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August 14th, 2026

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

CC: Office of the Governor of California
 1021 O Street, Suite 9000
 Sacramento, CA 95814

Re: Brightline Defense's Comment on the California Environmental Protection Agency's (CalEPA's) Preliminary 2026 Disadvantaged Communities (DAC) Designation

Dear Secretary Garcia,

On behalf of Brightline Defense, we appreciate the opportunity to submit this comment on California Environmental Protection Agency's (CalEPA's) preliminary 2026 Disadvantaged Communities (DAC) designation. Brightline Defense is a community-based organization dedicated to advancing environmental justice. We collaborate with several dozens of nonprofits in San Francisco and the Bay Area on direct services including local air quality monitoring, youth leadership development, and job training. This on-the-ground work has given us a profound understanding of the cumulative burdens experienced by low-income tenants, immigrant communities, and communities of color across our region.

For over 10 years, California's DAC designation and its foundational mapping tool, CalEnviroScreen (CES), have failed to capture the realities of urban environmental justice communities in San Francisco and the broader Bay Area.¹ Unfortunately, CES 5.0 has become even worse at capturing these issues despite concerns raised by 100+ organizations and local government agencies in 9 workshops and 2 public comment periods in the last six months.²

¹ Brightline has repeatedly called for CalEPA and OEHHA to address methodology and data issues in the CES tool that systematically obscure urban environmental health burdens including in the 2017 and 2022 CES and DAC designation processes. See: SF Community Coalition, "Re: CalEnviroScreen 2016 Update," submitted to CalEPA October 21, 2016.

<https://drive.google.com/file/d/1ixdTp7ihfmqsDMUIOOzpR8-ZDWDifDrD/view?usp=sharing> and SF Community Coalition, "Re: Draft CalEnviroScreen 4.0," submitted to CalEPA May 14, 2021.

https://drive.google.com/file/d/1Sh0T5oNY2glaomwJW_-d5kC7juw6dykn/view?usp=sharing

² The majority of comments in the CES 5.0 docket (30+ submissions out of 58) pointed out issues with representation of the Bay Area. OEHHA, Comment Submissions - CalEnviroScreen 5.0 (Docket open 01/28/2026 until 04/01/2026).

<https://oehha.ca.gov/calenviroscreen/comments/comment-submissions-calenviroscreen-50>



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CES systematically obscures burdens in urban areas including gentrification, housing insecurity, income inequality, and local pollution sources.³ SB 535 and AB 1550 require prioritizing Greenhouse Gas Reduction Fund (GGRF) resources from the state's Cap-and-Invest program to DACs and Priority Populations, reserving at least 25% exclusively for DACs. DAC status directly influences the allocation of billions of dollars for climate, transportation, housing, public health, and more.⁴ Excluding vulnerable tracts from DAC status thereby produces severe structural inequities.

To ensure frontline communities are not systematically left behind, CalEPA must adjust the 2026 DAC designation criteria. Specifically, we request CalEPA expand the criteria to include census tracts that meet some or all the following parameters:

1. Located in a ½-mile buffer to tracts with a 25% score in CES 5.0
2. Score at the top 35% overall, or 25% of population-burden, in CES 5.0
3. Score at the top 25% in CES 3.0

Beyond this current process, we urge CalEPA to adopt comprehensive, structural reforms to the DAC framework. Future iterations should incorporate more localized data, align with regional tools, and more efficiently target resources based on local needs. The extensive and ongoing failures of CES 5.0 and DAC designation process indicate that significant overhaul is needed to realize the intent of this policy.

Section 1. CES has structural deficiencies that obscure burdens in high-cost urban areas

Since its inception, CES has suffered from well-documented structural flaws in its methodology and data collection. Chief among these is its reliance on census tract-level aggregation, which calculates a single composite score across an entire tract. In high-density, high-cost urban regions, this spatial averaging severely masks localized environmental and socioeconomic burdens.⁵ For example, regions with high-income luxury developments situated right next to

³ The flawed methodology and composite scoring have been critiqued by researchers from Johns Hopkins, Stanford, and Cornell University. Huynh et al., "Mitigating Allocative Tradeoffs". P. 189-190 <https://www.nature.com/articles/s42256-024-00793-y>

⁴ OEHHA notes that CalEnviroScreen is used by CalEPA and other state agencies to allocate funding across transportation, housing, public health, and environmental justice programs. <https://oehha.ca.gov/calenviroscreen/uses-calenviroscreen>

⁵ Huynh, Benjamin Q., et al. "Mitigating Allocative Tradeoffs and Harms in an Environmental Justice Data Tool." *Nature Machine Intelligence* 6, no. 2 (2024): 187-94. <https://doi.org/10.1038/s42256-024-00793-y>.

overcrowded Single Room Occupancy (SRO) buildings frequently yield deceptively moderate poverty scores.⁶

Additionally, the tool's indicator selection remains narrow. CES fails to account for severe indoor and localized hazards, including exposure to mold, second-hand smoke, inadequate ventilation, and extreme heat—burdens that are overwhelmingly concentrated in dense housing conditions like San Francisco's SRO buildings.⁷ Meanwhile, in-situ pollution from Superfund-eligible sites, brownfields, cleanup sites, and hazardous waste facilities remains severely underweighed in the cumulative impact calculation.⁸

Unfortunately, despite updates to the tool in 2014, 2017, and 2021 (CES 2.0, 3.0, and 4.0) paired with consistent concerns and feedback from Bay Area community leaders, CES continues to vastly underrepresent the region. CES 5.0 exacerbates these issues, with **only 6.2% of Bay Area census tracts qualifying as DACs**. While the preliminary 2026 DAC designation marginally raises this to 9.2%, this is still a stark disparity compared to the statewide average of nearly 30%.⁹

Specifically, CalEPA's preliminary 2026 DAC designation:

- **Removes 17 Bay Area census tracts identified as DACs under Draft CES 5.0**, including **6 vital tracts** across San Francisco's Tenderloin and Chinatown neighborhoods.¹⁰

⁶ See the tract level income variance in San Francisco here: Aseem Shukla and Harsha Devulapalli, "How Economically Diverse Is Your Neighborhood?," *San Francisco Chronicle*, March 2, 2026, <https://www.sfchronicle.com/projects/2026/bay-area-income-equality-map/>.

⁷ Ahn, Eddie et al. Little Room to Breathe: Evaluating Air Quality & Health Impacts in San Francisco's Single Room Occupancy (SRO) Buildings (San Francisco: Brightline Defense, July 2021), <https://mailchi.mp/a10f9a83c843/air-quality-little-room-to-breathe-report>.

Gurevich, Natalia. "For SF immigrant communities, SROs are a stop on path to 'a better environment.'" *SF Examiner*. Feb 8, 2026.

https://www.sfoxaminer.com/news/public-health/sro-life-challenges-multigenerational-sf-immigrant-family/article_a0bde7e5-8a58-47f9-a008-ac7e0a01748e.html

⁸ CES methodology weighs the 'Environmental Effects' score as half the weight of the 'Exposures' score, which reduces the scores for known hazardous waste and cleanup sites. OEHHHA, "CalEnviroScreen 5.0 Technical Report" July 2026. p. 17, 28

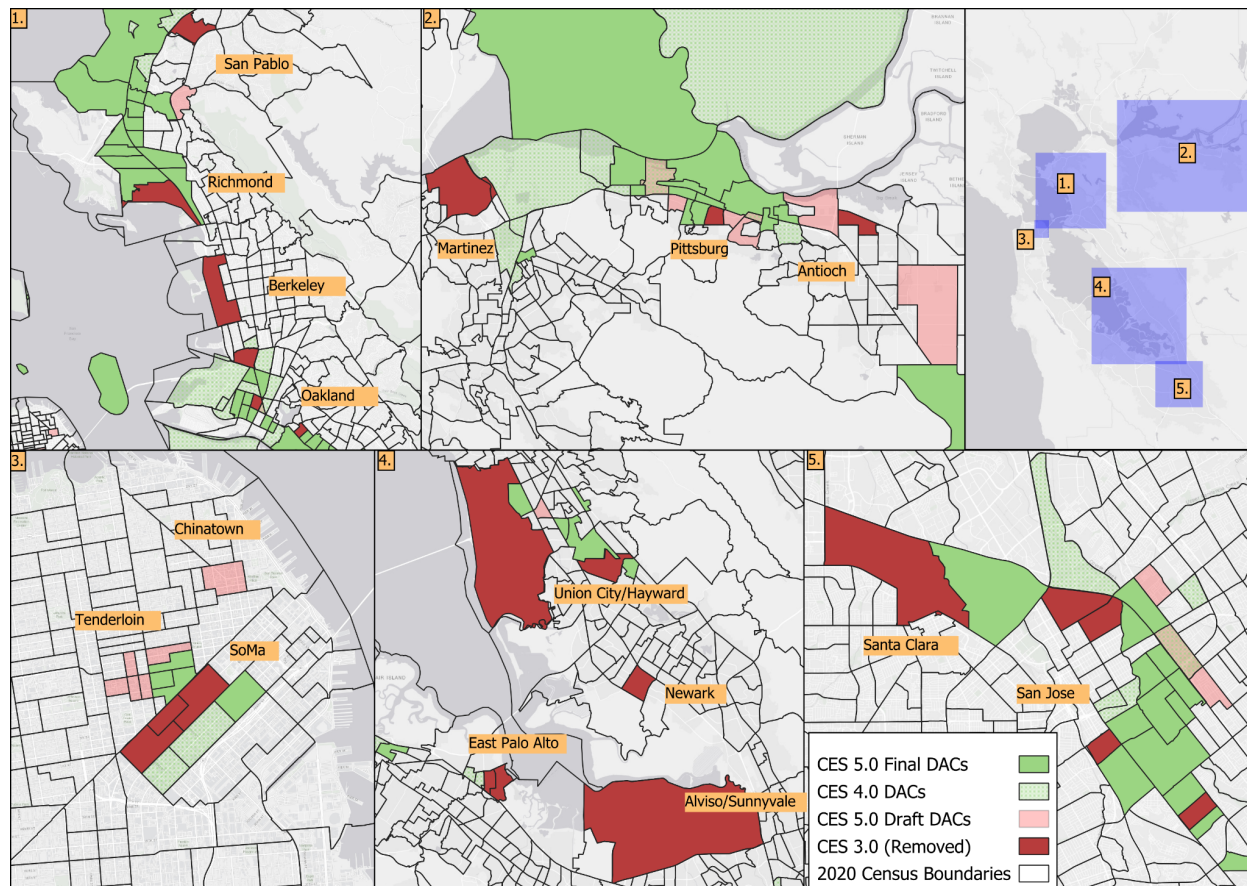
<https://oehha.ca.gov/sites/default/files/media/2026-06/calenviroscreen50reportf2026.pdf>

⁹ Including carryover CES 4.0 tracts (436), CES 5.0 tracts (2259), and high pollution low population tracts (9), 2704 of 9106 (29.7%) of California tracts will be included in the 2026 designation. By contrast, 162 of 1764 (9.2%) of Bay Area nine county census tracts are included, 110 (6.2%) of which are in the top 25% of CES 5.0.

¹⁰ This was after OEHHHA and CalEPA had met with Bay Area organizations concerned about CES 5.0, including Brightline Defense, and received 30+ written public comments highlighting concerns regarding Bay Area representation in the tool. OEHHHA, Comment Submissions - CalEnviroScreen 5.0 (Docket open 01/28/2026 until 04/01/2026).

<https://oehha.ca.gov/calenviroscreen/comments/comment-submissions-calenviroscreen-50>

- Removes 25 Bay Area census tracts identified as DACs by CES 3.0 and retained in the 2022 designation, denying status to historically burdened communities in Richmond, San Pablo, Berkeley, Emeryville, Oakland, Martinez, Pittsburg, Antioch, Alviso/Sunnyvale, Hayward/Union City, Newark, East Palo Alto, Santa Clara, San Jose, and San Francisco's South of Market.¹¹**



Map: Removed Bay Area DACs in Preliminary 2026 DAC Designation. Data: OEHHA CalEnviroScreen 3.0, 4.0, draft 5.0, and final 5.0

Section 2. DAC status is a major driver in access to state equity funding

A community's ability to access climate, housing, and infrastructure investments is largely influenced by DAC status. In fact, DAC status is associated with a 104% increase in GGRF funding per capita, unlocking more competitive grant access for affordable housing, low-carbon transit, intercity rail, urban greening, shoreline restoration, recycling projects, and food recovery.¹² Without DAC status, vulnerable neighborhoods across San Francisco (notably in

¹¹ Count excludes top CES 3.0 tracts with 2020 census boundaries.

¹² Huynh, et al., "Mitigating Allocative Tradeoffs . . ." 188-189.



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Chinatown, the Tenderloin, SoMa, the Mission, and Bayview-Hunters Point) and the wider Bay Area may be systematically shut out from state resources, despite enduring severe, intersecting environmental and economic burdens.

Further, relying on composite CES scores to distribute state funding creates a disconnect between community need and resource allocation. Across the region, 249 Bay Area tracts (14%) are in the top 25% of the housing burden indicator, but only 55 of these tracts are DACs by composite score.¹³ This means that nearly 200 tracts identified by CES 5.0 as facing severe housing burdens are denied priority access for GGRF programs like the Affordable Housing and Sustainable Communities (AHSC) program.¹⁴ According to Bay Area Equity Atlas, 48% of Bay Area renters are housing burdened, with 24% experiencing severe housing burden, demonstrating how CES fails to target housing dollars to communities in greatest need.¹⁵

Section 3. Broadening the DAC designation ensures immediate protections without undermining cumulative impacts analysis or diluting state resources

In order to prioritize frontline communities in the Bay Area for state equity investments, we recommend broadening the DAC designation to include the following:

1. Census tracts within a ½ mile buffer of those scoring at 25% in CES 5.0

We recommend granting DAC status to census tracts within a ½ mile of those scoring at the top 25% of CES 5.0. Census tract lines are drawn by the U.S. Census Bureau based on population counts rather than ecological or environmental boundaries. Given this arbitrary mapping, it is reasonable to grant DAC eligibility for communities in close proximity to DACs that are experiencing nearly identical conditions. In the Bay Area, this includes hundreds of tracts that are fully or partially within the buffer regions of adjacent tracts. The California Legislature recognized the importance of this under AB 1550, requiring a minimum of 5% of GGRF funding to be reserved for low-income communities within a ½ mile of DACs.¹⁶ However, this is a

¹³ Data is from the Final CalEnviroScreen 5.0

¹⁴ Audrey Mei Yi Brown and Zhe Wu, "State Vulnerability Metric Overlooks SF Neighborhoods, Excluding Them From Billions in Funding," *San Francisco Public Press*, July 23, 2026, <https://www.sfpublishpress.org/state-vulnerability-metric-overlooks-sf-neighborhoods-excluding-them-from-billions/>. The AHSC program is specifically designed to reduce greenhouse gas emissions while modernizing urban housing infrastructure.

¹⁵ See Bay Area Equity Atlas "Housing Burden" https://www.bayareaequityatlas.org/indicators/housing-burden?geo_compare=02000000000006000&hou_seburd01=2

¹⁶ California Assembly Bill 1550, Chap. 369, 2015–2016 Reg. Sess. (2016) (codified at Cal. Health & Safety Code § 39713).



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reduced priority compared to the 25% requirement for DACs. We thereby urge CalEPA to grant full DAC status to these neighboring communities.

2. Census tracts at the top 35% overall, or 25% population burden, in CES 5.0

We recommend granting DAC status to census tracts at the top 35% overall, or at the top 25% of population-burdened, in CES 5.0. In our analysis, this will more than double DACs in the Bay Area, including in San Francisco (the Tenderloin, Chinatown, Bayview Hunters Point, SoMa, and the Mission District), as well as South Bay, Vallejo, North Bay, San Jose, West/Downtown Oakland, East Oakland, Richmond/San Pablo, and the Monument Corridor.¹⁷

While some CalEPA staff have previously expressed concern that expanding DAC thresholds would dilute GGRF resources, it's important to note that DAC status does **not** guarantee an automatic funding allocation; rather, individual projects must still undergo competitive evaluation on their technical and environmental merits. Further, spending patterns indicate that dilution is unlikely as state agencies regularly allocate over 75% of total GGRF dollars to Priority Populations, far above the statutory minimum of 35%.¹⁸ Our argument is simply to increase access to communities that are clearly deserving based on reasonable metrics and lived experience.

Some CalEPA and OEHHA staff have also stated that San Francisco and the Bay Area receive sufficient funding, and that a broader designation would favor urban over rural areas.¹⁹ However, regional funding figures are frequently skewed by large, non-local infrastructure expenditures—such as regional transit corridors—that do not deliver direct, hyper-local benefits to vulnerable, densely populated urban neighborhoods.

Perhaps most importantly, pitting these regions against each other is not in the spirit of environmental justice. Identifying DACs should not be done through a zero-sum or winner-take-all mentality. To achieve its environmental justice goals, CalEPA and the State of California should adopt a more inclusive approach with thoughtful consideration, improved data, and community-ground truthing.

3. Census tracts that score at the top 25% in CES 3.0

¹⁷ CES 5.0 identifies 110 census tracts in the Bay Area. Increasing the threshold to 35% would increase Bay Area census tract count to 241.

¹⁸ 48% of funds go directly to DACs. Data from California Climate Investments Dashboard: <https://www.caclimateinvestments.ca.gov/ccl-data-dashboard>

¹⁹ Brown and Wu, "State Vulnerability Metric Overlooks SF Neighborhoods, Excluding Them From Billions in Funding," *San Francisco Public Press*, July 23, 2026.



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While we fully support CalEPA's proposal to carry over legacy DACs from CES 4.0, the same continuity should also be extended to tracts designated under CES 3.0. In our analysis, this would protect DAC status for census tracts in San Francisco (SoMa) and the Bay Area (South Bay, Richmond, San Pablo, Monument Corridor, East Palo Alto, Union City, Hayward, Berkeley, Emeryville, and San Jose).

While CalEPA and OEHHA have expressed concern with outdated data from CES 3.0, retaining these tracts is critical to prevent model volatility that arbitrarily removes communities from DAC status—despite the same or even worsening conditions on the ground.²⁰ For example, tracts in SoMa considered DACs under CES 3.0, but no longer in CES 5.0, still rank above 75% on diesel particulate matter, traffic impacts, cleanup sites, hazardous wastes, and overall pollution burden.²¹

Further, carrying over CES 3.0 tracts would help preserve ongoing funding for multi-year and capital-intensive projects, including remediation of toxic sites and hazardous waste. Sustained commitments for these projects are crucial to prevent funding cliffs that otherwise derail solutions and undermine public trust. The Zeneca superfund-eligible site in Richmond is located in a census tract that qualified as a DAC under CES 3.0, but would not under the preliminary 2026 DAC designation using CES 5.0.²²

4. Work toward more comprehensive DAC reforms beyond 2026

We urge CalEPA to work toward comprehensive, structural reforms to the DAC framework. Future iterations of CES should incorporate more local data that better captures socioeconomic and pollution burdens in urban areas. Transitioning away from a single composite score toward targeted, indicator-specific evaluations is also important. As GGRF spending has evolved to fund a wide array of issues, including affordable housing, pollution remediation, shoreline restoration, urban greening, recycling, and green workforce development, CalEPA may also explore strategies to align its flawed DAC framework with more inclusive approaches used in other statutes.²³

²⁰Huynh, et al., “Mitigating Allocative Tradeoffs”

²¹ Comparing specifically between CES 3.0 Census Tract 6075017601 and CES 5.0 Census Tract 6075018000, and this pattern carries over to neighboring tracts

²² Richmond has accessed remediation funding from the Department of Toxic Substance Control (DTSC) which was awarded \$65 million from GGRF in 2024. See:

<https://www.caclimateinvestments.ca.gov/legislative-guidance#2024>

²³ For example, Proposition 4 (SB 687, approved by voters in 2024) authorized \$10 billion for clean energy, wildfire mitigation, and safe drinking water. Prop 4 defines disadvantaged communities as those with less than 80% of the average median income for the region, or less than 80% of the state.

https://bondaccountability.resources.ca.gov/Propositions/Proposition_4_Climate_Bond



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Following the recent California Air Resources Board (CARB) rulemaking which is expected to decrease GGRF revenue,²⁴ CalEPA and OEHHA should also work with other agencies and the California Legislature to ensure there are alternative, sustainable funding mechanisms to support DACs across the state. This is especially important in an era of federal withdrawal and increasing equity threats.

Conclusion

In a moment of compounding climate impacts, economic hardship, and political uncertainty, California's frontline communities require sustained state support. CalEPA and OEHHA hold the authority and mandate to make CalEnviroScreen work accurately at identifying DACs across California—including those in San Francisco and the Bay Area. Broadening the 2026 DAC designation immediately protects severely burdened neighboring tracts, near-threshold communities, and historical DACs from being locked out of critical GGRF funding. Over the longer term, more comprehensive reforms to the DAC framework and new funding strategies will likely be needed.

We urge CalEPA to adopt these recommendations to ensure CES and the DAC designation functions as a catalyst for environmental justice, rather than an administrative barrier.

Sincerely,

Eddie Ahn,
Brightline Defense

²⁴ California Air Resources Board, Final Statement of Reasons for Rulemaking: Proposed Amendments to the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation, July 2026, https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2026/cap_invest/04.%20Cal%202026%20Final%20Statement%20of%20Reasons.pdf.