Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS
Damon Connolly, Chair
AB 1795 (Gipson) – As Amended April 7, 2026

SUBJECT: Smoke Damage Recovery Act

SUMMARY: Requires that the California Environmental Protection Agency (CalEPA) develop, by June 30, 2027, health-based standards for required sampling, testing, and chemical screening levels for residential properties that have sustained smoke damage as a result of a wildland-urban interface (WUI) fire or urban conflagration; establishes a framework for the application and implementation of these standards, to include the development of training and certification requirements for insurance adjusters and persons who sample, test, or restore residential properties; requirements pertaining to insurers and insured individuals; and requirements pertaining to specified responsibilities for the California Department of Insurance (CDI). Specifically, **this bill**:

1) Makes numerous findings and declarations, including that:

   a) Thousands of smoke damage insurance claims have been filed as a result of recordbreaking wildfires, and the lack of universally recognized standards for testing, evaluation, and remediation of smoke damage has prompted complaints from survivors that their insurance companies have completely or partially denied their smoke damage or have refused to conduct, or reimburse for, preremediation testing or postremediation clearance testing to ensure their homes have been properly restored to preloss condition;

   b) Smoke, soot, char, ash, and other contaminants that emanate from wildfires cause damage to properties by depositing particulate matter, gases, heavy metals, volatile organic compounds (VOCs), and other pollutants onto personal property and into the walls, floors, ceilings, surfaces, and other infrastructure of a property. Those contaminants not only compromise the integrity of the premises, but they may also pose significant long-term health issues long after the fire has been extinguished; and,

   c) It is the Legislature's intent to set forth standards and protocols to ensure the health and safety of residents and for the proper handling of smoke-damaged residential property insurance claims caused by wildfires, after consideration of the recommendation in the Smoke Claims and Remediation Task Force Report (Task Force Report).

2) Under state Health and Safety Code (HSC):

   a) Requires CalEPA, on or before June 30, 2027 and in coordination with other state agencies and local public health departments, as necessary, to develop health-based standards for required sampling, testing, and chemical screening levels for residential properties that have sustained smoke damage as a result of a WUI fire or urban conflagration, similar in scope to the "Residential soil evaluation: Guidance for the 2025 Los Angeles Wildfires" document developed by the Department of Toxic Substances

Control (DTSC) and Department of Resources, Recycling and Recovery (CalRecycle); requires the standards to include required parameters and thresholds for preremediation testing, postremediation testing, and clearance of a residential property for habitation after remediation is completed; and, requires CalEPA to consult with agencies that include, but are not limited to, DTSC, the Office of Environmental Health Hazard Assessment (OEHHA), California Air Resources Board (CARB), California Department of Public Health (CDPH), and air pollution control districts, as necessary.

b) Provides that CalEPA's requirements (described in bullet 2(a) above) shall consider differences, where appropriate, based on the distance of a residential structure from the fire perimeter; requires the following default zones to be used:

   i) High-impact zone;

   ii) Moderate-impact zone; and,

   iii) Low-impact zone.

c) Requires, if applicable, standards to be more stringent for the high-impact zone and less stringent for the moderate- and low-impact zones.

d) Authorizes CalEPA, the Department of Forestry and Fire Protection (CAL FIRE), or a city or county public health or safety agency to designate a smoke exposure zone for a specific wildfire.

e) Requires, if a smoke exposure zone is designated, the smoke exposure zone to supersede CalEPA's default high-, moderate-, and low-impact zones, and the requirements applicable to the high-impact zone to apply within the smoke exposure zone.

f) Provides that CalEPA's requirements (described in bullet 2(a) above) shall consider, where appropriate, whether certain wildfire smoke byproducts and associated hazardous substances dissipate with the passage of time.

g) Requires CalEPA and CAL FIRE to adopt regulations, as may be necessary to implement the above requirements, or make them more specific.

h) Authorizes CalEPA to impose, in addition to the requirements described in bullet 2(a) above, requirements pertaining to a specific wildfire, including requirements for the identification of additional WUI or urban conflagration contaminants, additional minimum sampling and testing recommendations or requirements, or additional chemical screening levels for residential properties that have sustained smoke damage; provides that these requirements, pertaining to a specific wildfire, shall be exempt from specified state laws that govern rulemaking.

i) Authorizes CalEPA, as an interim measure before the adoption of the regulations described in bullet 2(a), to impose sampling, testing, and chemical screening requirements pertaining to a specific wildfire that a person involved in the inspection, evaluation, testing, or remediation process shall comply with, including in an open,

pending, or disputed insurance claim; provides that these interim measure requirements shall be exempt from specified state laws that govern rulemaking and become inoperative upon adoption of the regulations described in bullet 2(a).

j) Establishes the following definitions:

i) "Fire perimeter" means the footprint or entire outer boundary of a burned area as a result of a WUI fire or urban conflagration, as determined and mapped by CAL FIRE;

ii) "High-impact zone" means the area within the fire perimeter and within six miles from the fire perimeter, or the area within a smoke exposure zone designated for a specific wildfire;

iii) "Moderate-impact zone" means the area within six miles to 12 miles from the fire perimeter, or within six miles from a smoke exposure zone designated for a specific wildfire;

iv) "Low-impact zone" means the area greater than 12 miles from the fire perimeter, or the area greater than six miles from a smoke exposure zone designated for a specific wildfire;

v) "Person" means an individual, insurance company, association, organization, partnership, business trust, limited liability company, or corporation;

vi) "Restoration of the property to preloss condition" means the removal of smoke damage residues, combustion byproducts, chemicals, contaminants, and odor caused by wildfire smoke exposure through remediation of the property, including structural elements, building systems, contents, and indoor environment, to the same condition that existed before exposure;

vii) "Smoke damage" means exposure of residential property or its contents to wildfire smoke, combustion byproducts, and the chemicals and contaminants contained within the wildfire smoke;

viii) "Smoke exposure zone" means the area exposed to significant settled, fine particulate residue, including soot, char, and ash, carried by a smoke plume and winds after a WUI fire or urban conflagration, as designated by CalEPA, CAL FIRE, or a city or county public health or safety agency;

ix) "Urban conflagration" means a massive, uncontrollable fire, regardless of cause, that spreads rapidly from building to building through densely populated, developed areas, typically overwhelming fire suppression resources, and that has been designated and declared in a state of emergency, as specified; specifies that these fires are typically fueled by high winds, structural density, and flammable materials, often transitioning from WUI fires into surrounding communities;

x) "Wildfire" means a WUI fire, or an urban conflagration, that has been designated and declared a state of emergency, as specified; and,

xi) "Wildland-urban interface fire" means a fire, regardless of cause, in the zone of transition between unoccupied land and human development, including the area or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels, creating significant fire risk to developed areas and a significant number of structures, that has been designated and declared a state of emergency, as specified.

k) Requires CalEPA, by January 1, 2028, to consult with CDI, CDPH, the Department of Industrial Relations, Contractors State License Board, State Water Resources Control Board (State Water Board), and any other state or local government agency, as may be necessary, to establish training and certification requirements for a person who inspects, evaluates, samples, tests, analyzes, or restores residential properties that have sustained smoke damage as a result of a WUI fire or urban conflagration, including industrial hygienists, restoration professionals, and laboratories; requires the requirements to be tailored to each category of persons, depending on their role with regard to wildfire smoke damage.

l) Requires CalEPA to promulgate regulations, if necessary, to implement, administer, and enforce the training and certification requirements, establish rules for noncompliance, and determine which entity or entities will have jurisdiction over the different categories of persons subject to the requirements; requires these regulations to establish certification fees; provides that these fees shall be established at levels that do not exceed an amount sufficient to cover administration and enforcement costs; and requires fees to be deposited into the Wildfire Remediation Certification and Training Fund, established to support the above activities.

3) Under state Insurance Code:

a) Prohibits an insurer from terminating coverage for additional living expenses for a covered smoke damage claim submitted under a policy of residential property insurance, as a result of a WUI fire or urban conflagration that is declared a state of emergency, as specified, until the property has been cleared for habitation pursuant to the CalEPA guidance described in bullet 2(a) above.

b) Provides that, in addition to the CalEPA guidance described in bullet 2(a) above, if a local or state public health department, environmental agency, or any other government agency with jurisdiction over the area where a wildfire has occurred issues a public notice, bulletin, or advisory that provides explicit guidance pertaining to a specific wildfire—including identifying specific WUI or urban conflagration contaminants, minimum sampling and testing recommendations, and chemical screening levels for residential properties that have sustained smoke damage—then that guidance shall also apply to claims under residential property insurance, as specified, using the same tiered sampling and testing recommendations for each zone developed by CalEPA.

c) Provides that, until CalEPA develops the guidance described in bullet (2)(a) above, if a local or state public health department, environmental agency, or any other government agency with jurisdiction over the area where a wildfire has occurred issues a public

notice, bulletin, advisory, or guidance that describes specific standards for sampling, testing, and chemical screening levels for residential smoke damage and restoration pertaining to a specific wildfire, then those standards shall apply to a person involved in the inspection, evaluation, testing, and restoration process, including in open, pending, or disputed insurance claims for that specific wildfire.

d) Requires an insurer to be responsible for covering the cost of the sampling and testing required pursuant to AB 1795, as specified, subject to the terms and provisions of the policy, specified conditions and limitations, and all of the following rebuttable presumptions:

   i) For residential properties in the high-impact zone: a rebuttable presumption that there is significant smoke damage exposure from the wildfire; requires the smoke damage claim to be classified as high impact for purposes of the type of inspection, evaluation, and testing it receives;

   ii) For residential properties in the moderate-impact zone: a rebuttable presumption that the property shall initially be classified as moderate impact for purposes of the type of inspection, evaluation, and testing, if applicable, it receives; and,

   iii) For residential properties in the low-impact zone: a rebuttable presumption that the property shall initially be classified as low impact for purposes of the type of inspection, if any, and evaluation it receives.

e) Provides that AB 1795 does not preclude an insurer from covering sampling and testing that exceeds AB 1795's requirements.

f) Requires that all of a specified list of conditions apply to covered smoke damage claims resulting from a WUI fire or urban conflagration that is declared a state of emergency, including that, if a smoke damage insurance claim is settled on the basis of a written scope or estimate prepared by or for the insurer, the insurer shall supply the claimant with a copy of each document upon which the settlement is based; requires the estimate to be for an amount that will restore the damaged property to no less than its condition before the loss and allow for restoration to be completed in a manner that meets or exceeds the CalEPA guidance described in bullet (2)(a) and accepted trade and industry standards for the specific work being performed.

g) Requires that a specified list of conditions and limitations apply to covered smoke damage claims resulting from a WUI fire or urban conflagration that is declared a state of emergency, including the following:

   i) Notice of the claim shall be provided to the insurer within 120 days after the wildfire has reached 100% containment, as determined by CAL FIRE; an insurer shall provide an insured, or insured's representative, additional extensions of this time period for good cause if the insured, acting in good faith and with reasonable diligence, encounters a delay in providing notice of the claim that is beyond the control of the insured; provides that circumstances beyond the control of the insured may include

either of the following, if applicable to the specific claim: the death, disability, injury, or incapacity of the insured; or, the inability of the insured to access the insured property as a result of governmental action or because the property is located in an area that is exposed to hazardous materials posing a health risk; and,

ii) If notice of the claim is given to an insurer later than the time period specified above, then the claim may be subject to a sublimit of no less than 10% of the policy limits, as specified.

h) Provides that specified provisions in AB 1795, including those described in bullets (3)(b) through (3)(g) above, apply to all policies of residential property insurance issued, amended, or renewed on or after AB 1795's operative date.

i) Requires CDI, by January 1, 2028, to develop training and certification programs, as specified, for insurance adjusters and public insurance adjusters in inspecting, evaluating, sampling, or testing smoke damage caused by a WUI fire or urban conflagration in residential properties on behalf of insurers, and to implement and enforce these programs, as specified.

j) Authorizes CDI to adopt regulations as necessary to implement specified provisions under AB 1795.

EXISTING LAW:

1) Establishes the Hazardous Waste Control Law (HWCL) to authorize DTSC to regulate the management of hazardous wastes in California. (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, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bio accumulative properties, or persistence in the environment, when improperly treated, stored, transported, disposed of, or otherwise managed. (HSC § 25141(b))

3) Requires 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))

8) Requires DTSC to develop sampling and analytical methods for the collection of methamphetamine residue; requires DTSC, to the extent funding is available, to develop health-based target remediation standards for iodine, methyl iodide, and phosphine; authorizes DTSC, to the extent funding is available and using guidance developed by OEHHA, to develop additional health-based target remediation standards for additional precursors and byproducts of methamphetamine; requires DTSC to adopt investigation and cleanup procedures for use in the remediation of sites contaminated by the illegal manufacturing of methamphetamine; requires the procedures to ensure that contamination can be remediated to meet DTSC's remediation standards, to protect the health and safety of all future occupants of the site. (HSC § 79380)

9) Establishes the federal Toxic Substances Control Act (TSCA), which, among other things, empowers the United States Environmental Protection Agency (US EPA) with the authority to require reporting, record-keeping, and testing requirements, and restrictions relating to chemical substances and mixtures. (15 U.S.C. § 2601, *et seq.*)

10) 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.*)

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: According to the author:

"AB 1795 creates a consistent statewide framework for handling wildfire smoke damage insurance claims which would be the first in the nation. This bill would require that homes contaminated after a wildfire are properly evaluated and restored to a safe and habitable

> condition—and hold insurance companies accountable when standards are not met. Right now, the absence of statewide standards has created confusion, unfair claims handling, and uncertainty for families already coping with unimaginable losses. Consumer protection is my number one priority, and establishing clear rules will ensure that homeowners are protected and survivors can safely move back into their restored homes knowing they do not face life-long health risks. After a wildfire, recovery should not depend on a homeowner's ability to navigate complex insurance disputes while their life is already turned upside down. More than a year after the most devastating fires Los Angeles has ever seen, there is no reason to delay. I am dedicated to swift passage of AB 1795, the Smoke Damage Recovery Act, to pave the way for a better process that insurance policyholders can rely upon."

Wildfires are increasing in frequency and severity: According to CARB, the frequency and severity of wildfires have been increasing, both in the state and all over the world. Since 1950, the area burned annually by California wildfires has grown, as spring and summer temperatures increase and spring snowmelt occurs earlier. CAL FIRE data show that four out of the five most destructive wildfires in California history happened in just the last 10 years. In 2025, the Eaton and Palisades fires in Los Angeles County destroyed over 16,000 structures and burned 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.

WUI fire implications for communities: 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. According to the United States (U.S.) Fire Administration, the WUI is 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, as summarized by the U.S. Department of Agriculture and Forest Service on its webpage, "Interface areas are critical to wildfire losses: Half of all buildings lost in these WUI areas with relatively low fuels":

> "In California and the entire United States, wildfire management has become more complex, costly and dangerous. Research by a Northern Research Station scientist and her partners found that wildfire losses in California are most common in interface areas, which lack dense wildland fuels. Interface WUI, i.e. settled areas with little wildland vegetation that are near large blocks of wildland vegetation, contained over 50% of all buildings lost to wildfire while making up only 2% of all wildfire perimeters by area (fires from 1985-2013)."

According to the U.S. Fire Administration, more than 60,000 communities across the U.S. are at risk for WUI fires; between 2002 and 2016, an average of over 3,000 structures per year were lost to WUI fires; and the WUI area continues to grow by about 2 million acres per year. California—where between 30% and 45% of houses are in the WUI—is among the top five states with the most homes in WUI areas.

Urban conflagrations pose unique human health risks: 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. The 2025 article, "In the ashes," published in the journal *Science,* describes the unique health concerns posed by these types of fires, using the Eaton fire as an example:

> "The blaze that consumed parts of Altadena started as a brush fire on a hillside near Eaton Canyon. At first, the smoke would have been a predictable mixture of hundreds of chemicals that are known to emanate from plant-fueled fires, including microscopic particles, toxic gases, and nitrogen-based molecules such as ammonia.
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> But within hours, the nature of the fire—and the smoke—changed dramatically. Winds gusting at more than 100 kilometers per hour showered nearby homes with embers, igniting blazes that overwhelmed firefighters. As entire blocks burned through the night, the billowing smoke became more complex and mysterious—filled with a range of toxic compounds from the burning of lead-based paint, lithium batteries, vinyl siding, fiberglass insulation, electrical wiring, nylon clothes, rubber tires, and more…
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> Fires have been blamed for a long list of health ills. 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 those two things meet and a wildfire consumes an entire neighborhood. The high intensity of wildfire can alter the chemicals swirling in the air after they are emitted from burning houses. The number of people affected when wildfire sweeps into urban areas also dwarfs the number exposed during a typical house fire. More than 18 million people live in the greater LA metropolitan area, and a huge swath of them were bathed in hazardous levels of air pollution in January. Tests at the California Institute of Technology, for instance, 4 kilometers from Altadena, found elevated levels of lead in ash that seeped into campus buildings."

Emerging science reveals indoor and outdoor chemical hazards after WUI fires: In its 2022 report, "The chemistry of fires at the wildland-urban interface," the National Academies of Sciences, Engineering, and Medicine note the significant human health threats posed by WUI fire chemical hazards, as well as some of the challenges associated with investigating these hazards after fire events:

> "Health risks associated with toxicants from WUI fires can persist well beyond the active burning of the fire, due to contamination of the ecosystem (water and soil) and built environments. Health impacts can also extend well beyond the WUI communities, as smoke can be transported for hundreds to thousands of kilometers. While toxicants from WUI fires are a recognized problem, their variability and complexity present significant challenges. For example, the emissions from a WUI fire can vary depending on whether the fire burns homes, cars, or commercial areas; even a subset of these fuel types can vary, such as homes of different ages made of different materials. Emissions vary depending on fuel composition,

fire characteristics, and the heating dynamics that the fuels experience. Human exposure can vary greatly, depending on weather patterns during and after the fire, personal activities, and the living and working circumstances of the people exposed."

Despite the challenges, emerging science points to the presence of toxic chemicals after WUI fire events. In the wake of the Eaton and Palisades fires, researchers from multiple research institutions—including Harvard University; the University of Southern California; Stanford University; the University of California (UC), Davis; UC, Irvine; UC, Los Angeles; the University of Texas at Austin; and Yale University—launched a collective scientific effort to investigate the short- and long-term health impacts of the fires. The 10-year study, called the LA Fire Health Study, aims to evaluate the types, levels, locations, and human health impacts of pollutants associated with the fires. So far, the collaborative has reported, through a series of briefs, the discovery of several types of concerning chemicals inside and outside of structures, including VOCs in indoor and outdoor air; chromium-6 in outdoor air; and benzene and other VOCs in tap water.

A 2024 study by Jech, et al., published in *Environmental Science and Technology,* reports that residential properties affected by the Marshall Fire had elevated concentrations of heavy metals in soil, including zinc, copper, chromium, and lead, though the levels were below soil standards established by the US EPA for sites contaminated by hazardous waste. Another study by Allen et al., published in 2025 in *The Journal of Exposure Science and Environmental Epidemiology,* summarizes research showing that there was a 110-fold increase in atmospheric lead levels (documented through initial air monitoring after the fires), and elevated lead levels in soil in areas downwind of the Eaton Fire. Allen et al. conclude that this lead "poses a long-term risk of exposure, particularly for biologically sensitive populations like children, through contact with contaminated soil or inhalation of lead dust."

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 US EPA's lead-based paint program. In addition, the investigation found a lead level near 8,000 $\mu g/ft^2$ 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 that have burned, CalRecycle and DTSC, along with federal partners, implement a phased approach to clearing properties. Typically, Phase 1 involves the removal of visible household hazardous waste (e.g., batteries, pesticides, paints, building materials that contain asbestos, and e-waste) and Phase 2 includes soil testing and the removal of contaminated debris, ash, and soil. In the case of the Los Angeles fires, the Federal Emergency Management Agency assigned Phase 2 to the U.S. Army Corps of Engineers. California formally requested, but the federal government denied, confirmation soil sampling as part of the debris removal process.

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, 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.
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> 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.
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> 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?"

In the absence of state and federal health-based 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. In August 2025, DTSC and CalRecycle released their "Residential soil guidance for the 2025 Los Angeles wildfires," which contains screening levels for various soil contaminants (screening levels are used to help determine if the amount of chemicals in a sample indicates a health risk), 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. The state has not released similar guidance for indoor contaminants.

The Smoke Claims and Remediation Task Force: In May 2025, out of recognition that California needs consistent statewide standards for investigating and paying smoke damage claims, CDI established the Smoke Claims and Remediation Task Force (Task Force). The Task Force was charged with:

- Evaluating existing methods of best practices and recommending uniform standards for inspecting, testing, and remediating properties with smoke damage;

- Recommending standards for determining whether structures damaged are below, at, or above, established levels for health and safety of occupants; and,

- 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, CDPH, the Los Angeles County Department of Public Health, CAL FIRE, 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. The report documents presentations the Task Force heard, materials the Task Force reviewed, and Task Force discussions, including differing perspectives on how smoke damage and contaminants should be addressed in the wake of WUI fires and urban conflagrations. The Task Force heard from numerous stakeholders, including impacted homeowners and 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.

According to the report, the topic that elicited the most discussion involved a "tiered classification" concept, which posited 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.

This concept serves as the basis for the framework established in AB 1795, in which homes are designated as being in a particular impact zone (high, moderate, or low) based on pre-determined distances (specified in AB 1795) from the fire perimeter; or designated as being inside or outside of a smoke exposure zone (defined as an area exposed to soot, char, and ash carried by a smoke plume and winds), which may be established after a wildfire event by CalEPA, CAL FIRE, or a city or county public health or safety agency. According to CDI, 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.

While there was consensus among some Task Force members that this approach held potential, some raised questions and concerns. According to the Task Force Report, CDPH asserted that "the proposed mileage cutoffs for defining high, moderate, and low impact zones [were]

somewhat arbitrary and [lacked] justification and that although they [appeared] to be based on the distance cutoffs used in the [American Industrial Hygiene Association] Technical Guide, those were intended only as examples to describe the conceptual model and that the use of 1 km, 10 km, and 100 km zones was not meant to imply any actual relevance to real situations."

Policy considerations: As AB 1795 moves forward, the author may wish to consider the following policy questions:

1) *What happens if no one designates a smoke exposure zone, even in high wind events that could blow smoke debris and contaminants beyond high-impact zone boundaries?* As noted above, AB 1795 uses a two-tiered framework for the application of contaminant sampling, testing, and screening standards and determination of insurance coverage requirements. The impact zones—divided into a high-impact zone (the area within the fire perimeter and within 6 miles of the perimeter), moderate-impact zone (the area that is 6-12 miles from the fire perimeter), and low-impact zone (the area beyond 12 miles of the perimeter)—would function as the "default" approach, with the strongest standards applying to homes in the high-impact zone and lesser standards applying to homes in the moderate- and low-impact zones. However, out of recognition that contaminant dispersal may not always fit cleanly into this default model, especially when a smoke plume is driven by strong winds, AB 1795 provides an alternative option: designation of a geographic region as a "smoke exposure zone." The same standards established for a "high-impact zone" would apply to this smoke exposure zone.

The adaptability of this approach makes sense, given that wildfires are dynamic events and no two fires are exactly alike. However, AB 1795 does not specify the conditions under which a smoke exposure zone would need to be created, and no entity is required to establish a smoke exposure zone, though any of several agencies identified in the bill (CalEPA, CAL FIRE, or a city or county public health or safety agency) could choose to do so. This design allows for the possibility that no agency would designate a smoke exposure zone, even for a fire in which strong winds blow significant WUI debris and smoke beyond 6 miles of the fire perimeter. In this situation, homes that may be heavily impacted, but are beyond the boundaries of the default high-impact zone (i.e., more than 6 miles from the fire perimeter), would not benefit from application of CalEPA's strictest standards. Notably, as shown above, satellite imagery shows that for at least part of the time that the 2025 Eaton Fire was burning, the smoke plume blew from the fire perimeter out to the Pacific coast (near Rancho Palos Verdes), covering a straight-line distance that exceeded 30 miles from the fire.

2) *Is 120 days enough time for people to file a claim, given the time it might take for residents to regain access to their homes and for government agencies to complete toxic debris removal for nearby destroyed homes?* AB 1795 specifies a list of conditions and limitations that apply to covered smoke damage claims, including that insured individuals must provide notice of their claim within 120 days after a wildfire has reached 100% containment; otherwise, they risk having their claim subjected to a "sublimit of no less than 10% of the policy limits." This timeframe might not fully account for the time it may take for residents to be able to return to their properties in the aftermath of a fire, or the time it may take a resident to determine that their home might be contaminated. In addition, active Phase I and Phase II efforts to clear highly toxic debris—including household hazardous waste and contaminant-laden ash—from neighboring properties can take months, and in the process remobilize contaminants within the immediate area. In the case of the Eaton and Palisades fires, the U.S. Army Corps of Engineers did not clear its final property until late August 2025, nearly seven months after the fires were fully contained.

3) *What if CalEPA's standards and industry standards differ?* AB 1795 requires an insurance estimate to "be for an amount that will restore the damaged property to no less than its condition before the loss and allow for restoration to be completed in a manner that exceeds [CalEPA's standards] and accepted trade and industry standards…" As noted below, stakeholders from impacted communities have raised concerns that CalEPA's health-based standards may not prevail, in situations where CalEPA's standards and "accepted trade and industry standards" do not align.

Author's amendment: Due to the pressing nature and human health implications of wildfire contamination issues, the author wishes to amend AB 1795 to add an urgency clause.

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 more frequent wildfires. Two bills this year—AB 1795 and AB 1642 (Harabedian, heard previously in the Environmental Safety & Toxic Materials Committee and now pending before the Assembly Appropriations Committee)—have taken up the challenge of tackling this issue and advancing critical conversations about how to approach it. This is no small task given that this is, in many ways, uncharted territory.

AB 1795 requires CalEPA to develop health-based standards for sampling, testing, and chemical screening levels for homes that have sustained smoke damage as a result of a WUI fire or urban conflagration, and establishes a framework for the application and implementation of these standards. Given the urgency and complexity of this problem, ongoing stakeholder engagement will be essential as efforts to "build this plane" move forward.

Arguments in support: According to Ricardo Lara, Insurance Commissioner at CDI:

> "California has experienced record-breaking wildfires, including the January 2025 Eaton and Palisades Fires, which destroyed thousands of homes and left many more contaminated by

smoke, soot, ash, char, and other hazardous substances. Thousands of smoke-damage insurance claims have since been filed. Because no authoritative, enforceable standards exist for testing or remediating smoke damage, survivors report inconsistent claims handling, partial or total denials, and refusals by insurers to pay for pre- or post-remediation testing. CDI has taken executive actions—including consumer bulletins, enforcement actions, and investigations—but the absence of standards has resulted in a patchwork of insurer practices. In response to the January 2025 fires, I convened a Smoke Claims and Remediation Task Force to develop recommendations for statewide standards and insurance coverage expectations.

Residential property insurance policies that cover the peril of fire also cover smoke damage caused by fire, and insurers are required to cover restoration of properties to pre-loss condition. However, California has no statewide standards governing the inspection or testing of smoke-damaged homes, no minimum sampling or clearance protocols, no mandated remediation methods, and no training or certification requirements for professionals who assess or remediate smoke damage…The absence of enforceable standards has resulted in inconsistent insurer practices, including denials of testing, partial claim denials, and refusals to reimburse for pre- or post-remediation testing. Homeowners and tenants face uncertainty about whether their homes are safe to reenter, and many have been forced to pay for testing or remediation out of pocket. Without statewide standards, neither insurers nor regulators have a clear framework to ensure that smoke-damaged homes are restored to safe, habitable, pre-loss condition, and the resulting instability contributes to rising costs in the residential property insurance market.

AB 1795 would create a comprehensive statewide framework for residential property insurance policies to ensure consistent, science-based handling of smoke-damage claims. It will establish minimum protocols for inspection, sampling, and testing of smoke-related contaminants and sets clear thresholds for determining whether a property is safe. This bill will mandate insurer compliance with remediation protocols and clarify their obligation to cover the cost of restoring properties to a pre-loss condition. Finally, AB 1795 also identifies the state agencies responsible for implementing and enforcing the standards and creates penalties for noncompliance."

Arguments in opposition: Writing in an opposed-unless-amended position, a coalition that includes several community-based organizations describes several concerns, including the following:

"The testing provisions in Section 25405 [of AB 1795] are a step in the right direction. But several provisions will undermine the bill's own goals. This letter addresses the health and safety concerns within this committee's jurisdiction…

Issue 1—No Causation Presumption

When contamination is found in a standing home, it has to be linked to the fire to matter. That is not simple. Insurers routinely claim contamination is pre-existing. Homeowners are left trying to prove causation substance by substance while still living in the home.

AB 1642 (Harabedian) addresses this with a rebuttable presumption: if WUI debris is present and contamination is detected, a rebuttable presumption assumes that the fire caused it. The burden then shifts to the insurer to prove otherwise. AB 1795 has no such presumption. Without it, the testing standards this bill creates will be much harder to act on…

Issue 2—The Testing Standard Is Built on Visual Inspection, Not Science

Section 2060.2(g) ties restoration to 'accepted trade and industry standards.' In practice, that means the Institute of Inspection, Cleaning and Restoration Certification (IICRC) guide. The IICRC guide starts with a visual and odor inspection to decide whether chemical testing is even needed at all. A home that looks and smells clean may never be tested for lead, asbestos, or heavy metals.

The IICRC acknowledged in its March 6 letter to the Legislature that it is only now convening a group of experts to evaluate wildfire-specific updates to its standard. The bill would codify a standard its own authors say is not yet ready. That is not a science-based approach…

Issue 3—Pre- and Post-Remediation Testing Is Not Mandatory

The bill says insurers pay for testing 'required pursuant to CalEPA guidance.' But under the IICRC protocols the bill references, chemical testing can be skipped entirely if a visual inspection does not flag a high risk. A file can be closed without a single lab result.

Pre-remediation testing identifies what WUI fire contaminants are present and where. Post-remediation clearance testing confirms they have actually been removed. Both must be required, with no exceptions. This is the single most concrete protection this bill can provide. Even if every other provision were stripped, mandatory testing would change every smoke damage claim in California…

Issue 4—The Zone Framework Is Built on the Wrong Fire

The IICRC guide uses the 2011 Bastrop County fire as its baseline for contamination zones. Bastrop had 0.05 homes per acre. The Eaton Fire had 0.67 homes per acre. That is more than 13 times denser.

In Bastrop, the fire consumed forested land. In Altadena, it consumed thousands of homes filled with lead paint, asbestos, treated lumber, plastics, and electronics. Contamination from urban WUI fires does not dissipate the way rural fire data suggests. In high-density neighborhoods, the near-field zone of one destroyed home overlaps with the standing home next door. Structural ash containing lead and asbestos infiltrates HVAC systems of neighboring homes. Bastrop-based zones do not account for this…

Issue 5—The 120-Day Deadline Prevents Proper Scientific Assessment

Section 2060.2(h) gives homeowners 120 days from fire containment to file a claim or lose 90% of their coverage. The Eaton Fire reached containment January 31, 2025. Debris removal was not completed until August 14, 2025. That is 195 days. Many standing homes

adjacent to total-loss properties could not be accessed or professionally tested until debris removal was complete.

The deadline runs out before families can get into their homes to assess contamination. Many contaminants are invisible. They require professional testing to detect. A 120-day window that runs from containment, not from discovery, penalizes homeowners for following the science. For January 2025 fire claimants, this deadline has already passed…

Issue 6—AB 1795 Should Align with AB 1642 on Definitions and Scope

AB 1642 (Harabedian) includes definitions and provisions that AB 1795 should adopt. Specifically: the definitions of clearance, contamination, and hazardous chemicals in AB 1642 Part 3 Section 13980, and the minimum science-informed health-based standards for testing and screening levels in Sections 13982 and 13983.

AB 1642 also ensures these standards apply to schools, workplaces, and other structures, not just residential homes. The January 2025 fires contaminated all of these. AB 1795 should not create a narrower framework that leaves those structures out…

Issue 7—Protections Should Not Depend on an Emergency Declaration

AB 1795's definitions of wildfire, wildland-urban interface fire, and urban conflagration each require a declared state of emergency under Government Code Section 8558. A WUI fire that contaminates standing homes does not become less hazardous because a declaration was not issued.

Tying health and safety protections to a political threshold leaves families unprotected in any future WUI fire that falls short of the emergency declaration, regardless of what the contamination data shows."

Writing in opposition, a coalition of groups comprised of the American Property Casualty Insurance Association, the National Association of Mutual Insurance Companies, Pacific Association of Domestic Insurance Companies, and the Personal Insurance Federation of California describes several concerns, including the following:

"AB 1795 introduces a comprehensive new framework governing wildfire smoke testing, remediation, and insurance claims handling. While intended to improve consistency and consumer outcomes, several provisions raise significant concerns for insurers related to contract certainty, retroactive application, operational feasibility, and cost escalation…

Undefined standards for 'clearance for habitation': The bill repeatedly conditions insurer obligations—particularly Adjusted Living Expenses (ALE)—on a property being 'cleared for habitation,' but does not define clearance thresholds. This creates uncertainty about when coverage obligations end and invites dispute. Absent a defined endpoint, insurers, homeowners, and regulators are left without a clear standard for when coverage obligations conclude, increasing the likelihood of dispute and litigation.

Potential expansion beyond insured property: References to remediation frameworks analogous to 'residential soil evaluation' raise concern that standards could extend to soil, ambient air, or broader environmental conditions, which are typically outside property insurance coverage…

Exemption from the Administrative Procedures Act (APA): The APA is critical in ensuring that regulations are fair and conform with the duties, obligations, and authority that is granted to the regulating body. By exempting emergency action from the APA this bill curtails that legal protection. Agencies do not need to be exempted from the APA in order to act quickly in the face of an emergency. Authority exists through emergency regulation to ensure that the correct entity can act expeditiously where needed…

Fragmented regulatory authority: Claims obligations may be driven by standards issued by CalEPA, CDI, state public health agencies, local health departments, or other governmental entities, creating a patchwork of potentially inconsistent requirements which could be subject to political influence and fall outside assigned legal authority and jurisdiction. Allowing multiple state and local agencies to issue guidance that directly governs insurance claims handling risks inconsistent, overlapping, or conflicting requirements. This fragmentation creates uncertainty for homeowners and insurers and increases the likelihood of uneven enforcement…

Mandated testing and remediation obligations: Requirements that insurers pay for testing—potentially regardless of necessity or proportionality—risk increasing claim severity and loss adjustment expenses. Mandatory testing that is not tied to demonstrable property damage risks driving up claim severity and adjustment costs without improving outcomes for homeowners…

The fire zones described in the bill do not conform with the existing professional guidance by the American Industrial Hygiene Association (AIHA) and the Institute for Inspection, Cleaning, and Restoration Certification (IICRC). These zones have the potential of creating windfall payments to individuals well outside the impact area by establishing a high-impact zone 6 miles wide, whether upwind or downwind of the fire. These zones must be aligned with existing science and the presumptions must be adjusted to ensure that there is protection for those impacted, without enriching those who are not.

Recent public-agency sampling and independent analyses further underscore the importance of proportional, targeted testing approaches. Large-scale soil sampling conducted by Los Angeles County following the Eaton and Palisades fires identified lead as the primary contaminant of concern, while findings for many other chemicals commonly cited in policy discussions were localized, limited, or consistent with background conditions rather than widespread fire-related impacts. Public health agencies emphasized that these results are intended for health-protective screening purposes, do not mandate cleanup, and should not be used as clearance or habitability determinations. These findings caution against broad, default testing mandates for expansive contaminant panels absent property-specific indicators, and support a more evidence-based approach to post-fire assessment.

Recent experience in other states further underscores the importance of careful scientific vetting before standards are codified. In Colorado, significant stakeholder concerns regarding the scientific assumptions and methodologies in a smoke remediation study draft report led the Division of Insurance to seek external review and ultimately withdraw the draft report. That experience highlights the legal and regulatory risks of advancing policy based on unsettled or misapplied science."

Double referral: Should AB 1795 be approved by the Assembly Environmental Safety & Toxic Materials Committee, it will be re-referred to the Assembly Insurance Committee.

Related legislation:

1) AB 1642 (Harabedian). Establishes the Wildfire Environmental Safety and Testing Act (Act), which, among other things, requires DTSC, by July 1, 2027, 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 WUI fire; requires, by July 1, 2028, DTSC to adopt non-emergency regulations specifying standards for additional contaminants; provides that the Act is an urgency statute. This bill is pending before the Assembly Appropriations Committee.

2) AB 1 (Connolly, Chapter 472, Statutes of 2025). Requires, 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.

3) SB 1176 (Niello, 2024). Would have required CAL FIRE, 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.

4) AB 541 (Wood, Chapter 530, Statutes of 2023). Requires the 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.

REGISTERED SUPPORT / OPPOSITION:

Support

Insurance Commissioner Ricardo Lara, California Department of Insurance (sponsor)
City of Los Alamitos

Opposition

After the Fire
Altadena Arts
Altadena Colab
Altagether
American Property Casualty Insurance Association
Biomax Environmental
California Community Foundation
Civic Sundays
Consumer Watchdog
Dena Rise Up
Eaton Fire Renters Coalition
Eaton Fire Residents United
Glendale Environmental Coalition
Hello Claire
Hollly Wyman Design
Indivisible Alta Pasadena
Joan Collaborative
L.A. Voice
LA Standing Homes
Long Beach Alliance for Clean Energy
National Association of Mutual Insurance Companies
McClain Consulting Services
My Tribe Rise
Pacific Association of Domestic Insurance Companies
Personal Insurance Federation of California
266 Individuals

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