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August 14, 2026

Yana Garcia,
Secretary California Environmental Protection Agency
1001 I Street, P.O. Box 2815
Sacramento, CA 95812

Re: Bay Area Legislative Caucus Recommendations on CalEPA's 2026 Disadvantaged Communities (DACs) Designation

Dear Secretary Garcia,

We write on behalf of the Bay Area Legislative Caucus to respectfully request that CalEPA modify the proposed 2026 Disadvantaged Communities (DAC) designation criteria to ensure environmental justice (EJ) communities across the Bay Area are fairly represented and prioritized for critical equity investments.

While the intention behind CES is vital, persistent structural limitations and data gaps continue to systematically underrepresent the Bay Area. The tool's methodology frequently overlooks hyper-localized urban stressors, such as housing insecurity, overcrowding, and cost-of-living disparities. The latest version CES 5.0 has not improved these issues, but rather exacerbated them. CES 5.0 continues to miss key census tracts in the Mission, Chinatown, Fillmore, Daly City, and San Rafael. Additionally, tracts in San Francisco's SoMa, Oakland, Richmond/San Pablo, Martinez, San Jose, East Palo Alto, Berkeley/Emeryville, and Hayward that have previously qualified under CES 3.0 will be removed. Without DAC recognition, it is more challenging for these communities to access critical resources for affordable housing, clean transportation, public health, and other programs.

The Bay Area Legislative Caucus has raised concerns across every CES iteration—including CES 2.0 (2014), CES 3.0 (2017), CES 4.0 (2021), and the current draft CES 5.0 (2026). Despite over a decade of feedback from local leadership, community-based organizations, and local agencies, historically underserved Bay Area communities remain excluded from DAC status. While there are public workshop and comment opportunities in both the CES and DAC designation process, we are concerned that our feedback has not been meaningfully integrated.

After OEHHA hosted public engagement on Draft CES 5.0, last minute changes to methodology removed 17 Bay Area tracts, doubling back on recognition of communities in the Tenderloin, Chinatown, San Pablo, Monument Corridor, and South San Francisco, among others.

Recommendations to Improve CalEPA's 2026 DAC Designation:

1. Expand the CES 5.0 Threshold from Top 25% to Top 35%

Broadening the DAC threshold to the top 35% helps address CalEnviroScreen's algorithmic bias against dense urban areas, and ensures more communities can qualify for DAC status. This also aligns with the 35% statewide California Climate Investments target established under AB 1550 (Gomez, 2016). This path expands coverage in San Francisco (the Tenderloin, Chinatown, Bayview Hunters Point, SoMa, and the Mission District), and the Bay Area (South Bay, West/Downtown Oakland, East Oakland, Richmond/San Pablo, and the Monument Corridor).

2. Establish a ½-Mile Geographic Buffer Around Top 25% as DACs

Establishing a ½ mile buffer helps ensure more pollution-burdened communities are eligible as DACs. Environmental health hazards—such as freeway corridors, industrial zones, and port emissions—do not stop at census tract lines. A ½-mile buffer reflects public health literature on toxic exposure distances, prevents block-by-block inequities, and mirrors statutory precedent in AB 1550 that explicitly recognizes low-income households within ½ mile of a DAC as priority populations.

3. Include the Top 25% Population Burdened Tracts

Including communities who rank at the highest 25% of the population characteristics helps ensure extremely low-income and marginalized communities are prioritized for key equity investments. These communities bear a historic and continuing burden of racial, economic, and health inequities. This path expands DAC coverage in Vallejo, Oakland, Richmond, North Bay, Richmond, San Jose, and San Francisco.

4. Carry Over Legacy CES 3.0 Qualifying Tracts

Carrying over legacy DACs from CES 3.0 helps ensure continuity of funding for EJ communities. This is especially important given many neighborhood-level projects rely on sustained capital investments and institutional trust. This path expands coverage in San Francisco (SoMa) and the Bay Area (South Bay, West/Downtown Oakland, Monument Corridor, San Bruno/South San Francisco, Redwood City/Palo Alto, Hayward, and Berkeley/Emeryville), enabling continued access to critical GGRF funding for affordable housing and clean transportation options.

CalEPA's mapping methodology should serve as a tool for equity, not an administrative barrier. We respectfully ask CalEPA to incorporate some or all of these eligibility pathways into the final 2026 DAC designation. Please contact erika.romero@sen.ca.gov with any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Becker". The signature is fluid and cursive, with the first name "Josh" and last name "Becker" clearly distinguishable.

Josh Becker
Chair, Bay Area Caucus

A handwritten signature in black ink, appearing to read "Buffy Wicks". The signature is cursive and elegant, with the first name "Buffy" and last name "Wicks" clearly distinguishable.

Buffy Wicks
Vice Chair, Bay Area Caucus

A handwritten signature in black ink, appearing to read "Jesse Arreguin". The signature is cursive and fluid, with the first name "Jesse" and last name "Arreguin" clearly distinguishable.

Jesse Arreguín
Senator, 7th District

A handwritten signature in black ink, appearing to read "Anamarie Ávila Farías". The signature is cursive and fluid, with the first name "Anamarie" and last name "Ávila Farías" clearly distinguishable.

Anamarie Ávila Farías
Assemblymember, 15th District

A handwritten signature in blue ink, appearing to read "Marc Berman". The signature is cursive and fluid, with the first name "Marc" and last name "Berman" clearly distinguishable.

Marc Berman
Assemblymember, 23rd District

A handwritten signature in black ink, appearing to read "Timothy A. Grayson". The signature is cursive and fluid, with the first name "Timothy" and last name "Grayson" clearly distinguishable.

Timothy Grayson
Senator, 9th District



Liz Ortega
Assemblymember, 20th District



Diane Papan
Assemblymember, 21st District



Chris Rogers
Assemblymember, 2nd District



Catherine Stefani
Assemblymember, 19th District



Lori Wilson
Assemblymember, 11th District