



August 14, 2026

Submitted via email

RE: Comments on Preliminary 2026 Designation of Disadvantaged Communities

Dear California Environmental Protection Agency (CalEPA) and Office of Environmental Health Hazard Assessment (OEHHA):

Leadership Counsel for Justice and Accountability works alongside low-income, disadvantaged, and vibrant communities of color in the San Joaquin and Eastern Coachella Valleys to ensure that community residents have a voice in development and investment decisions--decisions which directly impact their environmental health and the severity of pollution burden. Being designated as a disadvantaged community (DAC) directly impacts a community's ability to qualify for resources to address environmental injustices and support long-term climate resilience. As such, it is critical communities are accurately captured by CalEPA's DAC Designation. We commend CalEPA and OEHHA for putting forward four flexible categories through which a community can be designated as DAC.

Upon review of each category, we found that there were still a small number of communities we work with that would not be designated as DAC through any of the proposed categories. To ensure there is a fully comprehensible avenue to be designated a DAC, and in alignment with the comments submitted by CEJA, we offer the following recommendations.

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1. Add category for communities that are below 60% median state household income through Census or through local income surveys

As we have noted in our recent comments on the CalEnviroScreen 5.0 tool update, vulnerabilities in rural communities are often not adequately captured due to data gaps and potential limitations of certain data sets.¹ To ensure communities have multiple avenues for proper designation as a DAC, we recommend adding a category that allows a community to be designated as a DAC if its median household income is less than 60% of the statewide median household income, based either on census tract data or a locally conducted income survey.

¹ Comments on CalEnviroScreen 5.0 Updates, LCJA, April 1, 2026

This approach would align with the California Water Code, under which a community that has a median household income of less than 60% of the statewide median household is considered a severely disadvantaged community.² Further, we recommend allowing communities to submit local income surveys to prove low-income status when official U.S. Census data does not accurately reflect the community's median household income. The State Water Resources Control Board already utilizes local income surveys as part of its grant programs, offering a model CalEPA and OEHHA can utilize to allow for accurate local household income to be established.

2. Add category for locally-identified Environmental Justice (EJ) Communities and AB 617 Selected Communities as an additional category for DAC Designation

In alignment with comments submitted by the Center on Race, Poverty & the Environment, to comprehensively identify disadvantaged communities consistent with other state statutes related to the identification of communities experiencing disproportionate environmental harms, public health impacts, and environmental degradation, CalEPA should add community designations as environmental justice communities and AB 617 selected communities as another category to identify geographic areas as disadvantaged.

To integrate EJ in land use planning and investment priorities, local government is required to identify EJ communities as or an area that is a low-income area and is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.³ In utilizing the second method to identify EJ communities, local jurisdictions take a community level approach considering not only income, but other community specific data such as linguistic isolation, poor community infrastructure or lack thereof, and localized pollution exposure and burdens which may also lead to negative health effects. For example, Tulare County identified Tooleville, which is not currently designated as a DAC, as an environmental justice community due to its failing drinking water system and nitrate exposure. Residents also face pesticide and truck emissions while living in substandard housing that lacks adequate air-quality protections. These conditions align with DAC criteria and should therefore be reflected in the final DAC map.

Similarly, the California Air Resources Board (CARB) identifies communities with high pollution burdens for air monitoring and emission reduction measures. CARB considers disadvantaged community status, sensitive receptors, proximity to pollution sources, and public health data. However, the draft DAC map excludes census tracts within CARB-selected Community Air Protection Program communities, including Thermal in the Eastern Coachella Valley (ECV). Thermal residents face disproportionate exposure to multiple pollution sources, including recycling facilities and pesticides.

CalEPA should identify all census tracts within all AB 617 community boundaries as DACs. Failure to do so will continue disinvestment and harm in smaller communities identified

² WAT § 13476(j)

³HSC § 39711; Gov. Code, § 65302, subd. (h)(4)(C)

as facing cumulative burdens and public health impacts. Moreover, excluding communities like Thermal, hinders the sustainability of emissions reduction efforts.

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We look forward to continuing to work with CalEPA and OEHHA to ensure the DAC designation accurately reflects the severe vulnerabilities across California, so that adequate funds can be devoted to mitigating and preventing harms to these communities and addressing their disproportionate pollution burden. We welcome the opportunity to provide further or discuss the feedback provided with CalEPA and OEHHA.

Sincerely,

Emma De La Rosa, MPP
Land Use and Transportation Policy Manager