading or being persuaded by claimants and their counsel. Let's look at several ways to use persuasion techniques to achieve better and more efficient claims outcomes.

There are many opportunities for claims professionals to persuade. The claims professional who is skilled in the art of persuasion may be able to:

- Persuade claimants to deal directly with them through the life of a claim.
- Persuade attorneys to delay or abandon filing lawsuits.
- Persuade attorneys to have their clients provide statements or medical authorizations.
- Persuade attorneys to engage in settlement discussions.
- Persuade management to concur with their liability decisions or settlement values.
- Persuade mediators or settlement conference judges to properly convey their stories to the other side or focus on one or two important themes.

To maximize one's persuasive ability, the use of Socratic methods of persuasion are extremely useful throughout the lifecycle of a claim and in negotiating a favorable settlement or attaining a favorable outcome at trial. The three methods of persuasion are ethos, pathos, and logos.

Ethos

This type of persuasion consists of the combination of authority and credibility. Simply put, persons who have established their credibility and authority are often believed simply because of their positions. To establish this, claims professionals should demonstrate that they are both knowledgeable and credible. This is crucial not only for the simplest property damage claim, but also for the most complex of tort claims.

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As soon as a claim is filed, the claims professional can begin to build this rapport and credibility by initiating phone calls rather than just responding to them. The claims professional who is proactively engaging the claimant is the one who is driving the process rather than reacting to it. This is a simple concept, but it is one that is often lost or overlooked. If claims professionals can establish their subject matter knowledge and trustworthiness, it can go a long way toward resolution. Even the denial of a claim can go uncontested if the professionals issuing the denials have established their ethos beforehand.

An example of ethos is used by a well-known mediator in New York City, who prefaces his discussions with litigants by stating, "As a former New York Supreme Court judge for 20 years...." By reminding the litigants of his experience, he is establishing his ethos and letting them know that they can trust him because he has experience in litigation and was a former judge.

Pathos

Pathos involves making an emotional appeal to persuade someone by tapping into the listener's feelings, such as fear, greed, or sympathy. We see

this used by plaintiff's attorneys at trial through their use of the reptile theory to activate jurors' safety concerns or by appealing to their sympathies.

The use of a pathos argument was exemplified in a recent trial in which the plaintiff's attorney, in his closing arguments, pleaded with the jury to imagine being trapped in their own minds when discussing his client's traumatic brain injury. The attorney did not focus on the accident or causation. He did not refer to any medical records or to any testimony that was presented during trial. He simply tried to get the jury to "feel" the injury along with the emotions of being scared, concerned, or frustrated.

For claims professionals, pathos can be used from the outset of a claim by expressing sympathy and empathizing with the claimant. If the claims professionals have had a similar situation or experience, they can mention it to show that they possibly know how the claimant may feel. This can help establish a trust between the insurance professional and claimant. At the end of the day, most plaintiffs want to feel respected by insurance professionals. Research has shown that doctors with a good bedside manner get sued less often. Similarly, claimants who are treated with sympathy and respect and encounter claims professionals who are responsive to their ac-

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cident-related needs will be less likely to want to punish a defendant.

Logos

This type of persuasion involves making a logical appeal. Although it may be effective, people are often persuaded by emotional appeals (pathos) and peripheral cues, such as the credibility of the speaker (ethos). People are emotional beings first, who then filter information based on their decisions of what is “right.” A person who is presenting a logos argument would argue the specifics and details of the case in an effort to persuade. A logos argument should be equally persuasive regardless of the presenter.

However, sometimes the claims professional cannot reach an agreement or resolution with the claimant, and a lawsuit is filed. When this happens, both sides have witnesses, experts, and company representatives who will present evidence to persuade the jury to find in their favor.

When a case is being litigated, both the defense and the plaintiff will want to know how their companies, experts, and witnesses will be perceived by a jury and understand the drivers of their verdict decisions. They also want to know which types of persuasive arguments to use and how to mitigate plaintiff sympathy and counter any reptile theory approaches. In this scenario, a mock trial or focus group can provide great value.

Evaluating Persuasion Techniques

Each case is different, and jurors often focus on issues and decide cases differently than anticipated. Mock trials help claims professionals evaluate litigation risks by determining jurors' perceptions of the plaintiff's claims and the effectiveness of ethos, pathos, and logos forms of persuasion on jurors. For example, in catastrophic accidents in which liability is questionable but damages are severe, jury research can help inform which types of persuasion techniques will help mitigate damage awards.

The use of mock trial and focus group panels help counsel identify themes and visual strategies for effectively advocating for the client's position. Moreover, these techniques may also be used to evaluate and prepare key witnesses to assist them with communicating their credibility (ethos), testimony (logos), as well as identifying more emotional themes and arguments (pathos). Importantly, the results of the jury research may be used to guide any additional settlement negotiations to help determine the strength of a case and the experts involved. Based on this information, defendants then have a data-driven approach for determining the strength of their cases and evaluating settlement options.

Let's say you have done everything correctly. You were proactive, empathetic, and you properly investigated the claim and have the correct indemnity and expense reserves set. You have given your best persuasive arguments to the claimant, the attorney, or the mediator/judge, but they are not convinced.

This is where patience is required. Sometimes the other side needs time to absorb your message. They may want to speak with someone or just simply contemplate their options. Don't let this bother you. In fact, encourage it. Take this real-world ex-

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ample, which involved a settlement conference with a trial judge.

It was necessary from the defense's perspective that the judge in a case speak directly with the minor claimant's mother to properly convey the defense's message. The judge resisted by saying that he knew the plaintiff's attorney and that this attorney always had client control. It took several conversations with the judge to finally convince him to even ask the plaintiff's attorney if he had client control. When the judge finally did, the plaintiff's attorney shrugged and answered that he only had partial control. It was then that the judge brought the mother in and conveyed the message directly to her and the matter was resolved. The key to this was patience and persistence.

Keep in mind that, in some cases, the more intelligent the person is, the more time it may take for them to be persuaded. Continue to restate your arguments and continue to remain empathetic. It may be that they adopt your position and make it their own. If this happens, then congratulate them on their "good idea." Refrain from reminding them that it was your idea in the first place.

As a claim progresses towards resolution, keep in mind that you are either persuading or being persuaded. Be cognizant of whether or not you have established your ethos. You should also be cognizant of when a pathos persuasion technique might bring more favorable results, and always be ready to advance logic into your argument. All three aspects of the Socratic method of persuasion may be effective in the right situation, but the best result is when they are used in combination throughout the claims process. ❖



Chronic Pain is Top Reason Patients Use Medical Marijuana

Reprinted from www.insurancejournal.com

The stigma surrounding marijuana use appears to be slowly fading in the U.S. New research from the University of Michigan, published in the February issue of Health Affairs, provides insight into the use of medical marijuana.



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According to the research, 62.2 percent of medical cannabis license holders say they are seeking treatment for a condition with chronic pain.

Since the 1990s, advocates have pushed for a re-evaluation of cannabis as a viable treatment for a host of ailments. As of 2018, 33 states and the District of Columbia have approved the medical use of cannabis, while 10 states have legalized marijuana for recreational use.

Meanwhile, at the federal level, marijuana remains a Schedule 1 drug under the Controlled Substances Act, defined as a drug with no currently accepted medical use and a high potential for abuse.

“We did this study because we wanted to understand the reasons why people are using cannabis medically, and whether those reasons for use are evidence based,” says lead author Kevin Boehnke, Ph.D., research investigator in the department of anesthesiology and the Chronic Pain and Fatigue Research Center.

He and his U-M colleagues Daniel J. Clauw, M.D., a professor of anesthesiology, medicine, and psychiatry and Rebecca L. Haffajee, Ph.D., assistant professor of health management and policy, as well as U-M alum Saurav Gangopadhyay, M.P.H., a consultant at Deloitte, sought out data from states with legalized medical use of marijuana.

To examine patterns of use, the researchers grouped patient-reported qualifying conditions (i.e. the illnesses/medical conditions that allowed a patient to obtain a license) into evidence categories pulled from a recent National Academies of Sciences, Engineering and Medicine report on cannabis and cannabinoids. The report, published in 2017, is a comprehensive review of 10,000 scientific abstracts on the health effects of medical and recreational cannabis use. According to the report, there was conclusive or substantial evidence that chronic pain, nausea and vomiting due to chemotherapy, and multiple sclerosis (MS) spasticity symptoms were improved as a result of cannabis treatment.

Evidence-Based Relief

One major finding of the Health Affairs paper was the variability of available data. Less than half of the states had data on patient-reported qualifying conditions and only 20 reported data on the number of registered patients. The authors also noted that the number of licensed medical users, with 641,176 registered medical cannabis patients in 2016 and 813,917 in 2017, was likely far lower than the actual number of users.

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However, with the available data, they found that the number of medical cannabis patients rose dramatically over time and that the vast majority — 85.5 percent — of medical cannabis license holders indicated that they were seeking treatment for an evidence-based condition, with chronic pain accounting for 62.2 percent of all patient-reported qualifying conditions.

“This finding is consistent with the prevalence of chronic pain, which affects an estimated 100 million Americans,” the authors state.

This research provides support for legitimate evidence-based use of cannabis that is at direct odds with its current drug schedule status, according to Boehnke, who sees this as especially important as more people look for safer pain management alternatives to opioids.

“Since the majority of states in the U.S. have legalized medical cannabis, we should consider how best to adequately regulate cannabis and safely incorporate cannabis into medical practice,” said Boehnke. ❖

Source: Michigan Medicine – University of Michigan

**Planes, Trains, Autos, Trucks: ‘10 Most Wanted’
Transportation Safety Improvements**

By Alan Levin and Ryan Beene

Reprinted from www.insurancejournal.com

Federal safety advocates are targeting three of the worst habits by drivers that kill more than 10,000 people a year: speeding, impaired driving and distractions from electronic gadgets.

The U.S. National Transportation Safety Board unveiled its “Most Wanted” list of 20 safety enhancements on Monday and three of the 10 focused on driver behaviors that could help reduce the annual death toll on the roadways that now exceed 37,000 a year.

Another four spotlight such things as sleepy drivers, better anti-collision technology and mandating seat belts on buses and other types of vehicles.

The NTSB is bucking controversy with some of its push. It wants more use of speed cameras, for example, which are unpopular with motorists.

The NTSB List

1. Eliminate Distractions: Distractions from electronic devices “is a growing and life-threatening problem.” Not only do drivers need to pay better attention; so do pilots, railroad engineers, operators of heavy equipment and pedestrians.



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Distraction was linked to more than 3,100 traffic deaths in 2017, the most recent data.

2. Drug/Alcohol Impairment: Alcohol is one of the leading causes of highway deaths and NTSB is seeking a reduction in the threshold of drunk driving to a blood alcohol level of 0.05 percent from the current 0.08 percent in most states. Deaths linked to alcohol impairment on highways alone were almost 11,000 in 2017.
3. Safe Shipment of Hazardous Materials: Only 16 percent of U.S. railroad tank cars meet the latest standards for carrying crude oil and other hazardous liquids. Aging infrastructure in the nation's pipelines is also creating an increased hazard of leaks and explosions.
4. Automated Train Braking: The NTSB has for years sought a requirement for all trains to be computerized to slow or stop for hazards. The government had set 2018 as the deadline for so-called Positive Train Control, but it gave railroads a two-year extension.
5. Charter Flight Safety: Charter carriers — such as air-medical operators and for-hire business jet companies — aren't as tightly regulated as airlines, "leaving them susceptible to disaster." They should be required to monitor flight data for safety trends and install better warning systems.
6. Reduce Speeding: Proven tools to reduce speeding on U.S. roads must be more widely deployed to curb the practice, which is a factor in roughly 10,000 highway deaths each year. These include traffic cameras, infrastructure design and vehicle technologies.
7. Collision-Avoidance Systems: NTSB wants manufacturers to equip all new motor vehicles with technology that can brake automatically to help avoid an impending crash.
8. Fatigue-Related Accidents: A comprehensive approach is needed to combat operator fatigue in aviation, highway, marine and rail transportation.
9. Require Medical Fitness: Sleep apnea, a disorder that prevents people from getting normal sleep, has factored into many recent deadly accidents, but people often don't know they have it. There should be mandatory screening and treatment for all train engineers, bus drivers and other rail and highway workers in safety-related positions.



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10. **Strengthen Occupant Protections:** The NTSB wants all U.S. states to pass laws requiring every motor vehicle passenger to wear seat belts, and a crack down on seat belt enforcement. The agency is also calling for better passenger protections in vehicle and rail cars designs.

Existing Recommendations

The NTSB releases its top safety priorities once every other year. This year the agency is focused on already existing safety recommendations that it has issued on the related topics. Of the 267 recommendations highlighted by the agency Monday, it is asking that 46 be implemented within the next two years.

Under the administration of President Donald Trump, creating new regulations has become far more difficult. But the NTSB said that in two-thirds of its recommendations, no new regulations are required to obtain a safety benefit. ❖

You'll have to Mark Your Drone with an ID Under Anti-Terror Rule


By Alan Levin
 Reprinted from www.propertycasualty360.com

Responding to concerns from law enforcement and security agencies about the potential for concealed explosives, the U.S. government is ordering all civilian drones to add external markings so the owner can be more easily identified.

Regulation takes effect Feb. 23

The regulation, which was posted Tuesday on a preview website for the Federal Register and takes effect Feb. 23, is part of an effort to bring more oversight to the rapidly growing hobby and commercial drone industry.

With more than 1 million registered drone users and those numbers expanding rapidly, the Federal Aviation Administration is trying to accommodate calls



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for expanded uses while also preserving safety and security.

On Jan. 14, the FAA announced a proposed framework for allowing expanded flights over crowds and populated areas. It's also working on regulations that would mandate that drones broadcast a radio beacon identifying their owners and location, a condition insisted on by security agencies.

Registration number required on outside of device

The regulation would require drone owners to place their registration number on the outside of their devices. When the FAA first required drone owners to register their aircraft in 2015, it said the number could be placed within the battery compartment.

The FAA took the action because agencies such as the FBI and the Homeland Security Department raised concerns "regarding the risk a concealed explosive device poses to first responders who must open a compartment to find the small unmanned aircraft's registration number," the agency said in the rule.

Drone safety and security have been exacerbated by incidents like a disruption to flights into Liberty International Airport in Newark, New Jersey, on Jan. 22 after pilots on two flights spotted a suspected drone on their final approach path to the runway.



New Rating System for Pacific Storms

By Christine G. Barlow, CPCU
Reprinted from www.propertycasualty360.com

Meteorologists nationwide — the National Weather Service, California Department of Water Resources, U.S. Geological Survey and U.S. Army Corps of Engineers — have decided to begin rating atmospheric rivers (AR), storms that have the potential for millions of dollars in losses and severe flooding. But what exactly is an atmospheric river? It's a long, narrow river of condensed water vapor in the atmosphere that moves with the weather.

A strong river can carry between 7.5 to 25 times the flow of water that passes through the mouth of the Mississippi River. These rivers in the sky can be 300 miles wide, a mile deep and more than 1,000 miles long. Most are small, but they can be massive and fast-moving, and when the storms make landfall, they often release rain or snow, sometimes in large amounts. They account for 50% of the annual precipitation in California and are the West Coast's big storms.

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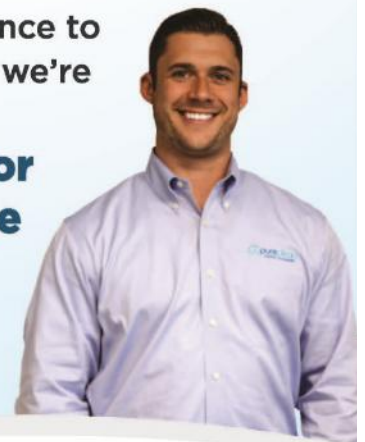
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The storms develop in the tropics and are also known as the "Pineapple Express." They're a default feature of the entire global water cycle, and are present somewhere on the planet at any given time.

Although most atmospheric rivers are small and beneficial, providing rain and snow to the western states, the massive atmospheric rivers can cause significant flooding.

Category definitions

As identification and prediction of atmospheric rivers has improved, a scale was developed to let people know what to expect and how to prepare if the storm is going to be a strong one. Similar to hurricanes atmospheric rivers are ranked 1–5. The ranking is based on Integrated Water Vapor Transport (IVT), which is the amount of water vapor in the system and the wind moving it around, and the duration of the storm.

AR Category 1 is considered weak and is seen as primarily beneficial, lasting a short period of time, and producing modest amounts of rain. These storms last up to 48 hours and have an IVT of 250–500.

AR Category 2 is considered moderate and mostly beneficial. These storms last longer and help replenish rivers, reservoirs and streams. These storms last up to 72 hours with an IVT of 250–1000.

AR Category 3 is considered strong, beneficial and hazardous. Such storms may push rivers to near flood stage, and last up to 72 hours and beyond with an IVT between 500–1250.

AR Category 4 is extreme, mostly hazardous, but also beneficial. These are larger storms dropping more rain, which pushes rivers even closer to flooding. They last up to 72 hours and beyond with an IVT of 750–1250 or greater.

AR Category 5 is exceptional and hazardous. An AR 5 storm can bring as much rain as the strongest Atlantic storms and cause mudslides, loss of power and flooding.

A longer duration or stronger intensity can cause a storm to change categories. For example, a storm that lasts less than 24 hours with an IVT between 500–750 is a category 1 storm. That same storm becomes a category 3 storm when it lasts more than 48 hours, however.

The storm that stalls and stays for days is dangerous. Some experts say that Category 4 and Category 5



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ARs can be compared to tornadoes ranked as EF 4 and EF 5 and hurricanes ranked as Category 3, Category 4 or Category 5. Tornadoes ranked EF 4 and EF 5 have winds of 166 miles per hour and upwards. Hurricanes ranked Category 3 have winds between 11–130 mph, and storm surge 9–12 feet. Category 4 hurricane winds are 131–155 mph, surge 13–18 feet and Category 5 are above 155 mph with surge above 18 feet.

Damage levels

Although no damage levels have been assigned to AR ratings, and the storms are different in nature, the following chart shows the damage associated with stronger tornadoes and hurricanes for reference. Insurance agents and claims adjusters may be able to use the chart as a starting point when preparing for or assessing damage from an AR storm. The rating scale may change over time, but this is a start on identifying and predicting another type of storm that may bring damage and claims with it. ❖



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