

Fire claim adjustment often requires retaining the services of a fire expert or engineer to determine causation. In the October 2015 *Claims Management* feature article, [Supressing the Burn](#), Attorney John W. Reis suggests that the National Fire Protection Association (NFPA) replacement of NFPA 921 fire investigation for NFPA 1033 would be “the next big avenue for expert challenges, especially with its recent revision in 2014.” Suggested minimum qualification are for each fire investigator to know 16 topics. However, this is neither code nor statute unless adopted by a state.

The 2014 NFPA 1033 requirements include post-high school level knowledge of these topics: fire science, fire chemistry, thermodynamics, thermometry, fire dynamics, explosion dynamics, computer fire modeling, fire investigation, fire analysis, fire investigations methodology, fire investigations technology, hazardous materials, and failure analysis and analytical tools. Adjusters can use NFPA 1033 for either hiring a qualified fire expert who meets the test, or by challenging an alleged expert who fails to meet the requirements and who may represent an insured or opposing party, including possible arson investigations.

Reis, who authored the article, discusses sub-parts of the new requirements in detail, including “confirmation bias,” where the NFPA notes that different hypotheses may be compatible with the same data. When using the scientific method, testing of hypotheses should be designed to disprove the hypothesis. Confirmation bias occurs when the investigator instead tries to prove the hypothesis. This can result in failure to consider alternative hypotheses, or prematurely discounting seemingly contradictory data without an appropriate assessment. A hypothesis can be said to be valid only when rigorous testing fails to disprove it.

Another area discussed by NFPA 1033 is scene examination. “Duties shall include inspecting and evaluating the fire scene, or evidence of the scene, and/or conducting a comprehensive review of documentation generated during the examination(s) of the scene if it’s no longer available, so as to determine the area or point of origin, source of ignition, material(s) ignited and act or activity that brought the ignition source and materials together, and to assess the subsequent progression, extinguishment and containment of the fire.” Reis also discusses how NFPA 1033 deals with evidence collection and preservation.

All of this is important for the property adjuster to consider in his or her investigation of any loss (fire or otherwise). Every fire has a cause that may lead to a third party against whom subrogation can be made. This could include evidence of dishonesty or fraud, or, as in the majority of cases, the non-subrogable

factors that create fire, such as a lightning strike, old wiring, a defect in a gas or electrical system, or other causes.

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