ASSEMBLY THIRD READING
AB 1642 (Harabedian)
As Amended May 22, 2026
2/3 vote. Urgency

SUMMARY

Establishes the Wildfire Environmental Safety and Testing Act (Act), which, among other things, requires, by July 1, 2027, the Department of Toxic Substances Control (DTSC) to adopt emergency regulations specifying science-informed, health-based standards to guide the adequate removal of lead and asbestos inside and outside of standing homes, schools, workplaces, and other structures after a wildland urban interface (WUI) fire; requires, by July 1, 2028, DTSC to adopt non-emergency regulations specifying standards for additional contaminants.

Major Provisions

1) Requires DTSC, by July 1, 2027 and in consultation with relevant coordinating agencies, to adopt emergency regulations specifying science-informed, health-based standards for investigation, environmental testing, and clearance, to guide the adequate removal of lead and transmission electron microscopy (TEM)-identified asbestos inside and outside of homes, schools, workplaces, and other structures in residential areas after a wildfire.

2) Requires, by July 1, 2028, DTSC to adopt nonemergency regulations specifying science-informed, health-based standards for hazardous chemicals, including levels for these chemicals that are required to achieve clearance for a home, school, workplace, or other structure, as well as standards for investigation, environmental testing, and to guide the removal of hazardous chemicals inside and outside of a home, school, workplace, or other structure in a residential area after a wildfire; requires the adopted standards to be established at levels intended to ensure that residents can safely reoccupy their homes, schools, workplaces, and other structures and to prevent the onset of new cancer cases attributable to a WUI fire; requires DTSC to adopt these standards in consultation with the Office of Environmental Health Hazard Assessment (OEHHA).

3) Requires, in order to protect the public health of residents of standing homes, schools, workplaces, or other structures after a WUI fire, that the nonemergency regulations adopted by DTSC include all of the following:

    a) Adoption of the emergency regulations described above, including standards for the levels of lead and TEM-identified asbestos on an indoor surface;

    b) A presumption that if WUI debris is present in a surviving home, school, workplace, or other structure after a WUI fire, any identified hazardous contamination in the WUI impact zone is a result of that WUI fire;

    c) Requirements for testing in a surviving home, school, workplace, or other structure that include, at a minimum, testing of all of the following locations: indoor floors, window sills, and interior horizontal hard surfaces; garage floors and garage horizontal hard surfaces; attics; and heating, ventilation, and air-conditioning (HVAC) systems;

d) Requirements for pre-remediation testing to understand what hazardous chemicals are present, to guide appropriately licensed cleanup efforts and ensure worker safety;

e) Requirements for post-remediation testing after debris cleanup, to confirm that WUI debris and contamination have been removed from the home, school, workplace, or other structure, or to determine that further remediation efforts are required; and,

f) Standards to ensure that a home, school, workplace, or other structure is safe to inhabit; requires the standards to include steps to ensure that a home, school, workplace, or other structure is habitable to pre-fire conditions and that the home, school, workplace, or other structure has reached clearance before a resident is required to move back into the resident's home or return to a structure.

4) Requires that testing standards adopted under DTSC's non-emergency regulations include conditions in which testing behind drywall is required, and that pre-remediation and post-remediation testing standards include testing for known WUI fire hazards, including TEM-identified asbestos, combustion byproducts, California Administrative Manual 17 heavy metals, cyanide, lithium, manganese, dioxins, furans, polycyclic aromatic hydrocarbons, and volatile organic compounds in indoor air.

5) Establishes several definitions, including that "clearance" means a formal determination that a home, school, workplace, or other structure has been cleared of WUI debris and that any remaining hazardous chemicals meet the standards established pursuant to this bill.

COMMENTS

WUI fire implications for communities: According to the California Air Resources Board, the frequency and severity of wildfires have been increasing, both in the state and all over the world. The Eaton, Palisades, Camp, and Tubbs fires, as well as major wildfires in other states, including the 2023 Lahaina fire in Hawaii and 2021 Marshall Fire in Colorado, are all examples of WUI fires. The United States Fire Administration defines "WUI fire" to mean a type of wildfire that burns in the "zone of transition between unoccupied land and human development…the line, area or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels."

Although the area burned in the WUI comprises a relatively small percentage of the overall burn area caused by wildfires, the majority of damage to human structures, including homes, businesses, and schools, occurs in the WUI. When fires in the WUI burn into densely populated areas, wildfires can transition into urban conflagrations, in which fires spread rapidly from structure-to-structure. In the wake of these fires, both the interiors and exteriors of structures can become polluted by smoke residue, ash, and debris, which in turn can contain toxic chemicals.

Indoor contaminants after WUI fires: In December 2025, the *New York Times* (NYT) article "How did this family end up back in a toxic house?" reported findings from an investigation, in which the NYT asked a family impacted by the Eaton Fire for permission to have a certified professional test for lead and other heavy metals in each room of their house, and to submit strands of hair so scientists could measure the family's exposure to metals over time. The family's home had already undergone cleaning recommended by their insurance company, which included ripping out their attic insulation; vacuuming and mopping their floors; wiping countertops and other surfaces; laundering carpets and drapes; and using air scrubbers in every

room. The readings, taken a month after the family had moved back into their home, showed that six out of 11 samples collected in the house had "unsafe levels of contaminants, including extremely high levels of lead." The NYT also found that readings for lead on the floor next to the refrigerator and where the kitchen tile met the dining room floor were 27 times and seven times, respectively, the federal hazard limit for lead established under the United States Environmental Protection Agency's (US EPA) lead-based paint program. In addition, the investigation found a lead level near 8,000 micrograms/square foot ($\mu g/ft^2$) in a sample taken from the HVAC in the attic. For context, the US EPA's action levels—the level at which the US EPA recommends abatement under its lead-based paint program—for lead in dust on floors, window sills, and window troughs are 5 $\mu g/ft^2$, 40 $\mu g/ft^2$, and 100 $\mu g/ft^2$, respectively. Hair samples from the family showed "measurable spikes in heavy metals after [the family] returned to the home in August, indicating a period of elevated exposure."

The need for uniform, health-protective standards: For homes, schools, and workplaces that remain standing, but have been impacted by WUI fire smoke and debris, there are no uniform state or federal standards pertaining to investigation, testing, and remediation for indoor chemical hazards. While there are screening and remediation goals for soil contaminants, testing protocols have been inconsistently applied. Residents returning to their homes have reported feeling concerned about whether it is safe to do so, as illustrated in the NYT article described above:

> "Every day, he vacuums, mops and wipes every surface in his house, which stands on one of the blocks in Altadena, Calif., that survived the flames of the Los Angeles wildfires, but not the smoke.
>
> He works in deliberate lines across the kitchen tile, then along the baseboards, then into the corners where the smoke pooled nearly a year ago—following a map only he can see.
>
> It's the only way to quiet his thoughts: Is it safe for his children, 6-year-old Sylvia and 9-year-old Milo, to walk barefoot on the kitchen tiles? Should he wash the toys they drop on the floor with bleach, or with soap and water? The darkest thoughts are about his wife, Cathlene Pineda, 41, a jazz pianist who is on medication for cancer. If the toxins were in the house, he wonders, could they bring the cancer back?"

The Smoke Claims and Remediation Task Force: In May 2025, the California Department of Insurance (CDI) established the Smoke Claims and Remediation Task Force (Task Force). The Task Force was charged with: 1) evaluating existing best practices and recommending uniform standards for inspecting, testing, and remediating properties with smoke damage; 2) recommending standards for determining whether structures damaged are below, at, or above, established levels for health and safety of occupants; and 3) determining which state and local government agencies must be involved in creating and enforcing these standards, including to mitigate the submission of fraudulent or exaggerated smoke claims.

In July 2025, CDI announced appointments to the Task Force. The Task Force was comprised of representatives from CDI, the California Department of Public Health (CDPH), the Los Angeles County Department of Public Health, the Department of Forestry and Fire Protection, United Policyholders, the Consumer Federation of California Education Foundation; Safeguard EnviroGroup, Inc.; Anderson Group International; HRA Environmental Consultants, Inc.; Forensic Analytical Consulting Services; Personal Insurance Federation of California; and the American Property Casualty Insurance Association.

On March 9, 2026, CDI released the Task Force's findings in a report. According to the report, the topic that elicited the most discussion involved a "tiered classification" concept, which posits that "the degree of smoke damage to an impacted home varies by the density of smoke in the area, direction of the wind, proximity of the home to the wildfire burn zone, duration of the fire, characteristics of the home, and other factors." With this concept in mind, the Task Force discussed a potential framework comprised of an "objective standard," based on the distance of homes from the fire perimeter, and a "wildfire-specific standard," based on designation of an "ash zone," defined as the area covered by settled, fine particulate residue, including soot, char, and ash carried by a smoke plume and winds. The aim of this tiered framework is to ensure that there are "default" standards available for immediate implementation in the wake of a WUI fire or urban conflagration (achieved through the impact zone approach), while allowing for flexibility via an alternative approach (the designation of a smoke exposure zone) in cases where major wind events disperse contaminants in ways that cannot be captured by the default impact zones.

This bill: As noted above, there are no pre-existing, wildfire-specific state or federal standards for indoor contaminants, and the science underlying these contaminants and their health implications is complex and emerging. Despite these challenges, there is a critical need for health-based standards and an associated regulatory framework to protect the health and safety of California's residents and communities, in an era of increasingly severe and frequent wildfires. Two bills this year—AB 1642 and AB 1795 (Gipson)—have taken up the challenge of tackling this issue and advancing critical conversations about how to approach it.

AB 1642 aims to fill this gap by requiring DTSC to adopt regulations specifying science-informed, health-based standards, to guide pre- and post-remediation investigation and testing practices; remediation efforts; and clearance determinations for homes, schools, workplaces, and other structures after WUI fire events.

According to the Author
"The 2025 Los Angeles Wildfires exposed the enormous gaps in our wildfire recovery protocol, specifically around testing and remediation for smoke damaged properties. There are currently no statewide standards for how to handle smoke damaged homes, what contaminants to test for, and what levels are unsafe for re-occupancy. This bill makes one thing clear: when it comes to our families' health we trust science. AB 1642 will create a statewide scientific standard for when it's safe to return to a home after an urban wildfire. Public health will be the standard, not the exception."

Arguments in Support
Writing in support, a coalition that includes wildfire survivor, community-based, environmental, public health, housing, and advocacy organizations, states:

> "The January 2025 Los Angeles fires left behind more than burned structures. Wildfire smoke deposits hazardous contaminants on surfaces throughout affected areas, including lead, asbestos, heavy metals, cyanide, dioxins, and PAHs. These are not trace amounts. They persist in dust on floors, windowsills, and everyday objects long after the visible signs of fire are gone. Right now, more than 13,000 standing home smoke damage claims from the January fires remain unresolved, out of more than 40,000 total. Families are making decisions about where to live, work, and send their children to school without the information they need to stay safe.

> AB 1642 fixes that. It requires [DTSC] to establish emergency regulations for science-based testing and clearance standards, with full OEHHA-aligned standards in place by 2028. It creates a Clearance Before Occupancy framework so that health-protective thresholds are met before families return home…California has an opportunity to lead. Wildfires are not going away, and no statewide standard currently exists for smoke contamination testing and clearance. AB 1642 sets that standard, protects public health, and provides a replicable model for communities across the state."

Arguments in Opposition
Writing in opposition, a coalition of insurance industry groups comprised of the American Property Casualty Insurance Association, the National Association of Mutual Insurance Companies, Pacific Association of Domestic Insurers, and the Personal Insurance Federation of California states:

> "Determination of how an insurance claim is carried out, what is covered by an insurance policy, and the impact of expanded requirements on the rate an insurer can charge are all regulated by the California Department of Insurance (CDI), not DTSC…we support DTSC establishing safety thresholds for various toxins. But how those are applied within the scope of an insurance transaction and/or claim must be considered within the ecosystem of insurance regulation.
>
> Smoke claims have become a difficult issue over the past few years as the impacts of climate change cause larger and more urban adjacent fires, particularly the LA Fires in 2025. Given the complexity of smoke within insurance claims, CDI convened a Smoke Claims Task Force in the Summer of 2025. The question posed to this group was how to establish what is covered by an insurance policy for smoke damage following a wildfire, what should be tested for, who should do testing, and what 'safe' levels should be…[AB 1642] usurps the ongoing work of the CDI and subsequent policy negotiations by inappropriately granting overlapping and conflicting authority over claims handling to DTSC."

FISCAL COMMENTS

According to the Assembly Appropriations Committee, *writing on AB 1642 before the urgency clause was amended out of the bill*, DTSC estimates ongoing annual costs of at least $1.8 million to develop and adopt regulations, conduct research, coordinate with other state and local entities, conduct literature reviews, and perform other necessary tasks. OEHHA estimates ongoing annual costs of $624,000 to assist DTSC with the development of standards, and to maintain and update standards as needed as OEHHA identifies new WUI fire hazards.

VOTES

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 5-0-2
YES: Connolly, Bauer-Kahan, Lee, McKinnor, Papan
ABS, ABST OR NV: Ellis, Castillo

ASM APPROPRIATIONS: 11-0-4
YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache
ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

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