

CONCURRENCE IN SENATE AMENDMENTS

AB 1642 (Harabedian)

As Amended August 28, 2026

Majority vote

SUMMARY

Requires the Department of Toxic Substances Control (DTSC) and the California Air Resources Board (CARB) to develop, as specified, regulations and guidance pertaining to indoor and outdoor contaminants after a wildfire, to include sampling procedures, remediation and restoration techniques, and strategies for reducing human exposure. Recent harmonizing amendments to Assembly Bill (AB) 1642 and AB 1795 (Gipson) of the current legislative session articulate how the contaminant standards will be developed (AB 1642) and how these will apply to residential property insurance claims for smoke damage resulting from a wildfire (AB 1795). AB 1642's enactment is contingent upon AB 1795's enactment, and vice versa.

Senate Amendments

- 1) Provide that AB 1642 shall only become operative if AB 1795 is enacted and takes effect on or before January 1, 2027.
- 2) Delete both of the following:
 - a) Requirement that DTSC, by July 1, 2027, adopt emergency regulations establishing 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, as specified; and,
 - b) Requirement that DTSC, by July 1, 2028, adopt non-emergency regulations specifying science-informed, health-based standards for hazardous chemicals, including levels required to achieve clearance for a home, school, workplace or other structure, as well as standards for investigation, environmental testing, and to guide removal of hazardous chemicals inside and outside of a home, school, workplace, or other structure in a residential area after a wildfire, as specified.
- 3) Provide that, until the adoption of state regulations and guidance (described below), specified federal standards for lead and asbestos shall apply for the purposes of determining clearance for human occupancy for residential properties located within a wildfire impact zone, as defined in AB 1795, relative to wildfire-caused lead and asbestos remediation only.
- 4) Require DTSC, in consultation with the Office of Environmental Health Hazard Assessment (OEHHA) and other relevant coordinating agencies, to do both of the following:
 - a) On or before December 31, 2028, after hosting a public workshop, develop and adopt regulations, as specified, pertaining to lead and asbestos testing, and remediation and restoration for unrestricted use, including for residential properties and other locations, after a wildfire.
 - b) On or before December 31, 2029, after hosting a public workshop, develop and publish on its internet website guidance pertaining to specified contaminants, for testing, and remediation and restoration for unrestricted use, including for residential properties and

for other locations as appropriate, after a wildfire; requires this guidance to pertain to the following contaminants: CAM 17 heavy metals, cyanide, lithium, manganese, dioxins and furans, and polycyclic aromatic hydrocarbons.

- 5) Authorize DTSC, in its discretion, based on scientific changes or need, to make technical determinations to add or remove contaminants from the guidance described above, and to update the guidance every five years, as specified.
- 6) Prohibit testing, remediation, and restoration standards adopted pursuant to AB 1642 from being less stringent than those in other applicable state or federal laws.
- 7) Require CARB, on or before December 31, 2028 and after hosting a public workshop, to develop and publish on its internet website guidance on levels for indoor air contaminants following residential smoke damage from a wildfire, implications for health or health outcomes, and possible protective measures to reduce health impacts; authorize CARB to release interim guidance before December 31, 2028.
- 8) Exempt the regulations and guidance developed pursuant to AB 1642 from rulemaking requirements established under the state's Administrative Procedure Act, and from the California Environmental Quality Act, as specified.
- 9) Require DTSC to post recordings of public workshops and public comments pertaining to the regulations and guidance developed pursuant to AB 1642 on its internet website.
- 10) Require DTSC, no later than July 1, 2028 and in collaboration with the California Department of Education and other relevant state agencies, to develop advisory, nonregulatory guidance for schools to support local educational agencies (LEAs; defined to mean a school, school district, charter school, or county office of education) after a wildfire by, among other things, providing LEAs with information about wildfire hazards and resources that can support recovery.

COMMENTS

This bill and harmonizing amendments with AB 1795: As noted below, there are no pre-existing state or federal standards for indoor contaminants from smoke damage. With the rise in destructive WUI fires, there is an urgent need to protect public health by developing health-based standards for these contaminants. There is also an urgent need for a regulatory framework that articulates how these standards will apply to residential property insurance claims for smoke damage.

This year, AB 1642 and AB 1795 took up the challenge of tackling these issues and advancing critical conversations about how to approach them. Amendments taken in the Senate harmonize the two bills, such that they each now hold a critical piece of California's—and the nation's—first wildfire smoke damage policy. AB 1642 requires DTSC to establish standards for lead, asbestos, and several other post-wildfire contaminants, and AB 1795 articulates how these standards will apply to residential property insurance claims.

WUI fire implications for communities: The frequency and severity of wildfires have been increasing, both in the state and all over the world. The Camp, Tubbs, and Eaton and Palisades fires (LA 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 ($\mu\text{g}/\text{ft}^2$) in a sample taken from the home's heating, ventilation, and air conditioning system 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 $5 \mu\text{g}/\text{ft}^2$, $40 \mu\text{g}/\text{ft}^2$, and $100 \mu\text{g}/\text{ft}^2$, 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: Recognizing the need for statewide standards, in May 2025 the California Department of Insurance (CDI) established the Smoke Claims and Remediation Task Force (Task Force). The Task Force's final report highlights 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; 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.

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

According to a coalition of environmental groups, public health advocates, residents, and community organizations that include survivors from the LA fires:

"Many of us signed a letter supporting AB 1642 in June and many also signed a letter opposing AB 1795 unless it was amended. Both bills have harmonized since then. We urge you to vote yes on both bills when they come to you on the floor.

The two bills now travel together. Neither one takes effect unless both are enacted. AB 1642 writes the science. It creates the first standards in the nation for testing and remediating homes of toxic contaminants after a wildfire. AB 1795 requires insurance companies to follow them within the impact zone. Apart, each bill is half an answer. Together they are the first real wildfire smoke damage standards this country has...

California has the chance to write the rules the rest of the country will use as their north star. Wildfires are not going away. They are only increasing in severity and geographic diversity. Yet, no state has put standards in place to ensure there is clarity on when it is safe to return to a smoke damaged home. We have spent a year and a half learning what happens when there is no standard. Now is the time to lean into scientific advances in the identification, measurement, and remediation of toxic contaminants in smoke damaged homes."

Arguments in Opposition

Writing on a prior version of AB 1642, 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 [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 faster wildfires that have become urban conflagrations, such as the 2025 Los Angeles fires. Given the complexity of smoke within insurance claims, CDI convened a Smoke Claims and Remediation Task Force in the Summer of 2025. The primary questions posed to the Task Force were 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 continued 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 Senate Appropriations Committee, writing on a prior version of AB 1642, enactment of this bill could generate one-time costs to DTSC of at least \$1.8 million in 2027-28 for research and regulation development and adoption; ongoing costs to CDI of \$727,500 in 2026-27, \$1.4 million in 2027-28, and \$1.2 million annually thereafter to implement AB 1642; and ongoing costs to OEHHA of \$1.2 million to maintain and update standards once they are developed, or to develop additional standards as new WUI-related fire hazards are identified.

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

ASSEMBLY FLOOR: 59-3-18

YES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Gallagher, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ward, Wicks, Wilson, Zbur, Rivas

NO: Chen, DeMaio, Johnson

ABS, ABST OR NV: Alanis, Castillo, Davies, Dixon, Ellis, Flora, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Nguyen, Patterson, Celeste Rodriguez, Ta, Tangipa, Valencia, Wallis

UPDATED

VERSION: August 28, 2026

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FN: 0004565