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May 19, 2023

SENT VIA EMAIL ONLY TO
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California Department of Public Health / Office of AIDS

Re: Harm Reduction Institute (HRI) Syringe Program Application City of Santa Ana's Public Comment

**The City of Santa Ana filled out the Harm Reduction Institute – CDPH SSP Application – Public Comment Form referring your office to this letter and attachments for the City's public comment on this application.*

To Whom It May Concern:

Please accept this as the City of Santa Ana's (Santa Ana) public comment to Harm Reduction Institute Syringe Program's (HRI) application to the California Department of Public Health, Office of AIDS (CDPH/OA) to add home delivery and pick-up of syringes in Santa Ana. Santa Ana strenuously opposes HRI's application for the reasons outlined below.

Historical Information Regarding Distribution of Syringes in Santa Ana

Between 2016 and 2018, the Orange County Needle Exchange Program (OCNEP) operated in the Civic Center area in Santa Ana. The effects of OCNEP on the community were dire. During the time period OCNEP operated in the Santa Ana Civic Center, on a sustained basis, and despite the City's pleas, OCNEP failed to properly recover and safely dispose of used hypodermic needles and syringes distributed at the Civic Center, resulting in thousands of used hypodermic needles being discarded in or on the adjacent public buildings, libraries, streets, sidewalks, parks, and waterways both in Santa Ana and elsewhere in Orange County, as documented by Santa Ana in a letter to OCNEP dated December 6, 2017.

In 2018, CDPH authorized a mobile needle exchange to operate in Santa Ana, including several other local jurisdictions including the County of Orange (County). The County and other local cities and public entities prevailed in litigation against CDPH over this action. As part of that litigation, the trial court determined the application for operation of the mobile

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needle exchange was subject to review under the California Environmental Quality Act (CEQA). (*County of Orange, et al. v. California Department of Public Health, et al.* San Diego County Superior Court Case No. 37-2018-00039176-CU-MC-CTL, Minute Order dated October 25, 2019. (Minute Order.) In particular, the court found that operation of a mobile Syringe Exchange Program (SEP) “constitutes an activity capable of causing a direct physical change in the environment.” (Minute Order, page 7.) Previously, the Court had granted a preliminary injunction prohibiting the operation of the mobile SEP. As part of that ruling, the Court found that OCNEP could not account for approximately 250,000 needles provided by OCNEP but never collected. (*County of Orange, et al. v. California Department of Public Health, et al.*, San Diego Superior Court Case No. 37-2018-00039176-CU-MC-CTL, Statement of Decision dated November 27, 2018 page 2.)

In addition to the effects on the general public, OCNEP's operation affected employee relations within City government. Santa Ana had to field numerous inquiries and complaints from City employees and their unions regarding the continued threat of needle sticks from improperly discarded syringes. On November 30, 2021, the City received a petition signed by over 200 concerned residents from the Saddleback Back View Neighborhood regarding the adverse impacts HRI's weekly needle distribution was having on their neighborhood. (See Saddleback View Neighborhood Petition attached). Upon further investigation, the City learned the American Addiction Institute of Mind & Medicine's (AAIMM) was operating at 1533 E. 4th St., Santa Ana, CA 92701 and was engaging in weekly needle distributing through HRI. The letter documented multiple incidents where residents found used hypodermic needles in a park, on their front lawns and public sidewalk. These incidents were especially concerning given that the needle distribution was being conducted directly adjacent to a residential neighborhood and nearby school.

On January 25, 2022, Santa Ana's Planning & Building agency revoked the AAIMM's Certificate of Occupancy (COO) for operating as a “counseling service,” which is a use not permitted within the Professional zoning district. On March 1, 2022, the City received correspondence from AAIMM stating that HRI would cease its weekly distribution of needles at AAIMM's Property and informed the City it would apply to California Department of Public Health CDPH for certification to operate a SEP in Santa Ana pursuant to *Health and Safety Code* §121349, *et seq.* at one or more locations other than AAIMM's Property. As of the date of this letter, AAIMM and HRI do not have a valid COO nor business license to operate at 1533 E 4th St, Santa Ana, CA 92701.

HRI's Application Lacks Transparency and Should Be Denied

It is the City's position that HRI has provided insufficient information to the public to allow the City and its community members to provide meaningful public comment. The information released to the public on the CDPH's website states that “HRI syringe services will be by home delivery and pick-up, Mondays, and Wednesdays from 9:00 a.m. to 4:00 p.m. within the City of Santa Ana.” However, the information fails to provide the locations where HRI will be collecting and possibly distributing its needles on Mondays and Wednesdays. The City and its residents have a right to know whether needles are going to be collected and possibly

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distributed near their neighborhoods, schools, libraries, and parks. Further, the City should be afforded an opportunity to comment whether the needle collection and possible distribution would be compatible with the surrounding land uses.

HRI Operating in Santa Ana Will Have a Negative Effect on Public Health and Result in Environmental Impacts to Surrounding Communities

The information and data provided is illustrative of the fact that, cities and counties have a significant interest in the operation of Syringe Exchange Programs (SEP) within their jurisdiction due to the potential for negative impacts on the community and the documented failure to comply with the provisions of Health and Safety Code Section 121349. In particular, these provisions include the minimum requirement that the SEP be able to provide funding to "provide for the safe recovery and disposal of used syringes and sharps waste from all of its participants." (Health and Safety Code Section 121349 (d)(3)(C).) **Although Santa Ana is aware of the amendment to 17 CCR § 7014, eliminating the requirement that state-approved syringe exchange programs comply with state laws and regulations, given the extremely troubled history of prior SEP's, Santa Ana vehemently objects to another "same/similar" operation in its jurisdiction.**

Sincerely,



KRISTINE RIDGE
City Manager



DAVID VALENTIN
Chief of Police

Attachments

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