
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Blakespear, Chair

2025 - 2026 Regular

Bill No: AB 1642

Author: Harabedian

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Urgency: No

Fiscal: Yes

Consultant: Taylor McKie

SUBJECT: Wildfires: contamination standards

DIGEST: This bill requires the Department of Toxic Substances Control (DTSC) to adopt regulations that specify standards for investigation, environmental testing, and clearance to guide the removal of contamination from wildland urban interface (WUI) fire debris in residential areas after a wildfire.

ANALYSIS:

Existing federal law:

- 1) Establishes the federal Toxic Substances Control Act (TSCA), which, among other things, empowers the United States Environmental Protection Agency (U.S. EPA) with the authority to require reporting, record-keeping, and testing requirements, and restrictions relating to chemical substances and mixtures. (15 United States Code (USC) §§ 2601 et seq.)
- 2) Establishes, under TSCA, dust-lead hazard standards, post-abatement clearance levels, and abatement requirements for lead-based paint in certain residential structures. (40 Code of Federal Regulations (CFR) §§ 745.61 et seq.)

Existing state law:

- 1) Establishes the Hazardous Waste Control Law (HWCL) to authorize the Department of Toxic Substances Control (DTSC) to regulate the management of hazardous wastes in California. (Health and Safety Code (HSC) §§ 25100 et seq.)
- 2) Defines “hazardous waste” as waste, that, because of its quantity, concentration, or physical, chemical, or infectious characteristics:
 - a) Causes, or significantly contributes to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or,
 - b) Poses a substantial present or potential hazard to human health or the environment, as specified. (HSC § 25141(b))

- 3) Requires the DTSC, under the HWCL, to adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to public health, domestic livestock, wildlife, or the environment. (HSC § 25150)
- 4) Establishes DTSC's Toxicity Criteria for Human Health Risk Assessments, Screening Levels, and Remediation Goals (Toxicity Criteria Rule) for hazardous waste and hazardous substance cleanup sites; requires, among other things, that human health risk assessment calculations—including, but not limited to, all cancer risk and non-cancer hazard screening levels and corrective action objectives—use the toxicity criteria specified under the Toxicity Criteria Rule and attain human health protection, as specified. (22 California Code of Regulations (CCR) § 68400.5).
- 5) Specifies, under the Toxicity Criteria Rule, criteria for all human health risk assessments, human health risk-based screening levels, and human health risk-based remediation goals statewide, for the cleanup of releases of hazardous waste or hazardous substances to the environment. (22 CCR §§ 69020-69022)
- 6) Defines, under DTSC's health standards for the management of hazardous waste, "remediation goal" to mean a contaminant concentration that is media-specific (e.g., for air, groundwater, surface water, or soil affected by a release), site-specific, protective of human health and the environment, and used as a final cleanup goal for a response or corrective action. (22 CCR § 69020(c)(5))
- 7) Defines, under DTSC's health standards for the management of hazardous waste, "screening level" to mean a risk-based, contaminant concentration, calculated as specified and considered to be protective for humans (including sensitive groups) over a lifetime. (22 CCR § 69020(c)(6))

This bill:

- 1) Provides that there is a nonrebuttable presumption that a structure is safe for human occupancy only if the levels of lead and asbestos on an indoor surface meet specified conditions and authorizes DTSC to adopt regulations for standards that are stricter than these specified conditions;
- 2) Requires DTSC to adopt emergency regulations specifying the science-informed, health-based standards for investigation, environmental testing, and clearance, to guide the adequate removal of lead and TEM-identified asbestos (asbestos) inside and outside structures in residential areas after a wildfire in consultation with relevant coordinating agencies no later than July 1, 2027.

- 3) Requires the adoption and readoption of regulations to be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare, and that DTSC is exempted from the requirement that it describes facts showing the need for immediate action.
- 4) Requires the emergency regulations to include all of the following:
 - a) A rebuttable presumption that if the wildland urban interface (WUI) debris is present in a structure after a WUI fire, any identified hazardous contamination in the WUI impact zone is the result of that WUI fire;
 - b) Requirements for testing lead and asbestos in specified locations of a surviving structure;
 - c) Specified requirements for preresmediation testing to understand where contaminants are present to guide cleanup efforts and ensure worker safety, and post-remediation testing to confirm that lead and asbestos have been removed from the structure and that clearance has been achieved, or to determine that further remediation efforts are required;
 - d) The standards set forth in DTSC's Residential Soil Evaluation Guidance for the 2025 LA Wildfires; and
 - e) Guidance on the use of other restoration strategies, including the repair or replacement of damaged structures if remediation cannot achieve clearance.
- 5) Requires DTSC to adopt regulations specifying science-informed, health-based standards for hazardous chemicals, including levels that are required to achieve clearance for a structure and standards for investigation, environmental testing, and removal of hazardous chemicals inside and outside of a structure in a residential area no later than July 1, 2028.
- 6) Requires the adopted regulations to include all of the following:
 - a) The emergency regulations adopted for standards for levels of lead and asbestos on an indoor surface;
 - b) A rebuttable presumption that if WUI debris is present in a surviving structure after a WUI fire, that any identified hazardous contamination in the WUI impact zone is the result of that fire;
 - c) Requirements for testing in specified locations of a surviving structure;
 - d) Specified requirements for preresmediation testing to understand what hazardous chemicals are present to guide cleanup efforts and ensure worker

safety, and post-remediation testing after cleanup to confirm that WUI debris and contamination have been removed from the structure or to determine that further remediation efforts are required;

- e) Standards to ensure that a structure is safe to inhabit, including steps to ensure that a structure is habitable to pre-fire conditions and has reached clearance before a resident is required to move back into the resident's home or return to a structure.
- 7) Requires DTSC to determine the downwind ash zone for each WUI fire using methodologies and data sources, including maps, from the National Oceanic and Atmospheric Administration, within 45 days of the wildfire reaching 100 percent containment.
- 8) Defines “clearance” to mean 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 in regulation.
- 9) Defines “WUI” to mean the term used by the United States Fire Administration (USFA) and the Federal Emergency Management Agency (FEMA) to mean the wildland urban interface, or the zone of transition between unoccupied land and human development, including the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.
- 10) Makes related findings and declarations.

Background

- 1) *Fires in the wildland urban interface.* Due to climate change, the frequency and severity of wildfires have been increasing in the state and globally.¹ Four out of the five most destructive wildfires in California history have occurred in the last 10 years.² In 2025, the Eaton and Palisades fires in Los Angeles County destroyed over 16,000 structures and burned nearly 38,000 acres combined; in 2018, the Camp Fire in Butte County destroyed nearly 19,000 structures and burned 153,000 acres; and in 2017, the Tubbs Fire in Napa and Sonoma counties destroyed more than 5,500 structures and burned nearly 37,000 acres.

These fires are all examples of wildland urban interface (WUI) fires, which means a zone of transition between unoccupied land and human development. It is known as the line, area, or zone where structures and other human

¹ California Air Resources Board. (2026). [Wildfires & Climate Change](#).

² CAL FIRE. (2025). [Top 20 Most Destructive California Wildfires](#).

development meet or intermingle with undeveloped wildland or vegetative fuels.³ Although the area burned in the WUI comprises a relatively small percentage of the overall burn area, the majority of damage to human structures occurs in the WUI. California is first among the top five states with the most homes in WUI areas, with 30-45% of all homes in the state in WUI areas.

- 2) *Where there's smoke, there's toxins.* 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 can contain toxic chemicals. The smoke from these fires doesn't just consist of the chemicals from plant-fueled fires, but also of various toxic compounds from lead-based paint, lithium batteries, vinyl siding, fiberglass insulation, electrical wiring, rubber tires, and more.⁴ These chemicals can also be altered from the high intensity of the wildfire and interact with each other as they are being emitted.

Fires have been blamed for a long list of health illnesses. Wildland fire smoke has been linked to increased hospital admissions for asthma, strokes, and heart attacks. House fires have been associated with higher levels of cancer in firefighters. But new hazards arise when these types of fires are combined and amplified by burning entire neighborhoods. Health risks associated with WUI fire toxicants can persist beyond the active burning of the fire, due to contamination of the ecosystem and built environment. Exposure to these toxicants and health impacts can also extend well beyond the WUI communities, as smoke can be transported for hundreds to thousands of kilometers.⁵

Studies have reported that several types of chemicals can be found at elevated concentrations inside of structures following WUI fires, including volatile organic compounds (VOCs) and heavy metals.^{6,7,8} Reports and independent studies have also demonstrated that unsafe levels of toxins can remain in homes after professional cleaning and can be redistributed throughout the home by the HVAC systems.⁹ Some types of contamination from WUI fire smoke

³ U.S. Fire Administration. (2026). [What is the WUI?](#).

⁴ Cornwall, W. (2025). [In the Ashes](#).

⁵ National Academies of Sciences, Engineering, and Medicine. (2022). [The Chemistry of Fires at the Wildland-Urban Interface](#).

⁶ LA Fire Health Study. (2026). [LA Fire HEALTH Study](#).

⁷ Jech, S., et. al. (2024). [Determination of Soil Contamination at the Wildland-Urban Interface after the 2021 Marshall Fire in Colorado, USA](#).

⁸ Allen, J. et. al. (2025). [Post-fire soil hazards: recommendations for updated soil testing protocols and clearance thresholds](#).

⁹ Callimachi, R. and Migliozi, B. (2025). [How Did This Family End Up Back in a Toxic House?](#).

damage may cause permanent physical damage to property and pose potential acute and chronic health impacts if it goes without sufficient remediation.¹⁰

For homes 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. Residents returning to their homes have reported feeling concerned about whether it is safe to do so. In the absence of such standards, various entities have developed professional standards and certifications to guide the work of remediation and testing by contractors and hygienists, as well as recommendations for residents. Some guidance has been released from the state for soil contamination following WUI fires, which contains screening levels for various soil contaminants, step-by-step instructions for survivors and local authorities for soil sampling based on property damage levels, information on how to interpret results, and an overview of professional remediation methods.¹¹ The state has not released similar guidance for indoor contaminants.

This bill would create standards for investigation, environmental testing, and clearance to remove contamination, as specified, inside and outside of residential structures following a wildfire.

- 3) *Smoke Claims and Remediation Task Force.* Out of recognition of the need for statewide standards for investigating and addressing smoke damage, CDI established the Smoke Claims and Remediation Task Force (Task Force) in May 2025. The Task Force was charged with the following:
- a) Evaluating existing methods of best practices and recommending uniform standards for inspecting, testing, and remediating properties with smoke damage;
 - b) Recommending standards for determining whether structures damaged are below, at, or above, established levels for health and safety of occupants; and
 - c) Determining which state and local government agencies must be involved in creating and enforcing these standards.

On March 9, 2026, CDI released the Task Force's findings in a report. The report documents various activities of the Task Force, including discussions on how smoke damage and contaminants should be addressed in the wake of WUI fires and urban conflagrations. Throughout the discussions, the Task Force heard from numerous stakeholders, including impacted homeowners and

¹⁰ California Department of Insurance. (2026). [Report of the Smoke Claims and Remediation Task Force](#).

¹¹ Department of Toxic Substances Control. (2025). [Residential Soil Evaluation](#).

survivor groups, consumer advocates, academics, industrial hygienists, restoration specialists, local and state public health experts, insurance industry representatives, an attorney on behalf of policyholders, and an attorney on behalf of the insurance industry.

Key takeaways of the report highlighted areas of agreement and disagreement on how to address smoke damage. There was general consensus regarding the relatively greater potential for harm from toxins resulting from WUI fires; the need for standards for contaminants of concern in addition to existing standards; the utility of a tiered classification system for smoke damage claims with varying protocols; and the importance of training and certification programs for personnel involved in the insurance claim and remediation process, including, but not limited to insurance adjusters, industrial hygienists, remediation experts, and testing laboratories.

Areas of contention included the necessity for pre-remediation testing; the applicability of additional remediation and repeated clearance testing under an insurance claim; and the development of the tiered classification system for smoke damage claims and the activities that apply to the varying protocols.

The provisions of this bill reflect some of the more cautious perspectives expressed during the Task Force's activities. For example, the presumptions of safety and attribution in this bill could require additional testing and remediation to achieve an acceptable level for clearance.

While this bill does not directly address how the standards would apply in an insurance context, its implications are considered within the broader policy framework to address smoke damage. A related bill, AB 1795, set to be heard in this committee does address how standards would apply within an insurance context in addition to the policy solutions set forth in this bill.

Comments

- 1) *Purpose of Bill.* 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.”

- 2) *Setting the standard.* This bill requires two sets of regulations for two areas of focus: 1) Emergency regulations with prescriptively set standards for lead and asbestos and 2) Regulations that require the adoption of standards for a set list of hazardous chemicals.

The prescriptively set standards for lead and asbestos are linked to a presumption that a structure is safe for human occupancy, however, these standards are not based off of wildfire scenarios nor scenarios that consider human occupancy. The standard for lead is based on a hazard standard and clearance level for lead in the context of lead paint abatement in homes.¹² While this could serve as a starting point, it is unclear whether the considerations that led to the determination of this threshold would be the same considerations within a wildfire or WUI fire context.

Similarly, the standard set for asbestos mirrors state regulations of asbestos exposure in construction work (8 CCR § 1529). These regulations only consider airborne concentrations and occupational settings which may only consider the 8-hour workday. This bill attempts to set a standard for indoor surfaces within homes in addition to workplaces, which may take additional considerations around exposures into account. Further, the airborne concentration threshold for asbestos may not translate to a threshold for the amount of asbestos on a surface. ***The author and committee may wish to consider removing the threshold for asbestos and maintaining the requirement for DTSC to set a standard for asbestos.***

Additionally, in the proposed regulations that adopt standards for hazardous chemicals beyond lead and asbestos, the bill explicitly lists the chemicals for pre-remediation and post-remediation testing. This list, while comprehensive, may exclude secondary byproducts from the reactions of wildfire smoke that may be more toxic⁵ or encompass contaminants that the agencies may not consider to be necessary as part of any testing protocol.

Prescriptively laying out the standards—including set thresholds—without flexibility may limit DTSC and the other engaged agencies from comprehensively assessing the science and developing suitable standards for testing for smoke damage post-wildfire in surviving structures. Legislation may still guide the agencies in what could be considered and included in the standards, at minimum, but should not restrict their ability to define the

¹² U.S. Environmental Protection Agency. (2026). Hazard Standards and Clearance Levels for Lead in Paint, Dust and Soil.

standards based on their scientific assessments. *The author and committee may wish to consider adjusting the language that prescriptively defines the standards to allow room for agency discretion and expertise.*

Lastly, this bill requires DTSC to adopt emergency regulations by July 1, 2027, to establish standards for pre-remediation and post-remediation testing for the listed hazardous chemicals outside of lead and asbestos. The bill also requires DTSC to adopt the same standards during regular rulemaking by July 1, 2028. This would duplicate efforts and require DTSC to establish standards for dozens of chemicals within six months. The sponsors have indicated that it is more important to have testing methods and protocols established during the emergency regulations while acknowledging that standards, which may require the development of thresholds, could take more time. Information on the appropriate testing protocols for the hazardous chemicals listed would support those that are currently impacted by WUI fire smoke contamination with efforts to remediate sooner. *The author and committee may wish to consider including guidelines on pre-remediation and post-remediation testing protocols for hazardous chemicals associated with WUI fire smoke contamination in the emergency regulations and reserve the adoption of any standard during regular rulemaking.*

- 3) *The impact zone.* This bill includes a presumption that if WUI debris, as defined, is present in a structure within the “WUI impact zone,” then it is a result of the WUI fire. To ensure such a presumption maintains credibility, it is essential to get the definition of “WUI impact zone” right. As currently defined, “WUI impact zone” means “the WUI area *plus* the maximum perimeter of the Damage Inspection Data map area and the adjacent downwind ash zone.” There is no definition for WUI area, but “WUI” is defined as the term used by USFA and FEMA to mean the wildland urban interface or zone of transition between unoccupied land and human development. This leaves some ambiguity when applying this definition *in addition to the maximum perimeter* for the impact zone. The WUI area could be considered to be sprawling and potentially much broader than fire-impacted areas or smoke impacted areas. To understand the bounds of the “WUI impact zone” it would be important to further define “WUI area,” or remove this portion of the definition and base the impact zone off another GIS data tool.

Additionally, this definition utilizes CAL FIRE’s Damage Inspection Data map. This map is used to visualize the data that documents all structures damaged or destroyed by wildland fire within the Statewide Responsibility Area (CAL FIRE’s activity jurisdiction) that are inside or within 300 feet of the

fire perimeter.¹³ The data within this database represents individual homes and the extent of their damage, not a perimeter. Even if these individual data points were extrapolated to an area with a perimeter using this data, the impact zone would be limited and homes that may have experienced smoke damage and are not downwind would be left out. This data is, however, based on CAL FIRE fire perimeter data,¹⁴ which is more encompassing since it represents the actual fire. Using this data may lead to more precision and inclusivity of homes impacted by smoke damage. ***The author and committee may wish to consider redefining the “WUI impact zone” to mean the maximum fire perimeter as mapped by CAL FIRE and the adjacent downwind ash zone.***

Lastly, this bill uses wildfire and WUI fire interchangeably. The debris and contamination profiles that result from wildfires and WUI fires can be quite different and DTSC may have to consider the contamination profiles of both in setting the standards since the language isn’t clear. The author’s staff and sponsors have indicated that the intent of the bill is to only apply these standards to fires that have occurred within the WUI. ***To provide clarity and consistency, the author and committee may wish to consider defining wildfire to mean a WUI fire.***

- 4) *Preventing the onset of cancer.* Studies have indicated that wildfires and structural fires are associated with elevated risks of cancer, particularly for firefighters.⁵ While the scientific understanding of health-related impacts of WUI fires is continuing to be developed, precautions have been taken to reduce exposure to contaminants connected with WUI fires.

This bill’s stated intent is that the regulations function to prevent the onset of new cancer cases attributable to a WUI fire, and the bill requires the standards for hazardous chemicals to be established at levels to prevent the onset of new cancer cases attributed to a WUI fire. Standards that consider exposure levels would likely not be able to “prevent” the onset of cancer but rather mitigate or reduce its likelihood to occur. It is also important to note that the regulations would involve an assessment of hazardous chemicals of which the current science consists of knowledge gaps. Further research is needed generally on the effects of exposure to WUI fire debris and contamination. The standards established as a result of this statute would be based on current science and its limitations. This would make it even more challenging, if not impossible, to establish standards that “prevent” the onset of cancer. Additionally, contamination from WUI debris can lead to other adverse health outcomes outside of cancer, and though DTSC will likely consider those hazard

¹³ California Open Data Portal. (2026). [CAL FIRE Damage Inspection \(DINS\) Data](#).

¹⁴ CAL FIRE. (2026). [Historical Fire Perimeters](#).

endpoints, referencing both may allow for equal consideration. ***The author and committee may wish to consider guiding the regulations to reduce health risks associated with cancer and non-cancer impacts instead of preventing the onset of new cancer cases.***

Additionally, this bill includes presumptions and requirements surrounding the safety of inhabiting or reoccupying a home. During the Smoke Claims & Remediation Task Force, public health experts advised against the designations of whether a home would be “safe” or “unsafe.”¹⁰ A declaration of safety would indicate that there is no risk, when in reality, the standards are likely to consider the levels and pathways of exposure and minimize the risk of adverse health outcomes, even for vulnerable populations. Especially given the knowledge gap in this area of research, it is important to acknowledge that safety cannot be definitive, especially in a legal context, though the goal will always be to work towards it. ***The author and committee may wish to consider reframing language around safety given the reality of scientific uncertainty and constraints in establishing standards based on exposure and risk.***

- 5) ***Guidance to mitigate exposures.*** Following the 2025 Palisades and Eaton wildfires, DTSC, in coordination with CalRecycle, released guidance to evaluate post-fire contamination in residential soil.¹¹ This guidance included instructions for outdoor soil sampling and testing resources available to the local jurisdictions. It also included a section that outlined how to reduce exposure to contaminated soil. This bill references the guidance and the proponents of the bill have expressed how well this guidance has served them and a desire for an indoor version. The bill also focuses on both indoor and outdoor settings and requires this established outdoor soil guidance to become part of the standard.

The bill primarily focuses on standards for investigation, environmental testing, remediation, restoration, and clearance, yet neglects what may be of utmost importance following any remediation: practices and routines to reduce long-term indoor exposure to any residual contamination. During the Smoke Claims & Remediation Task Force, representatives from the California Department of Public Health advised that the focus should be on limiting exposure and mitigation, especially following any remediation, to reduce the potential risk of long-term health effects.¹⁰ Including guidance to reduce long-term indoor exposure to any residual contamination post-remediation in line with any established standard would be more health protective than any standard alone. ***The author and committee may wish to consider including guidance to reduce indoor exposure to contamination following a WUI fire.***

- 6) *Establishing elevated levels.* This bill includes a presumption that if WUI debris is present in a surviving structure within the WUI impact zone, then it is the result of a WUI fire. For the regulations establishing standards for the list of hazardous chemicals, requirements are to be included for post-remediation testing after cleanup that confirms that WUI debris and contamination have been removed from the home. Because any standard established will be based on certain levels of exposure, their pathways, and associated risk, the presence of WUI debris will likely not be eliminated after remediation and in accordance with the standards. There should also be consideration of any background presence of these contaminants prior to wildfires.

Proponents of the bill have indicated that the proposed presumption holds importance, as efforts to file insurance claims and other forms of support have been denied as contamination was said to be pre-existing when it may have been attributable to wildfires. Establishing an elevated, yet stringent level for contamination within WUI debris could provide a consistent baseline of which to make such a presumption. Alternatively, the presumption could be based on detection sampling indicators rather than presence. Similarly, the requirements for post-remediation testing after cleanup to confirm the removal of WUI debris should be based off a similar threshold or maintain the language associating this removal of WUI debris with established clearance standards, consistent with the emergency regulations for lead and asbestos. Going forward, *the author may wish to consider establishing an elevated level for WUI debris to be attached to the presumption and making post-remediation testing requirements that confirm the removal of contamination consistent with clearance standards.*

- 7) *Twin flames: AB 1642 & AB 1795.* Another bill currently pending hearing in this committee, AB 1795 (Gipson) addresses wildfire smoke contamination through establishing health-based standards, similar to this bill, except it includes provisions that link the standards to insurance claims. AB 1795, sponsored by the California Department of Insurance, was born out of the Smoke Claims and Remediation Task Force, which was convened by Insurance Commissioner Ricardo Lara in June 2025. Both bills require the establishment of health-based standards for testing, remediation, and clearance, but AB 1642 houses this work at DTSC in coordination with the Office of Environmental Health Hazard Assessment (OEHHA) and AB 1795 houses this work at the California Environmental Protection Agency (CalEPA), which houses both DTSC and OEHHA. If both bills are passed by the Legislature in their current form and signed by the Governor, they have the potential to duplicate efforts under CalEPA. While proponents have expressed that the intent differs between the two bills, there may still be jurisdictional overlap and questions

regarding how any established standard will apply in the real-world, especially in the context of insurance.

Because of the wide-reaching implications and domestic importance of both bills, conversations regarding how they will fit together or co-exist will continue beyond this committee with coordination between both authors and the respective agencies. For the purpose of this analysis, below are considerations that could resolve areas of conflict or duplication:

- a) *Presumptions and proxies.* AB 1642, which is primarily supported by wildfire survivors, includes a presumption that if WUI debris is present in a surviving structure after a WUI fire, then any identified contamination is a result of that WUI fire. This presumption has been deemed necessary due to experiences of insurance claim denials when a homeowner suspects their home has been contaminated with WUI debris and detection sampling results are ignored. The evaluations of contamination or smoke damage have also been contingent on visual and olfactory assessment, which can be more subjective than testing results for contaminants. If the inspector does not sense smoke damage or contamination, this could also lead to a decision to deny further testing and/or a denial of an insurance claim.

AB 1795 does not currently have such a presumption, although commitments for one may be forthcoming. It should be noted that the sponsors of AB 1795 have indicated that a presumption is built into the bill, as the adopted standards would apply to any residence within the impact zone, though it is uncertain what those standards will look like. There have also been concerns about the design of the impact zone and whether the standards would apply to potentially impacted homes. Generally, there are costs concerns associated with the presumption AB 1642 proposes as well concerns that opportunists may abuse it. There are also concerns with the number of tests that would need to be conducted as part of the presumption and pre-remediation testing.

To balance the concerns for costs and testing requirements with assurance that contamination will be addressed appropriately, agencies could be authorized to include a proxy (or proxies) in the standards that could act as a substitute for other types of contamination and indicate a certain likelihood that sampled contamination is associated with wildfire or WUI debris. There are various types of contaminants and contamination profiles associated with pre-existing background conditions, wildfires, and WUI fires.⁵ The regulators could determine whether one type of contaminant has a likelihood of co-existing with other types of contamination or debris,

which could strengthen any argument of presumption or attribution. This proxy could be paired with an established elevated level described in *comment 6* to provide a level of certainty to the attribution of the contamination to the wildfire or WUI fire.

Testing one proxy (or a limited set of proxies) could mitigate any concerns around the costs of multiple tests of contaminants and subsequent increases in insurance costs. The utilization of the proxy could also be distance-dependent, as a blanket presumption may be of more utility closer to the fire perimeter, whereas a proxy may be more useful much further downwind. It is important to note that this proxy would not substitute the need or determination for pre-remediation testing, however, it could serve as a cost-effective, scientifically based metric to base a presumption on and be more stringent than current industry inspection standards.

- b) *Standards and guidance.* Although it has been indicated that AB 1642 does not apply in an insurance context, the current language does suggest implications for insurance protocols. AB 1642 is intended to focus on the development and adoption of health-based standards and guidance. AB 1795 is intended to focus on the same, but in conjunction with insurance protocols. Both standards are likely to assess some, if not the same, level of risk and could possibly take economic considerations into account.

Standards are typically applied within a regulatory framework with various considerations at play. AB 1642 could focus more on developing guidance with health-based thresholds that will not take economic considerations into account. This could be similar to thresholds OEHHA established as public health goals for drinking water that considers “no significant risk.” The State Water Board then sets drinking water standards as close to the public health goal as economically and technologically feasible with a stringent assessment of risk. A similar structure could be outlined here, with the health-based thresholds established for scientific clarity and standards developed that consider risk, the technological limitations of testing, and feasibility under the existing insurance framework. If AB 1642 were to reflect guidance instead of standards, it would be more in alignment with the author’s expressed intent. It should be noted, however, that guidance is not typically enforceable, whereas a standard set by AB 1795 would be.

- 8) *Committee amendments. Staff recommend the committee adopt the bolded amendments contained in comments 2, 3, 4, and 5 above.*

Related/Prior Legislation

AB 1795 (Gipson) requires CalEPA to develop health-based standards and requirements for minimum sampling, testing, and chemical screening levels for residential properties that have sustained smoke damage as a result of a wildfire; requires CalEPA in consultation with the Department of Insurance to establish training and certification requirements; and applies the established standards to all covered smoke damage claims submitted under policies of residential property insurance. This bill is currently pending in the Senate Environmental Quality Committee.

AB 1 (Connolly, Chapter 472, Statutes of 2025) required, by January 1, 2030 and every five years thereafter, CDI to consider whether to update the Safer from Wildfires regulations to include certain building hardening measures.

SB 1176 (Niello, 2024) would have required CalFire, the California Governor's Office of Emergency Services, and DTSC, in consultation with academic and research institutions with demonstrated relevant expertise, and any other governmental agency or educational institution that may have experience in public health and wildfires, to form a workgroup related to toxic heavy metal exposure after a wildfire. This bill was held on the suspense file in the Assembly Appropriations Committee.

AB 541 (Wood, Chapter 530, Statutes of 2023) required the State Water Resources Control Board (State Water Board) to require a public water system that has experienced a major wildfire event of 300 acres or more and under specified conditions to perform sample collection and analysis of its source waters for the presence of benzene as soon as it is safe to do so. Authorizes the State Water Board to require the public water system to take specified response actions if benzene is detected.

SOURCE: Eaton Fire Residents United

SUPPORT:

301 Organics

350 Conejo / San Fernando Valley

350 South Bay Los Angeles

350 Southland Legislative Alliance

805 Undocufund

After the Fire

Alpha Kappa Alpha Sorority, Inc, Mu Lambda Omega Chapter

Altadena ACT
Altadena Arts
Altadena Colab
Altadena Community Land Trust
Altadena Earthseed Community Land Trust
Altadena Recovery Team
Altadena Tenants Union
Altogether
Asbestos Disease Awareness Organization
Asian Pacific Environmental Network
Beautiful Altadena
Biomax Environmental
Bw Builder
California Black Power Network
California Environmental Voters
California Green New Deal Coalition
California Integrative Therapy
California Interfaith Power & Light
California Teachers Association
Camp Fire
Catalyst California
Center for Biological Diversity
Centre for Applied Ecological Remediation
Champion Cleaners INC.
Christopherson Builders
Civic Sundays
Clergy Community Coalition
Climate and Wildfire Institute
Coalition for a Safe Fire Recovery
Collaborate Pasadena
Community 3.0x
Conservation Strategies
Courage California
Day One
Eaton Fire Collaborative
Eaton Fire Renters Coalition
Eaton Fire Residents United
End Child Poverty CA Powered by Grace
Enviroscience, INC
Fire Safe Palisades
First Unitarian Church of San Jose, Environmental Justice Ministry Team
Glendale Environmental Coalition

Greenfaith
Holly Wyman Design
Hpp Cares
Huntington Asthma and Allergy Center
Idle DOT
Indivisible Alta-pasadena
Joan Collaborative
Kids and Teens Medical Group
L.a. Voice
L.z. Design Group
LA Region Community Recovery Organization
League of California Cities
Leap of Faith Family to Family Support
Lift LA
Little Tokyo Service Center
Long Beach Alliance for Clean Energy
Los Angeles County Office of Violence Prevention
Mcclain Consulting Services
Meteorite Real Estate
Miramar Hoa
NAACP Altadena
National Day Laborer Organizing Network (NDLON)
Nefesh LA
Neighborhood First Responders
Nrde Action Fund
P.e.a.r.l.s. of Compassion-patient, Equity, Advocates, Relationships, Love & Support
Pacific Film Foundation
Pacific Palisades Community Council
Palipower
Palisades Recovery Coalition
Pasadena Community Job Center
Pasadena Tenant Union
Pasadena/altadena Ivy Foundation
Pasadenans Organizing for Progress (POP!)
Pediatric Firestorm Team
Physicians for Social Responsibility - Los Angeles
Plant Community LA
Public Counsel
Reclaim Our Power: Utility Justice Campaign
Resilient Palisades
Rise Economy

Rogue Food Unites
San Diego350
Sander Architects
Sonoma County Climate Activist Network (SOCOCAN!)
Sunita Jain Anti-trafficking Initiative
The Change Reaction
The Utility Wildfire Survivor Coalition
Town of Superior
United Policyholders
Uriu Architecture
Vida Mobile Clinic
Xtreme Athletics

OPPOSITION:

American Property Casualty Insurance Association
California Association of Realtors
California Building Industry Association
National Association of Mutual Insurance Companies
Pacific Association of Domestic Insurance Companies
Personal Insurance Federation of California

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