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"A professional organization dedicated to the ongoing education of the claims community. Providing an arena for member interaction and the sharing of resources."

What's Happening Now...

PSAA Bowling Event, Friday, October 15, 1-3pm
For info visit www.pugetsoundadjusters.org/calendar



Claims Conversation

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

Autumn of Anxiety.

I plagiarized that bumper of a phrase from the title of an editorial I read last week in the Wall Street Journal, New York Times, or Washington Post.

The resurgence of the Coronavirus as transmitted via the Delta variant contributed to the cancellation of the OCAA Symposium (postponed two years in a row now), PSAA's decision to videoconference our meeting in lieu of lunching at the Renaissance Seattle Hotel (21 months since our previous in-person PSAA meeting with no idea when next our members will come in physical contact with one another), and the ongoing uncertainty of when (if ever) adjusters, attorneys, and other insurance claims professionals will once again congregate at work in close proximity.

My wife and I were scheduled to be in Maui for a week and a half mid-October. My oldest daughter and her family were escaping Chicago for ten-day tropical reprieve in Belize. We cancelled our plans when the Governor of Hawaii declared that tourists were unwelcome for the foreseeable future due to pandemic-induced shortages of food, labor, vehicles, and medical facilities. My son-in-law caught COVID (he was double vaccinated at the time) and was told by the official Illinois contact tracer that he couldn't travel overseas for 90 days, so my daughter's family pivoted to visiting us in Seattle. We saw it as a win-win to spend quality time with our grandchild, they saw it as making lemonade from lemons.

I know A LOT of people who have caught the Coronavirus. Their experience runs the gamut from deadly to permanently debilitating to excruciating but recovered to miserable to mildly uncomfortable to a positive test without any noticeable flu or cold

symptoms. My friends' attitude towards the Coronavirus runs the gamut from deification to demonization of Dr. Anthony Fauci, from CDC compliant to CDC defiant, and from "we're all doing the best we know how" to "what a bunch of whining a**holes"... depending on whether they're blue-trending a**holes or red-trending a**holes or even EVERYBODY is now an a**hole. Depending on how my day is going I am usually in the "we're all doing the best we know how" camp, but I admit to periodic bouts of "what a bunch of whining a**holes".

As of this writing I don't know if the PSAA Bowling Tournament scheduled for Friday, October 15th will happen. I also don't know if there will be a 2021 PSAA Holiday Party in December.

However, I am confident we will continue our monthly PSAA meetings either virtually or at the Renaissance Seattle Hotel. I am also confident that the PSAA Bowling Tournament will be neither virtual nor at the Renaissance Seattle Hotel. And I am especially confident that Lizzy Adkins and Barb Tyler will keep all of us posted as to the upcoming PSAA (and OCAA) events. Pay attention, you won't want to miss them.

(See Claims Conversation... continued on page 3)



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PSAA Next Luncheon Mtg

Next Meeting: **November 19, 2021**

Time: 11:30am to 1:30pm

Location: **Renaissance Seattle Hotel**
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Presentations: **To be determined**

Sponsors: **Sponsors needed!**

To sponsor a meeting contact Vendor Partner Keely Abbas

To RSVP for this meeting send an email to:
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PSAA 2021-22 Committee Liaisons

Holiday Party: Nicole Porter, Chair
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Legal Update Presenter:
Aaron Young, Brown Bonn & Friedman, LLP



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PSAA Executive Assistant & Publisher ↴



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Claims Conversation... *(Continued from front page)*

The uncertainty of pandemic politics is galling because only a few months ago we were assured that the worst was over, and we could expect a return to a cautious post-pandemic normalcy by Labor Day. Apparently, they neglected to tell us WHICH Labor Day... 2021, 2022, or 2023.

Whenever I feel anxious about all the “existential crisis’s” I’m supposed to be experiencing at this point in our history I think of my grandmothers who were both born in 1900.

I didn’t write what follows, but I wish I had.

It’s a mess out there now. Hard to discern between what’s a real threat and what is just simple panic and hysteria. For a small amount of perspective at this moment, imagine you were born in 1900.

On your 14th birthday, World War I starts, and ends on your 18th birthday. 22 million people perish in that war. Later in the year, a Spanish Flu epidemic hits the planet and runs until your 20th birthday. 50 million people die from it in those two years. Yes, 50 million.

On your 29th birthday, the Great Depression begins. Unemployment hits 25%, the World GDP drops 27%. That runs until you are 33. The country nearly collapses along with the world economy.

When you turn 39, World War II starts. You aren’t even over the hill yet. And don’t try to catch your breath. On your 41st birthday, the United States is fully pulled into WWII. Between your 39th and 45th birthday, 75 million people perish in the war.

Smallpox was epidemic until you were in your 40’s, as it killed 300 million people during your lifetime.

At 50, the Korean War starts. 5 million perish. From your birth, until you were 55, you dealt with the fear of polio epidemics each summer. You experience friends and family contracting polio and being paralyzed and/or dying.

At 55 the Vietnam War begins and doesn’t end for 20 years. 4 million people perish in that conflict. During the Cold War, you lived each day with the fear of nuclear annihilation. On your 62nd birthday you have the Cuban Missile Crisis, a tipping point in the Cold War. Life on our planet, as we know it, almost ended. When you turn 75, the Vietnam War finally ends.

Think of everyone on the planet born in 1900. How did they endure all of that?

Okay people, suck it up. PSAA is ongoing, so we all need to keep coming. Look for announcements from Lizzy and/or Barb about upcoming PSAA events. ❖

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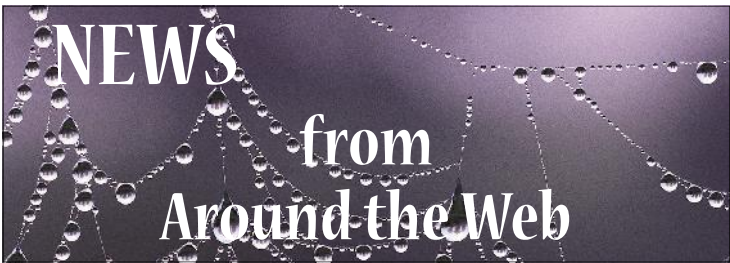
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Washington Judge Shoots Down Insurance Commissioner's Credit Scoring Ban
 Reprinted from www.insurancejournal.com.

A judge in Washington ruled in favor of the insurance industry's argument against Washington Insurance Commissioner Mike Kreidler's emergency rule temporarily banning use of credit scoring.

Kreidler's emergency order prohibited insurers from using a consumer's credit score to price auto, renters and homeowners coverage. He's been working to eliminate credit scores from insurer consideration for some time. His most recent effort failed when a bill he backed, Senate Bill 5010, was gutted by an insurance industry amendment in the Senate Business, Financial Services & Trade Committee on Feb. 15.

The American Property Casualty Insurance Association, the National Association of Mutual Insurance Cos. and the Northwest Insurance Council argued that Kriedler's actions exceeded his statutory authority, violate the separation of powers between the executive and legislative branches of government and could be in direct conflict with the existing statutes.

In April, the groups filed a petition for declaratory and injunctive relief in Superior Court in Thurston County, which asks the court to declare the commissioner's action invalid and enjoin its enforcement.

The groups issued a statement on Monday attributable to Claire Howard, APCIA senior vice president, general counsel, and corporate secretary.

"APCIA argued that the commissioner failed to satisfy the requirements necessary to adopt a rule on an emergency basis and side-step the statutory rulemaking process that requires notice and comment from those who would be affected by the rule. This emergency rule has been stopped because there was no emergency regarding the use of credit history. However, the commissioner's permanent rulemaking process to adopt a rule banning credit history for three years continues. We believe the commissioner lacks the authority to ban credit history because two preexisting statutes in Washington explicitly authorize insurers to use it and he has no power to overturn or suspend statutes."

Since the imposition of Kreidler's emergency rule, sen-

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iors have been disproportionately and negatively impacted, and the emergency rule resulted in higher premiums for more than one million Washington residents, according to the groups' statement.

Kreidler issued the following statement: "I'm disappointed by today's ruling. I have authority to take continuing action to protect consumers from the insurance industry's unjust, secretive and unrealistic method to determine what consumers pay to insure their vehicles and homes. It's way past time for the industry to apply reliable and fairer factors to determine premiums. There are better ways to maintain their profits than relying on this outdated practice that depends on people struggling with their credit scores."

He continued: "I will continue the fight to permanently ban credit scoring and will be considering my options." ❖

U.S. Endures 18 Major Weather and Climate Disasters in 2021 — By Brian K. Sullivan

Reprinted from www.insurancejournal.com.

The U.S. has endured 18 major weather and climate disasters so far this year that killed a combined 538 people and inflicted more than \$100 billion in damage, according to the National Oceanic and Atmospheric Administration.

The calamities that each cost \$1 billion or more included Hurricane Ida, the most-expensive event during the January-to-September period at \$60 billion. Ida slammed into Louisiana little more than a month ago before triggering deadly flooding the Northeast. Ongoing wildfires across the West, as well as record-breaking winter storms that dipped as far south Texas are also on the list.


The tally represents the most \$1 billion disasters during the first nine months of any year going back to 1980, the agency said. For a complete year, 2020 still tops the chart with an all-time high of 22 events. In addition to the disasters, January through September was the 10th warmest first three quarters on record for the contiguous U.S. ❖

U.S. Approves Fire Retardant That Could Be 'Game-Changer' in Fighting Wildfires — By Keith Ridler

Reprinted from www.insurancejournal.com.

U.S. officials on this week approved a long-lasting fire retardant that could significantly aid in fighting increasingly destructive wildfires by stopping them before they ever start.

The U.S. Forest Service approved Perimeter Solutions' fire retardant that is intended to be used as a preventative measure and can last for months.



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It's similar to the company's red-dyed retardant dropped from aircraft while fighting active wildfires, but it's clear and sprayed by ground-based workers and equipment.

"The real game-changer here is once you treat it, you can forget it," said Edward Goldberg, chief executive officer of St. Louis, Missouri-based Perimeter Solutions. "It's there for the whole year."

The company said its primary use will be by industrial customers such as utility companies and railroads, but it can also be used to protect residential and commercial properties. It's intended to be sprayed on vegetation, not homes themselves, but can be sprayed on such things as wood fences.

The company's existing retardant is also used for that purpose, but can be problematic because it's only effective until rain washes it away. Goldberg said the new product will remain effective even after a couple inches of rain, making the one-and-done application less expensive.

Cost, Goldberg said, depends on the topography and ranges from \$7,000 to \$15,000 per mile (1.6 kilometers) covering a 20-foot (6-meter) -wide strip.

Goldberg said the product will likely be most effective in the drier climate of the U.S. West, and could be applied in the spring to offer fire protection throughout the wildfire season. In July, it was applied to the grounds at former President Ronald Reagan's coastal mountain ranch in the Santa Ynez mountains in California near Santa Barbara.

The company also said the new fire retardant had been applied at the start of the wildfire season along a fire-prone, 4-mile (6.5-kilometer) stretch of California's Route 118. That resulted in no fires that season, the company said, after the previous fire season saw 37 fires start along the same stretch of road.

Stanton Florea, a spokesman for the U.S. Forest Service based at the National Interagency Fire Center in Boise, said the agency had no comment about it's approval of the Perimeter Solutions' fire retardant.

Goldberg said the new retardant has the potential to reduce the overall number of wildfires, freeing up firefighters that have been in short supply in recent years.

The fire center on its website said that so far this year, about 46,500 wildfires have burned 10,000 square miles (26,000 square kilometers). Those numbers are at roughly the 10-year average for number of wildfires and area burned.

Currently, there are 52 large wildfires, 18 of them in



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Idaho, nine in California and nine more in Montana.

The center is currently at National Preparedness Level 3, having dropped down from the maximum level 5 earlier this year when resources for fighting wildfires were hard to come by.

The center said that cooler, more favorable weather will pass through much of the Western U.S. in the next several days, but that drought conditions still leave the region open for continued wildfire potential. ❖

Weathering Hurricane Ida
How forensic meteorologists and structural engineers are helping insurers pay claims and resolve lawsuits

Reprinted from www.theclm.org.

Hurricane Ida made landfall on Sunday, Aug. 29, 2021, near Port Fourchon, Louisiana as a powerful Category 4 hurricane with maximum sustained winds of near 150 miles per hour. High winds, wind damage, storm-surge flooding, and flash floods occurred in many areas.

Hurricane Ida affected many of the same areas of the northern Gulf Coast that had already been affected by other tropical storms and hurricanes over the past few years, leading to many questions about causation and the correct date of loss. As the remnants of Hurricane Ida moved toward the East Coast, a unique combination of weather features caused horrific flooding damage and numerous deaths in the New York City metropolitan area.

With so many different types of claims and lawsuits already filed, insurance carriers and attorneys must seek out reliable sources of weather information and qualified experts. Carriers strive to provide good customer service quickly and efficiently, with the goal of paying the claims that are owed. Forensic weather consultants can provide companies and residents alike with accurate and reliable weather information for each address to help make those decisions.

The insurance industry is quickly adapting to the new trend of combining the expertise of forensic meteorologists and structural engineers during the claims stage to create the perfect team. This combination helps adjusters and attorneys make informed claims coverage decisions on whether to settle or defend lawsuits. Having the right experts with the right qualifications and reliable information for cases that go to trial is also important because of the Daubert and Frye standards, which can get experts giving opinions outside of their areas of expertise removed from a case.



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Site-Specific Weather Reports

Adjusters, engineers, and attorneys have traditionally used the weather records from the closest airport or the closest National Oceanic and Atmospheric Administration (NOAA) storm report to show what occurred at a given property. The problem is that these weather stations are often far apart and not representative of what occurred at a specific incident location. Many weather stations fail during powerful storms, leading to inaccurate peak wind reports by non-meteorologists. The weather conditions often change over short distances, especially during tropical storms and hurricanes.

Around the time Hurricane Ida made landfall, sustained hurricane-force winds of 74 mph or higher extended outward 20-35 miles from the eye of the storm, depending on which side of the storm was being looked at. This suggests that the winds ranged between 74 and 150 mph within that 20-35 mile wide annular area. All of that is to say, the exact location of a loss in relation to the mesoscale features of a hurricane can cause the weather conditions to vary greatly. Even a few miles can make a big difference.

Weather Analysis Investigation

Whether an assignment is in the claims stage or in litigation, experienced forensic meteorologists use numerous types of weather records from different sources to provide reliable information for each specific property. Weather records typically include Doppler radar imagery, wind velocity data, local mesonet weather observations, local storm reports, high water mark and storm surge sensor data, and hurricane hunter dropsonde data, among other things, to help determine what occurred at a specific property. Analysis of the information can show how strong the winds were at the property and at different elevations of a building, the directions the winds came from, how high the storm surge was, how much rain fell, and if the rain represented a 10-, 25-, 100-, or even a 1,000-year storm.

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Historical weather studies of other high-wind events and rainstorms prior to Hurricane Ida will also prove to be very important in many of these claims. When conducting these analyses, some things that must be taken into consideration include: the height of the wind sensor equipment above the ground; the locations of the weather stations; the wind reporting periods; comparisons of ground-truth rainfall measurements versus the Doppler radar precipitation imagery estimation; the elevation of a property above North American Vertical Datum of 1988 (NAVD88) and how that compares to storm surge and wave height levels; and how the movement of the hurri-



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cane's outer bands and eyewall caused different wind speeds to occur over short distances.

Understanding the Forensic Engineer

The primary role of a forensic engineer is to apply accepted engineering principles and reliable scientific methodologies to provide answers to questions of fact. The questions that forensic engineers are often asked to answer include the probable cause of a component or system failure and any contributing factors, the extent of damage associated with the failure, and when the failure occurred. To answer these questions, a thorough root-cause analysis must be performed. Ultimately, the work product provided by a forensic engineer is an expert opinion. In some cases, a forensic engineer will serve as an expert witness in legal matters and must assist the court by explaining complex technical issues in a manner that is understandable to a layperson familiar with the matter at hand.

Forensic engineers are generally responsible for the identification and analysis of pertinent data and the development of conclusions and professional opinions that are supported by the facts. As part of the forensic investigation, an engineer generally performs one or more site visits to thoroughly document the failure, note any specific failure modes and mechanisms, and obtain field measurements prior



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to the spoliation of evidence. In some cases, evidence will be retained.

Subsequent investigation steps often include interviewing witnesses, examining construction and design documents, reviewing photographs obtained during the course of construction, developing computer models and performing structural analyses, and evaluating available weather data. Once the relevant data has been identified, the investigator develops hypotheses, tests the hypotheses through the analysis and correlation of the data, and potentially refines hypotheses in order to determine the probable cause, or causes, of the failure.

Putting the Pieces Together

When a forensic engineer performs hurricane and other wind-related damage assessments, obtaining reliable weather data can be critical to the investigation. Reliable weather data is particularly important when questions regarding construction, design, or material defects arise and the potential for subrogation recovery exists.

An example of this scenario is the structural failure and complete removal of the roof framing system from a building during a Category 4 hurricane with peak wind gusts of 150 mph at a building site, even though the framing system was required by local building codes to have the capacity to resist peak wind gusts of 165 mph.

At first glance, it may seem relatively reasonable to expect the failure to have occurred given that the demand placed on the roof framing system during the storm was roughly 91% of the required design capacity. However, the pressures that the exterior surfaces of a building structure experience during a wind event are not directly proportional to the wind velocity. Rather, the wind pressures are equal to the wind velocity squared. Thus, the demand placed on the roof framing system during this hypothetical scenario was closer to 83% of the required design capacity. Such conditions suggest that defects should be investigated.

It is also imperative that forensic engineers understand how any reported wind speeds were recorded and obtained when relying upon government sources, such as NOAA. More specifically, and as previously discussed, considerations must be made for both the height of the wind sensor equipment above ground and the wind reporting periods. The design wind-speed values prescribed by the International Building Code (IBC) and ASCE 7, "Minimum Design Loads and Associated Criteria for Buildings and Other Structures," (the structural design standard referenced by the IBC) are noted as three-second gust wind speeds



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at 33 feet above ground. Therefore, wind reports obtained via public sources may not necessarily provide an absolute comparison of wind speeds. Given that wind speeds can vary greatly across relatively short distances during a tropical storm, obtaining a site-specific weather report is often necessary to ensure reliable data.

With such high-quality information available for any property, in-depth written expert reports can be prepared that adhere to Federal Rule 702. Insurance carriers and structural engineers can use these reports with confidence to answer many different questions, including if damage occurred as a result of Hurricane Ida or a prior storm; how much rain accumulated; the timing of wind versus storm surge; and the recurrence interval of the rainfall that occurred at each property. Making informed claims coverage decisions and determining how to resolve a case requires reliable information, and having a reliable team of experts in their respective fields is essential to the accuracy and effectiveness of the process. ❖

What does the future hold for the insurance claims handler?

— By Terry Gangcuangco
Reprinted from www.insurancebusinessmag.com

“I don’t think that computers or robots are here to take over the world.”

Those were the words of Mark Cohen (pictured) when Insurance Business sat down with the Wilbur chief executive ahead of the 2021 Insurance Business Australia Awards, an event in which the technology brand is putting its weight behind the underwriting agency claims team of the year recognition.

In Cohen’s view, technology adoption won’t mean the loss of jobs for people. In the world of insurance claims, in particular, tech won’t be replacing the claims handler. Instead, according to the CEO, it will massively amplify what the claims handler can accomplish.

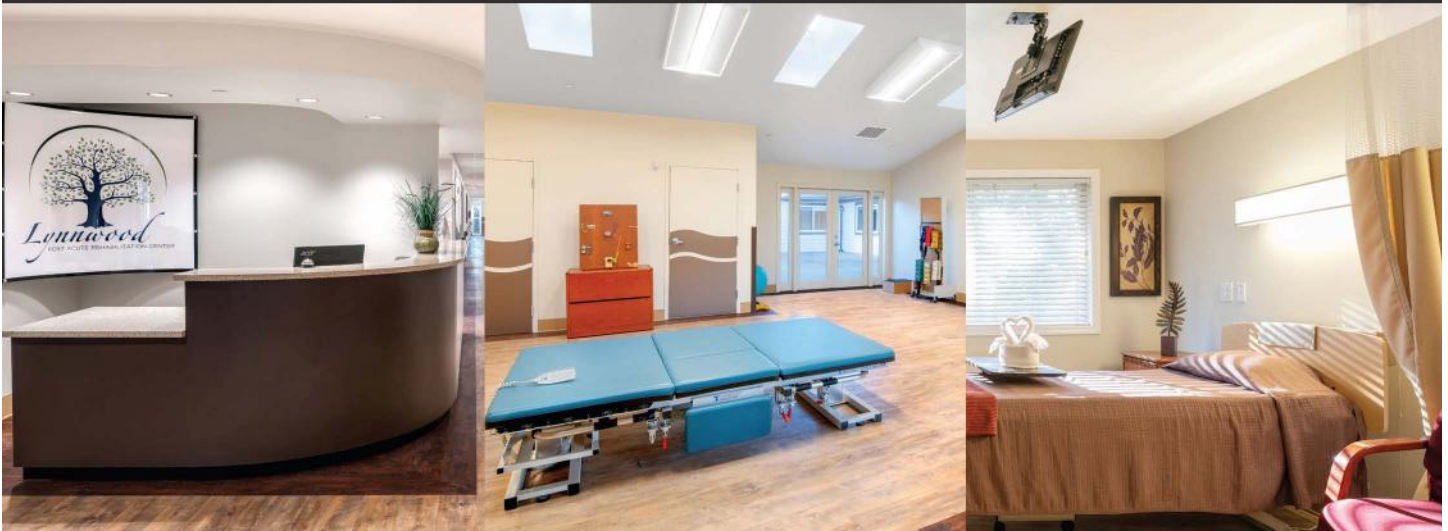
Cohen asserted: “The future of claims is going to be straight-through processing that is fully automated, with decisions that are made by machines whenever possible and humans only getting involved when you hit an edge case where it’s not very clear that this is the way it should go.

“That’s where it gets to be a game-changer, when you can have a claims handler who – instead of handling, say, 50, 60 claims at a time – can be handling 600 because 90% of them are just going to match rules or AI (artificial intelligence) will be able



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to make decisions for you."

The claims tech boss went on to stress that AI is not some sort of crazy science fiction. "It's just machine learning based on prior data," clarified Cohen, who is in charge of leading Claim Central Consolidated's rebranded global technology business and platforms.

It's this very same trove of information that the CEO believes will offer a host of opportunities when it comes to insurance claims handling, which Cohen pointed out is the largest point of turn for most insurers. The goal, he added, is to minimize claims costs and duration while ensuring customer satisfaction.

"You'll hear a lot of people talking about the value of the data that we're collecting as an industry," he noted. "And what we can do with that data is where it's starting to get more and more interesting. We can start using vision AI, so we can analyse photos and videos and do everything from identifying damage that needs repair, all the way through to fraud detection."

"AI can also be used to do things like sentiment analysis where we receive a phone call and are getting a transcript of that call and attaching it to a claim," continued Cohen. "What we can do is run it through sentiment analysis and say this customer is stressed or this customer is angry. So, you can score the sentiment and then you can preemptively escalate a claim before someone has even created a complaint.

"It's got a lot of value to businesses to start using data in that sense. Then the other thing which gets really interesting – and I'm very excited about where we can take this – is what you can do potentially with aggregate data. You can start analysing trends across claims more generally. You can start looking at combining weather data with the trends in claims related to water mitigation, for example."

The chief executive emphasized, though, the need to treat data not just responsibly but also conservatively. Aside from using the information safely and securely, Cohen said it's also important to use as little personal data as is justifiable.

He told Insurance Business: "Don't just be responsible [with] data but use as little as possible for the best return on investment. If a customer or a policyholder is actually recognising value for the data being used, they're much less likely to be upset than if you're using the data and there's no return on that for them and they feel like you've violated their trust.

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Meanwhile, as evidenced the world over, the pandemic has pushed industries, including insurance, to embrace technology a little tighter than they previously would.

“In Australia,” quipped Cohen, “we probably got 10 to 15 years of technology adoption in the last year, driven by necessity. We work in an industry that is widely regarded as slower to adopt [tech], but the choice was essentially stripped off.

“When COVID hit and the first lockdown came, everyone was scrambling to try and figure out how their staff were going to work from home, and the people who had the biggest issues were the ones who were running legacy systems.”

In Wilbur’s case, among the things the business benefited from were its cloud-based claim system and its remote claims inspection technology Livegenic. The latter, said Cohen, proved “very useful” during lockdown.

As for apprehensions surrounding the ‘rise of the machines’, the Wilbur leader had this to say: “We have entire teams working on data, which was not a thing 10 years ago. AI, even probably five years ago was not a mainstream thing to be doing. So, new jobs will emerge all the time.

“I’m optimistic. I don’t think that computers or robots are here to take over the world. I think our kids will get jobs that didn’t exist when we grew up. So, the net is more opportunities, not less.” ❖

7 ways homeowners should prepare for cooler weather

These fall home-maintenance steps can provide homeowners with peace of mind as the seasons change.

By Elana Ashanti Jefferson

Reprinted from www.propertycasualty360.com

Few experiences can be more nightmarish for homeowners than waking up in a cold house on a chilly winter night or discovering that frozen pipes have caused a leak.

October’s changing leaves, falling temperatures and pumpkin spice lattes are all signs that the time has arrived for homeowners to begin winterizing their properties with hopes of undercutting winter damage and insurance claims.

The Insurance Information Institute says that \$2.1 billion in insured losses in 2019 happened because of winter storms, and total winter-related homeowner damages, which included both insured and uninsured events, climbed to \$7.4 million.

Autumn is already underway, but some homeowners may need a reminder about the benefits of preparing the residence for cooler weather. Among those benefits are smoother running household systems, more manageable utility bills, and the opportunity to catch a potential home maintenance problem before it even begins.

Below are seven fall home maintenance steps that can provide homeowners with peace of mind as the seasons change.

Clean gutters and downspouts. — Among the reasons this needs to be done: Debris buildup in gutters and downspouts can attract pests, contribute to roofing deterioration and support an ice dam after a storm.

Winterize outdoor spigots. — Taking time to disconnect hoses, drain spigots and pipes and install faucet covers can help prevent freezing pipes when temperatures drop.

Replace HVAC filter. — This step increases the likelihood that the heating and cooling system will continue to run efficiently, decreases the likelihood of maintenance visits, improves indoor air quality and helps keep the home cleaner.

Seal doors and windows. — Utility costs are on the rise nationwide. Keeping out drafts means a more comfortable home and a more manageable heating bill.



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Replace smoke detector batteries. — Even if the device isn't "chirping" to indicate that the batteries are weak, it's advisable to replace smoke detector batteries twice a year, according to the National Fire Protection Association.

Install weather stripping and door sweeps. — These steps will help keep any inclement weather out-doors while the home remains comfortable.

Hunt for air leaks. — Make sure door and window caulking isn't damaged and that all storm doors and windows are sealed correctly to keep the home cozy throughout the coming months. ❖



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