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California sets standards for homes tainted by smoke

Translate



The backyard of a home in the Pacific Palisades neighborhood of Los Angeles in May 2025, in the aftermath of the Palisades fire. TAG CHRISTOF — NEW YORK TIMES FILE

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The New York Times

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Gov. Gavin Newsom of California signed legislation Tuesday establishing what supporters say is the country's first science-based standard for determining when a home impacted by a wildfire is safe to occupy.

The legislation addresses a basic question that has become the source of a protracted dispute between insurance companies and homeowners after the January 2025 Eaton and Palisades fires: How clean is clean enough?

Until now, California had no uniform, statewide standard for determining when a smoke-contaminated home was safe for a family to reoccupy. In that vacuum, homeowners and their insurers battled over what contaminants they should test for, what levels were considered dangerous and how extensively a house needed to be cleaned.

Assembly Bill 1642 places those determinations in the hands of the state's health and environmental agencies.

"Science, not an insurance company's opinions, will determine whether a home is safe," said California Assembly member John Harabedian, the author of the bill, in a statement. His district includes the community of Altadena, where thousands of standing homes were impacted by toxic smoke and many remain unoccupied.

AB 1642 gives the California Department of Toxic Substances Control two years to develop standards for testing and removing contaminants carried by smoke. The list of contaminants that will be addressed by the new law include the so-called CAM-17 panel, which includes heavy metals such as beryllium and lead. Separately, the law calls for testing other toxins including cyanide, manganese and lithium.

"Up until this bill was signed, there were no objective standards based on science," Harabedian said in an interview, adding that the bill was in part catalyzed by investigations by The New York Times, which shed light on the extent of the contamination and the impact on public health.

The law, which was sponsored by Eaton Fire Residents United — a community group that emerged in Altadena when homeowners met and began posting their lab tests showing contamination from the smoke — dovetails with AB 1795, which also was signed by Newsom on Tuesday.

Whereas AB 1642 requires the state to create the standard for each contaminant and requires that homes exposed to wildfire smoke be tested before and after remediation, AB 1795 lays out how insurers will need to address smoke contamination. Going forward, insurers will be required to pay for testing, and they will not be allowed to end payments for a policyholder's rental unit and other additional living expenses until the home has been restored and is deemed safe to occupy.

Both bills state that if debris from the fire is found inside a home within the perimeter of the wildfire impact zone, then it is presumed to be a result of the fire.

Following the Los Angeles fires, insurers routinely argued that contaminants found inside the home predated the blaze.

The insurance industry opposed the bills "vigorously," Harabedian said.

In an email, Nicole Ganley, the assistant vice president for public affairs of the American Property Casualty Insurance Association, a trade group representing the insurance industry, said that the group had "opposed both bills as introduced because they contained provisions that raised significant concerns regarding cost, implementation and consistency with established smoke-testing and remediation practices."

Dr. Francois Tissot, an isotope geochemist at the California Institute of Technology, whose own home in Altadena was contaminated by smoke and who remains displaced, said that the two bills will go a long way to addressing the systemic issues faced by homeowners like him.

"First, it makes it mandatory for insurers to test for contaminants. This seems obvious but a lot of families had to fight to even get simple testing done," said Tissot, who was part of the working group that finessed the language in each bill. "Second, if contaminants are found, it creates the presumption that they come from the fire — no more excuses from insurers such as, 'You have a fireplace and use candles,' " he wrote in a text exchange.

Legislators said they are hopeful that these bills could set the stage for nationwide change. Together, they address what Tissot describes as a “curse in disguise” — the experience of having your home survive a historic fire only to realize that you might have been better off if your home had burned to the ground.

“Families look like they avoided the worst: They haven’t lost their homes to the flames. And yet they need to discard their belongings, their home is unsafe, and they have to fight to even have their loss be even recognized, let alone addressed properly,” he said.

