

September 11, 2026
Via online: gov.ca.gov/contact

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

**RE: AB 1642 (Harabedian) – Wildfires: Contamination Standards and AB 1795 (Gipson) –
Smoke Damage Recovery Act – REQUEST FOR VETO**

Dear Governor Newsom,

The California Industrial Hygiene Council (CIHC), respectfully requests that you **VETO
Assembly Bill 1642 (AB 1642) and Assembly Bill 1795 (AB 1795).**

Our principal concern is that the bills circumvent the regulatory process to create the appearance of scientifically established wildfire clearance criteria where such criteria do not presently exist. These “clearance” criteria will affect critical decisions regarding safe occupancy, insurance coverage for damage, and provisions for financial support.

CIHC strongly supports the development of scientifically sound, consistent guidance for evaluating and remediating properties affected by wildfires. California residents, schools, employers, insurers, restoration contractors, and environmental professionals would all benefit from a clearer framework for addressing post-wildfire contamination.

Unfortunately, the substantially revised versions of AB 1642 and AB 1795 that emerged in the closing days of the legislative session do not yet provide such a framework. Instead, AB 1642 establishes interim clearance requirements for occupancy using standards developed for fundamentally different purposes, directs agencies to develop broader criteria years later, and exempts much of that work from the normal regulatory process.

AB 1642 provides that, until the Department of Toxic Substances Control (DTSC) develops wildfire-specific regulations, interim criteria for establishing clearance for human occupancy relative to wildfire-caused lead and asbestos contamination of residential properties within a wildfire impact zone will be set at existing federal and state lead post-abatement criteria established for lead-based paint and asbestos-containing building materials abatement. The lead values incorporated by the bill, 5 µg/ft² for floors, 40 µg/ft² for interior windowsills, and 100 µg/ft² for window troughs, were developed as post-abatement dust-lead criteria under the federal lead-based paint program. For asbestos, AB 1642 references that properties shall be evaluated for asbestos and remediated in compliance with Title 8 California Code of Regulations

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(CCR) §1529, which regulates exposure to asbestos during construction. These levels were not developed to apply to wildfire impacted buildings. They cannot distinguish wildfire-generated lead and asbestos from preexisting residential lead and asbestos contamination, determine whether a wildfire materially contributed to lead and asbestos contamination for a particular property, or establish comprehensive post-wildfire habitability.

CIHC is concerned that the regulations and guidance developed under AB 1642 are exempted from the Administrative Procedure Act. Public workshops are valuable, but they are not a substitute for the structured scientific and technical review, notice, comment, response, and administrative record associated with formal rulemaking, particularly when the resulting criteria will determine whether Californians may safely occupy their homes and will have significant implications for insurance coverage and remediation costs.

These concerns are magnified because AB 1795 is linked to AB 1642. AB 1642 directs state agencies to develop wildfire-specific regulations and guidance while AB 1795 uses that framework to determine insurance responsibilities, additional living expense coverage, remediation costs, property restoration, and occupancy clearance. In effect, California would establish legal consequences before completing the scientific framework on which those consequences should depend.

Industrial hygiene assessments require more than comparison of an analytical result to a numerical screening value. Determining whether contamination is attributable to a wildfire, whether measured concentrations are distinguishable from background conditions, whether a sampling strategy is representative, whether remediation has been effective, and whether conditions are appropriate for human occupancy all require professional judgment concerning exposure pathways, sampling methodology, analytical limitations, building conditions, contaminant distribution, and susceptible populations.

These principles are reflected in existing professional guidance, including the American Industrial Hygiene Association (AIHA) *Technical Guide for Wildfire Impact Assessments for the OEHHS Professional*. The AIHA Technical Guide provides a science-based framework for conducting wildfire impact assessments, including development of an assessment strategy, evaluation of background conditions and potential sources, selection of appropriate sampling and analytical methods, interpretation of results, and consideration of building-specific conditions. While the guide does not establish regulatory clearance criteria, it represents recognized professional guidance for evaluating wildfire impacts and illustrates why a comprehensive assessment cannot be reduced to comparison of individual analytical results against numerical values developed for unrelated purposes.

The need for better post-wildfire guidance is critical and urgent; but it is also important that such guidance be developed with the rigorous scientific and technical review warranted to ensure the health and safety of Californians. That is why California should take the time necessary to develop a defensible, science-based framework before attaching regulatory and financial consequences to it.

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CIHC would welcome the opportunity to work with your Administration, DTSC, OEHHA, CARB, the Department of Public Health, the Department of Insurance, and other stakeholders on revised legislation that establishes a multidisciplinary technical process that distinguishes screening values from clearance criteria, addresses and accounts for background contamination and source attribution, defines appropriate sampling and data quality requirements, and ensures that qualified industrial hygienists and other environmental health professionals are appropriately included.

For these reasons, the California Industrial Hygiene Council respectfully requests your **VETO of AB 1642 and AB 1795.**

The CIHC, founded in 1990, represents the occupational and environmental health profession in California and is affiliated with the national American Industrial Hygiene Association (AIHA), an 8,000-member organization. The CIHC is formally comprised of occupational and environmental health and safety professionals who are members of the five California AIHA local sections represented by the CIHC Board of Directors. The CIHC's mission is to provide sound scientific and technological input to the regulatory and legislative process, and establish a legislative presence in the state Capitol through professional representation. CIHC appreciates the opportunity to provide comments to support your VETO of AB 1642 and AB 1795. We are available to answer questions or provide additional information concerning the above-stated comments. On behalf of CIHC, I may be reached by telephone at 858-247-1050 or megan.canright@facs.com.

Very truly yours,
California Industrial Hygiene Council (CIHC)



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