



CULTIVATING JUSTICE AND BELONGING



August 13, 2026

2026 Preliminary Disadvantaged Communities Designation
California Environmental Protection Agency
1001 I Street Sacramento, CA 95814

Via email to DACinquiries@calepa.ca.gov

RE: Public Comment on the 2026 Preliminary Disadvantaged Communities (DAC) Designation

Dear CalEPA Disadvantaged Communities Designation Team,

On behalf of Land Together, we submit this public comment on CalEPA's Preliminary 2026 Disadvantaged Communities (DAC) Designation. We urge CalEPA to designate all California state prisons and county jails as disadvantaged communities, based on the conditions inside each facility, independent of the score assigned to the surrounding census tract.

CalEnviroScreen identifies the California communities most burdened by pollution and environmental hazards. It does not capture the people held in most prisons and jails. The demographic and health data behind its scores leave incarcerated people out, so the burdens they face go unrecorded. These facilities often sit in areas with prolonged unhealthy air quality, extreme heat, flood risk, and exposure to wildfire smoke and fine particulate matter.

CalEnviroScreen scores each census tract on a percentile scale from 0 to 100 by combining the tract's pollution burden with the vulnerability of its residents, and CalEPA designates the highest-scoring 25 percent as disadvantaged communities.¹ But the population and socioeconomic data behind these scores come largely from the household population, which leaves out people in prisons and jails.² A tract whose residents are mostly incarcerated has too little household data to score, so the tool often assigns it no overall percentile at all. The prison drops out as a blank tract, neither scored nor designated, even when the tracts around it rank among the most burdened in the state. Where a prison tract does receive a score, that score

¹Office of Environmental Health Hazard Assessment (OEHHA), CalEnviroScreen 5.0 Model and Scoring, oehha.ca.gov/calenviroscreen/scoring-model; California Environmental Protection Agency, 2026 Preliminary Disadvantaged Communities Designation, calepa.ca.gov/programs/dac2026.

²U.S. Census Bureau, The Inclusion of the Incarcerated Population in Income and Poverty Estimates in the American Community Survey, Working Paper SEHSD-WP2025-07. Income and poverty estimates are limited to the household population; institutional group quarters, including prisons, are excluded from the poverty universe. census.gov.

reflects the surrounding residents and the area's pollution, not the people held inside. Either way, the tool does not measure the population it holds or the hazards within its walls.

Avenal State Prison shows what the tool misses, and the hazard is current. Valley fever, a sometimes fatal illness caused by inhaling fungal spores from disturbed soil, is endemic to the San Joaquin Valley and rising fast. California reported nearly 12,500 cases in 2024, its highest year on record, and cases have kept climbing since, a surge public health officials attribute to climate change.³ OEHHA already tracks Valley fever as a climate-change indicator in its own reporting, yet CalEnviroScreen does not measure it.⁴ The surrounding community is exposed too, but the people locked inside, who cannot avoid the dust, have historically been hit far harder. From 2006 to 2013, Avenal and the neighboring Pleasant Valley State Prison were the center of California's prison Valley fever outbreak. At the 2011 peak, the two accounted for 83 percent of the state prison system's cases, and the state's own prison medical receiver found the rate at Avenal ran 189 times the statewide rate.⁵ The disease killed dozens of people held at the two prisons, more than two-thirds of them Black, and a federal court ordered roughly 2,600 high-risk prisoners moved out.⁶ Yet Avenal occupies its own census tract, and the tool leaves that tract blank, with no overall score, ringed by tracts that rank among the most burdened in the state. It is not a designated disadvantaged community, and neither the hazard nor the people it threatens appears on the map.⁷

Mule Creek State Prison makes the point from the opposite direction. It sits in rural Amador County, where the surrounding tracts carry no disadvantaged-community designation, so nothing about the area would flag the prison. Yet its water problems are litigated and documented. After reports of brownish, hot water discharging from the prison into Mule Creek, the California Sportfishing Protection Alliance and Amador County sued CDCR under the Clean Water Act, and in 2023 the state entered a consent decree agreeing to roughly \$10 million in repairs to the prison's failing sewer and stormwater systems.⁸ Those same systems run close to the drinking-water lines, and people held at Mule Creek have described two decades of foul, discolored tap water and reported illnesses. The surrounding tract's clean score says nothing about the water the people inside drink, and a tool that reads only the tract will keep missing it.

³California Department of Public Health, news release NR25-010 (August 2025): California reported nearly 12,500 Valley fever cases in 2024, the highest year on record, with cases continuing to rise in 2025. cdph.ca.gov.

⁴OEHHA, Indicators of Climate Change in California (2022), Valley Fever indicator. Statewide incidence rose nearly fivefold between 2001 and 2021. oehha.ca.gov.

⁵California Correctional Health Care Services (federal Receiver), 2012 Valley fever analysis: incidence at Avenal State Prison was approximately 189 times the statewide rate, and rates inside the two prisons far exceeded those of the surrounding non-incarcerated population; Avenal and Pleasant Valley State Prisons together accounted for 83 percent of CDCR cases in the 2011 outbreak.

⁶Order re Valley Fever, Plata v. Brown, No. C01-1351 (N.D. Cal. June 24, 2013) (requiring exclusion of high-risk prisoners from Avenal and Pleasant Valley State Prisons), cchcs.ca.gov; federal Receiver data (Valley fever contributed to dozens of deaths at the two prisons, more than two-thirds of them African American).

⁷CalEnviroScreen 5.0 results, Census Tract 6031981800 (Avenal State Prison). The tool reports no overall CalEnviroScreen 5.0 percentile for this tract "because of a low population or limited health and/or socioeconomic data." oehha.ca.gov/calenviroscreen.

⁸California Sportfishing Protection Alliance and Amador County v. California Department of Corrections and Rehabilitation (E.D. Cal., consolidated actions), alleging Clean Water Act violations for polluted stormwater discharges into Mule Creek. CDCR entered a May 2023 consent decree agreeing to approximately \$10 million in repairs to the prison's wastewater and stormwater systems. See Cal. Sportfishing Prot. All. v. Allison (E.D. Cal. 2023). Drinking-water conditions reported by The Appeal and Type Investigations (2025), theappeal.org.

The pattern is broader than these two prisons. A 2026 study found that 48.5 percent of California's incarcerated people live in the census tracts with the most frequent wildfire smoke days, compared with 25.9 percent of the non-incarcerated population.⁹

The case for treating these facilities as environmental justice communities does not rest only on where they sit. Incarcerated people have almost no way to protect themselves from these conditions. They cannot move away from the pollution or clean the air where they are held, and they cannot leave the grounds when a heat wave or a wildfire arrives. Nor did they have any voice in the choices that put the facility where it sits or shape the land around it. A census tract score reflects how a free population experiences local conditions. People locked inside a facility face those same conditions without those options, so the surrounding score does not describe their situation. For incarcerated people, the facility itself is the right unit of analysis, and it should carry an environmental justice designation on its own terms rather than inheriting the score of the surrounding area.

California's role here matters more as federal environmental protections recede. EPA removed public access to EJScreen in February 2025 and took down the Climate and Economic Justice Screening Tool the same year, and the federal government has moved to close its environmental justice offices.¹⁰ State tools now carry more of the load, and CalEnviroScreen is one of the most established of them. Keeping it complete falls to the state, and including prisons and jails closes a gap the federal government has walked away from.

Recommendations:

1. Designate all California state prisons and county jails as disadvantaged communities in the 2026 designation, based on the conditions inside each facility, independent of the surrounding census tract. This could take the form of a dedicated designation category for carceral facilities, so that a prison is not excluded simply because its tract has no CalEnviroScreen percentile.
2. Base that designation on facility-level environmental data, including air quality, extreme heat, flood risk, wildfire smoke, and soil-borne disease risk such as Valley fever, rather than on surrounding-area proxies.
3. Require CDCR and county sheriffs to report facility-level environmental and health data to OEHHA for any indicator whose current data source excludes incarcerated people.
4. Document the methodology and the decisions about how the tool represents the incarcerated population in the data.
5. Include currently and formerly incarcerated people in stakeholder engagement for future versions of the tool.

Facility-level data would also inform decisions the state already makes about prison capacity. Penal Code 2067 directs CDCR to weigh several factors as it reduces capacity and selects

⁹Differences in Long-Term Exposure to Wildfire Smoke Among People Who Are Incarcerated Compared to People Who Are Not Incarcerated in California, 2015-2020, GeoHealth (2026), doi.org/10.1029/2025GH001569.

¹⁰EPA discontinued public access to EJScreen in February 2025 and removed the Climate and Economic Justice Screening Tool in 2025. Harvard Environmental & Energy Law Program, Federal Environmental Justice Tracker, eelp.law.harvard.edu.

facilities for closure, and the statute's list of factors is not exhaustive.¹¹ Accurate environmental data on each facility would let the state consider environmental hazards as it makes those decisions.

Many of these Californians come from and return to neighborhoods that already carry heavy environmental burdens. The time they spend inside adds to that burden, and it is the piece the tool leaves out.

We request that CalEPA designate California's prisons and jails as disadvantaged communities in the final 2026 designation. Thank you for your consideration, and we welcome the chance to discuss these recommendations as CalEPA finalizes the designation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'KH', with a stylized flourish extending to the right.

Karen Hsueh
Executive Director
Land Together

¹¹Cal. Penal Code § 2067(b) (in reducing capacity, the Department of Corrections and Rehabilitation shall consider factors "including, but not limited to" those enumerated).