# COVID-19 and Wildfire: Strategies to Mitigate Cascading Business Impacts

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Wildfire season is upon the American West, with fires blazing in California, Colorado, Arizona, New Mexico, Utah, Oregon, and Washington. With a somewhat delayed onset this year, wildfire season came roaring in with a vengeance in mid-August, with a record number of blazes in California and large, destructive fires burning throughout the West. Year-to-date, the number of fires and acreage burned is roughly on par with recent years.[1] But of course, 2020 is not a typical year by any measure. This year, the western states are entering wildfire season during an ongoing, uncontrolled pandemic. The COVID-19 pandemic has wide-ranging impacts on this year's wildfire season, including how fires are fought, the scale of public health risks they present, and their impacts on businesses.

The United States remains in the thick of the coronavirus pandemic. According to the Centers for Disease Control (CDC), new cases surged to their highest levels yet in late July, and while numbers have since started to decline in parts of the country, the nation is still averaging more than 40,000 new cases per day.[2] In the West, new cases are declining, but total cases remain high.[3] For instance, California has reported between 4,000 and 11,000 new cases per day in August.[4]

Meanwhile, businesses are striving to cope with the pandemic-related economic downturn and support employees working remotely. Wildfires could exacerbate these challenges by interrupting supply chains, power sources (and, relatedly, remote work), and employee availability. The crises are "stacking on top of each other," says Brad Alexander, California Office of Emergency Services.

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[1] National Interagency Fire Center (updated Aug. 24, 2020), https://www.nifc.gov/fireInfo/nfn.htm.

[2] CDC, *Coronavirus Disease 2019 (COVID-19), Cases in the US* (updated Aug. 24, 2020), https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html.

[3] The New York Times, *Coronavirus in the U.S.: Latest Map and Case Count* (updated Aug. 25, 2020), https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html.

[4] The New York Times, *California Coronavirus Map and Case Count* (updated Aug. 24, 2020), https://www.nytimes.com/interactive/2020/us/california-coronavirus-cases.html.

"Each one is interlinked to the other."[5] Thus, employers must be uniquely prepared for this particular wildfire season to quickly respond to and mitigate business disruptions.

**Public Health & Environmental Implications of Wildfires during a Pandemic**

Above-average wildfire activity is predicted as we enter the fall season, as wildfire season generally lasts through October.[6] And unfortunately, this year's fires could cause even more severe public health consequences than usual due to the impacts of the COVID-19 pandemic.

This year, wildfire risks are compounded by the fact that many state and federal firefighting agencies curtailed wildfire mitigation work due to pandemic-related budget shortfalls and public health concerns. The pandemic is also impacting how firefighters attack blazes. Traditional wildland firefighting practices are, in short, a nightmare for COVID-19 transmission. Firefighters come together from around the country to fight major wildfires, living in densely packed camps and working in close contact, often without ready access to soap and water.

Recognizing these challenges—and the risk that an outbreak among firefighters could lead to a shortage of qualified personnel—the National Interagency Fire Center created regional COVID-19 response plans[7] and the CDC issued COVID-19 guidelines for wildland firefighters.[8] The guidance largely mirrors that applicable to the general public: maintain social distance, wear appropriate PPE, focus on personal hygiene, increase equipment sanitization, and limit interpersonal interactions.

Like the challenges of wildland firefighting, the environmental and public health concerns that accompany wildfires will surely be exacerbated by the COVID-19 crisis. Wildfires threaten life and property in the communities in their paths, often necessitating evacuations. They can impact water quality due to stormwater runoff and vegetation loss. And wildfire smoke impairs air quality, both in the immediate vicinity of the fire and areas far downwind. Exposure to wildfire smoke—which contains particulate matter, carbon monoxide, nitrogen oxides, and volatile organic compounds—has been associated with respiratory and cardiovascular ailments such as asthma, bronchitis, chest pain, respiratory infections, and other lung illnesses.

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[5] Jeremy P. Jacobs, *Wildfires, Record Heat and COVID-19 Ravage Golden State*, Greenwire (Aug. 21, 2020), https://www.eenews.net/greenwire/2020/08/21/stories/1063712253?utm_medium=email&utm_source=eene ws%3Agreenwire&utm_campaign=edition%2BiZ%2B%2FftFV%2B2LxUfHtN5bxJQ%3D%3D.

[6] National Interagency Coordination Center, *National Significant Wildland Fire Potential Outlook* (last viewed Aug. 24, 2020), https://www.predictiveservices.nifc.gov/outlooks/outlooks.htm.

[7] National Interagency Fire Center, *COVID-19 and Wildland Fire Management* (last viewed Aug. 24, 2020), https://www.nifc.gov/fireInfo/covid-19.htm.

[8] CDC, *FAQs for Wildland Firefighters* (updated July 18, 2020), https://www.cdc.gov/coronavirus/2019-ncov/community/wildland-firefighters-faq.html.

This year, the typical risks associated with wildfires are amplified by the coronavirus. Wildfire smoke and COVID-19 both impact the respiratory and cardiovascular systems. As a result, the CDC advises that wildfire smoke likely makes individuals more prone to COVID-19, and that conversely those with COVID-19 may be more susceptible to harm from wildfire smoke.[9] Studies also suggest a correlation between exposure to particulate matter—one of the primary pollutants released by wildfires—and higher death rates and more severe symptoms from COVID-19. Another study indicates that a bad wildfire season could make the upcoming flu season more severe in communities that experienced smoke exposure.[10]

The symptoms of COVID-19 and smoke exposure are similar. Both conditions can cause shortness of breath, coughing, sore throat, and headaches. Those similarities could make it harder to quickly identify COVID-19 cases and implement measures to prevent outbreaks among first responders and in affected communities.

Further complicating matters, some of the best practices for guarding against COVID-19 transmission conflict with recommendations for safely riding out wildfire season. For example, public health authorities generally recommend opening windows to increase airflow to reduce risks of COVID-19 spread, but now have issued air quality warnings that recommend staying indoors and closing windows. COVID-19 guidance also generally encourages outdoor recreation, with walking, running, and hiking presented as healthy alternatives to remaining indoors. But it can be dangerous to exercise outside when wildfires impair the local air quality.

**Compounding Business Impacts**

Alongside public health impacts, the COVID-19 pandemic has had a significant impact on the operation, structure, and profitability of businesses both large and small, across every industry. Adding the threat of wildfires, and accompanying catastrophes, to the mix is certain to complicate business continuity. Businesses with operations, customers, and/or supply chains in the American West should consider—and thoughtfully prepare for—business interruption risks during this year's fire season in the context of an ongoing pandemic.

Even in the midst of wildfire season, businesses are still subject to state and local health authorities' orders governing business reopenings and requirements during COVID. These COVID orders mandate restrictions on individuals and businesses, including capacity restrictions, travel limitations, and workplace safety requirements. One of the challenges that businesses face during

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[9] CDC, *Wildfire Smoke & COVID-19 FAQs* (updated June 5, 2020), https://www.cdc.gov/coronavirus/2019-ncov/php/smoke-faq.html.

[10] Erin L. Landguth et al., *The Delayed Effect of Wildfire Season Particulate Matter on Subsequent Influenza Season in a Mountain West Region of the USA*, Environment International Vol. 139 (June 2020), https://www.sciencedirect.com/science/article/pii/S0160412019326935.

the ongoing pandemic is ensuring compliance with these evolving, restrictive orders, and compliance will surely only become more complicated during wildfire season.

*Crisis Response Planning for Business Interruption Risk*

If wildfires break out in a region where a company has operations, employees could be required to evacuate, and the security of both employee residences and company facilities may be compromised. For example, Northern California is experiencing multiple significant wildfires at the time of publication of this alert, necessitating evacuation of people living and working in certain areas of Napa, Solano, Santa Cruz counties.[11] Evacuation causes an immediate disruption in work, which may be temporary or longer-term depending on the circumstances.

In addition to the direct threat of wildfires, accompanying de-electrification of power lines and power outages may interrupt work for unpredictable stretches. This is not an uncommon scenario in Northern California, in particular: in October 2019 alone, more than 2.5 million residents in 36 counties lost power for hours or days when Pacific Gas & Electric conducted rolling outages as a wildfire prevention mechanism.[12] Power outages can result in total electricity loss and cell phone and internet tower outages that could cause an entire neighborhood or region to be unable to work. If a significant percentage of a company's workforce is located in an affected area, the productivity and continuity impacts would be widespread without a mitigation plan in place. In addition, wildfires and the threat of wildfires can lead to road closures, preventing deliveries of supplies and products. Such productivity and supply chain disruptions are a stark reality as we enter another fast-moving wildfire season.

To prepare for evacuations and extended power outages, companies should create and disseminate emergency response and communications plans so that employees know what to do in advance of a crisis. These plans must also incorporate applicable COVID-19 orders to ensure ongoing compliance with pandemic mitigation requirements. Technology platforms that allow workers to share and backup documents and collaborate remotely can help prevent disruptions when a portion of the workforce is unexpectedly offline. And where possible, staffing redundancies (in which multiple workers are familiar with key issues, processes, and clients) can help maintain continuity when employees are unexpectedly unavailable. In addition, businesses should prepare a plan to ensure that their offices and facilities—and important files, stock, and businesses materials stored therein—are protected from wildfires to the extent possible. Storing key business materials in fireproof containers, or moving to electronic storage, ensures that important documents will be available and accessible.

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[11] The New York Times, *No End in Sight as Blazes Keep Growing in California* (updated Aug. 24, 2020), https://www.nytimes.com/2020/08/21/us/california-wildfires.html.

[12] Jeremy Siegel, *Nearly 1 Million Customers to Lose Power in Planned PG&E Power Outages*, NPR (Oct. 27, 2019), https://www.npr.org/2019/10/27/773753138/nearly-1-million-customers-to-lose-power-in-planned-pg-e-power-outages.

*Workplace Health Concerns during Wildfire Season*

Due to the COVID-19 pandemic, many employees—and, for some companies, entire workforces—have been working from home since March 2020. Remote work adds another layer of complication during wildfire season. Employers are grappling with questions such as: if a significant portion of the workforce is impacted by electricity outages, causing impossible disruption in business outputs, should the employer allow essential employees to enter the office, if they are unable to perform work at home? Oftentimes, offices have backup generators and other equipment that could enable employees to work at the office, when they are unable to do so from home. However, if a business permits some or all employees to physically enter the office, the employer must consider whether doing so would be permitted under the applicable COVID orders, and whether increased personnel would unreasonably increase the risk of COVID transmission and exposure in the workplace. The business should also consider the further continuity and reputational impacts that could follow an outbreak in the workplace. These are only a few of the many cascading implications of wildfire during the pandemic.

**Considerations: Contingency Planning**

Fire season is upon us: in California alone, there have been 6,754 fires in 2020 to date, compared with approximately 4,000 this time last year, and fires are expected to continue through early fall.[13] Businesses should prepare and implement contingency plans, including step-by-step protocols and training for management and staff, working both in the office and from home, to follow in the event of a wildfire or associated impacts (e.g., power outages). Companies should also consider conducting "table-top exercises"—virtually or otherwise—to walk through wildfire scenarios and other business interruption risk scenarios, to ensure that employees are understand and are prepared to implement mitigation strategies and communications plans. Importantly, while conducting crisis response planning, the business must ensure that its continency plans are compliant with applicable state and local COVID-19 orders, including social distancing, personal protective equipment (PPE), and capacity restrictions.

WilmerHale is experienced in preparing contingency and incident plans, as well as conducting table-top exercises to prepare businesses to respond to and manage crises. Please contact the authors for further assistance.

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[13] Thomas Fuller, *Fires, Blackouts, a Heat Wave and a Pandemic: California's 'Horrible' Month*, The New York Times (Aug. 19, 2020), https://www.nytimes.com/2020/08/19/us/california-heatwave-blackouts-wildfires.html?campaign_id=9&emc=edit_nn_20200820&instance_id=21444&nl=the-morning&regi_id=90129924&section_index=2&section_name=five_more_big_stories&segment_id=36602&te=1&user_id=2f8f5b0e38b11534a8579eaa9b8a82ff.

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