



April 7, 2026

Assemblymember Damon Connolly
Chair, Environmental Safety and Toxic Materials Committee
1021 O Street, Suite 5240
Sacramento, CA 95814

Re: AB 1795, Position: **Support if Amended**

Dear Chair Connolly and Members of the Committee:

AB 1795 (Gipson) will soon be before your Committee for consideration, and we write on behalf of United Policyholders (“UP”) and the insurance consumers we serve to express our conditional support for the measure and respectfully request additional amendments so the bill can complement AB1642, (already voted out of this Committee) and together the bills will update California law with health and science-based standards *and* WUI fire damage claim handling standards.

We commend Assemblymember Gipson for introducing legislation that recognizes the health risks associated with Wildland-Urban Interface (WUI) fire contaminants found in residential settings as well as the pressing need for updated science and health-based standards *and* insurance claim handling protocols. We recognize and appreciate the leadership of the California Department of Insurance in elevating post-WUI fire recovery challenges and working to reinforce and clarify insurer obligations to restore damaged homes to pre-loss condition.

We have conveyed our requested amendments to the author and sponsor and hope to continue to contribute to discussions with them and other stakeholders as AB 1795 advances through Legislature. We appreciate the amendments the sponsor recently made, they are a step in the right direction.

Through the Roadmap to Recovery® education and consumer advocacy work that United Policyholders has been doing in wildfire-impacted regions for nearly three and a half decades, we have been helping insured “partial loss” (“standing home”) property owners whose homes and businesses have been damaged but not destroyed and who are embroiled in costly, stressful and time-consuming fights with insurance companies. Through print and digital publications, workshops, webinars and a “[Smoke Damage and Remediation Resources](https://uphelp.org/smokedamage-2/)” online library¹, UP is helping property owners navigate this challenging terrain. We were proud to contribute to the California Insurance Commissioner’s Smoke Damage and Remediation Task Force’s fact gathering efforts.

¹ <https://uphelp.org/smokedamage-2/>

AB 1795 reflects the critical and timely need to address the harsh realities of WUI fires and Urban Conflagrations. The challenge created by WUI fires is not simply the presence of smoke; it's the "chemical soup" mix of contaminants. WUI fire survivors, and insurers, need consistent, science-based standards to determine whether homes are safe to occupy, and to guide property cleanup and recovery.

In the absence of established health and safety standards related to WUI fire contaminants, insurers continue to rely on outdated and superficial cleaning approaches, withhold approval for necessary work, and deny claims for lack of an objective basis to approve testing, remediation or coverage. This approach is currently impacting many of the 13,000 standing-home claims policyholders filed due to the smoke damage caused by the Palisades and Eaton fires and it is severely impeding their ability to recover and repair their homes.

United Policyholders strongly supports the bill's intent; however, as drafted, AB 1795 is susceptible to being relied on by insurers to continue their current claims practices that have left wildfire survivors without adequate protection. By referencing "industry and trade standards" this bill fails to close a critical gap: the lack of insurer covered mandatory pre and post remediation testing and enforceable independent testing, remediation and clearance standards necessary to determine whether a home is safe and restored to its pre-loss condition.

To ensure AB 1795 fulfills its purpose, we respectfully urge the Committee to incorporate the following recommendations as amendments:

- Insurers must authorize and pay for the comprehensive, independent environmental testing of homes in WUI fire affected areas where contamination is reasonably suspected. California insurance policies cover all loss from fire and insurers must bear the cost of investigation, testing, and necessary remediation related to WUI fire contamination. Survivors should not bear the financial burden of proving or addressing damage caused by a covered peril.
- Testing protocols should reflect the full range of potential wildfire-related contaminants, including, but not limited to, heavy metals, WUI fire by-products, volatile organic compounds, and fine particulates that reflects the realities of WUI fire contamination, and not the minimal or outdated protocols currently being used. In the absence of definitive standards, insurers should err on the side of protecting health and safety and not on minimizing payouts
- AB 1795 should Include a rebuttable presumption that if WUI debris is present in a residential property anywhere within the default impact zones as defined in AB1795 after a wildland-urban interface fire or urban conflagration, any identified hazardous contamination in the property is the result of that wildfire, regardless of the impact zone classification of the property.

- The objective default impact zones, which AB 1795 currently defines based on distance of a residential structure from the fire perimeter, shall at a minimum include all properties within the fire perimeter as established by the Department of Forestry and Fire Protection in consultation with the Office of Emergency Services and all properties in adjacent zip codes as defined by SB 824 for a specific wildfire in the “High Impact Zone.” The current distances for the “moderate and low impact” zones are adequate; however they should not be subject to any “lesser standards” (see Sec 3. 25405 (b) (1) (B)) related to the minimum testing, remediation and restoration of a property to pre-loss standards to be created by this bill or as currently referred to as the “all fire loss” statute.
- The California Environmental Protection Agency, the Department of Forestry and Fire Protection, and a city or county public health or safety agency may not designate a smoke exposure zone which decreases the minimum default zones for a specific wildfire.
- The provisions of AB 1795 should not only be contingent upon a declared state of emergency. AB 1795 should also be in effect based on an objective standard which is established independent of an official emergency declaration such as a prescribed minimum number of impacted homes or geographic area affected by a WUI fire or Urban Conflagration.
- AB 1795 currently states that insurers’ obligation is to comply with “accepted trade and industry standards,” yet current standards have proven inadequate. AB 1795 currently contains no restoration standard ensuring a home is cleared of contaminants and is safe to inhabit post WUI Fire. The “accepted trade and industry standards,” for restoration currently included in AB 1795 conflicts with 10 CCR § 2695.9; our state’s Fair Claims Settlement Practices regulation governing first-party residential property claims. 10 CCR § 2695.9 already establishes the framework for how insurers must adjust property losses and restore damaged properties. That regulation does not reference “accepted trade and industry standards,” does not defer to IICRC or RIA guides, and does not limit the insurer’s restoration obligation to compliance with industry-developed checklists like those found in the [IICRC technical guidance](#) which states the following as the starting point of smoke exposure investigation as to “*identify the presence of wildfire related combustion byproducts through **visual and sensory inspection** and identify key risk factors. This initial evaluation determines whether restoration can begin immediately or if a more detailed, scientific assessment by a qualified third-party professional is necessary.*” These “industry and trade” standards are **not** based on science-informed, health-based standards and do not establish protocols for: investigation, pre and post remediation testing, minimum contaminant screening levels, remediation and clearance of heavy metals, SVOCs, asbestos, or combustion byproducts which have been documented in WUI-fire-contaminated standing homes and do not require insurers to restore these standing homes to their pre-loss condition.

- The AB 1795 current language requiring a 120-day notice of claims deadline and corresponding penalty if missed creates an arbitrary deadline for a policyholder's intent to file a claim that does not allow for the thorough investigation and discovery of WUI fire contamination. The duration of this claim window is also incompatible with the amount of time it takes for debris removal to be completed after a WUI Fire disaster, which impedes the investigation, testing and remediation of standing homes. We recommend allowing for a minimum of 180 days with three-month extensions for extenuating circumstances and a penalty no greater than 50% if the notice deadline is missed.
- The training and certification of all entities involved in environmental testing, remediation, restoration, and claims adjusting - including but not limited to all claims related industry and trade professionals, industrial hygienists, insurance adjusters or public insurance adjusters must be based on the standards created by the bill including the minimum sampling, testing, and chemical screening levels developed by California EPA for properties that have sustained smoke damage as a result of a wildland-urban interface fire or urban conflagration.

It is true that comprehensive, universally accepted standards for measuring WUI fire contamination are still evolving, but when credible evidence points to contaminants that are present in a home, that gap should not be used as justification to deny coverage, it should be a reason for investigation. Policyholders reasonably expect their insurer to indemnify them in case of loss and cover the cost of restoring their property to pre-loss condition, up to policy limits.

With the amendments outlined above, AB1795 can provide the clarity, consistency, and consumer protections that California homeowners urgently need. We respectfully urge the Committee to advance AB 1795 with these improvements to ensure wildfire survivors are not left in uncertainty about the safety of their homes or the coverage they depend on.

Other environmental hazards like mold, asbestos, or lead also went through periods of scientific uncertainty. Insurers did not get to opt out during those transitions. They adapted and participated in shaping best practices.

Wildfire survivors deserve no less.



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