

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

**DATE:** May 22, 2020

**TO:** The Honorable City Council

**FROM:** Enrique C. Zaldivar, Director and General Manager  
LA Sanitation and Environment

**SUBJECT:** **CF# 20-0533 LITTERING OF PPE**



This report is in response to City Council Motion 20-0533 (Blumenfield and O'Farrell) instructing LA Sanitation and Environment (LASAN) with the assistance of the City Attorney to report on:

1. Measures to mitigate the littering of Personal Protective Equipment (PPE) throughout the city, and
2. Measures on the implementation of enhanced penalties and fines for littering of PPE

**BACKGROUND**

Littering and illegal dumping are the acts of unauthorized depositing, dropping, dumping, placing or throwing of any waste matter onto public or private property (ref. PC 374). These are terrible criminal offenses that impact public health & safety and instantaneously, negatively impact our communities. California local governments spend tens of millions of dollars annually to remove litter and illegally dumped materials, and private property owners incur significant costs to clean up illegal dumping.

Due to the recent COVID-19 outbreak there has been an increase in the use of PPE by all persons. It has been reported that there is PPE, specifically disposable masks and gloves, being discarded into the public right-of-way impacting the environment, public health and the receiving waters. The discarding of these PPE is considered littering under state law and is punishable with a fine.

Littering is defined in Penal Code Section 374.(a):

*(a) Littering means the willful or negligent throwing, dropping, placing, depositing, or sweeping, or causing any such acts, of any waste matter on land or water in other than appropriate storage containers or areas designated for such purposes.*

Litter is defined in Penal Code Section 374.4.(c)

*(c) As used in this section, "litter" means the discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including, but not limited to, beverage containers and closures, packaging, wrappers, wastepaper, newspapers, and magazines, in a place other than a place or container for the proper disposal thereof, and including waste matter that escapes or is allowed to escape from a*

*container, receptacle, or package.*

## **ANALYSIS**

On April 29, 2020 Los Angeles City Councilmembers Blumenfield and O'Farrell presented a motion expressing concerns from residents that discarded PPE in grocery store parking lots, park walking paths and sidewalks may be contaminated with COVID-19. Unsuspecting residents and pets may come into contact with these contaminated PPE's that could thereby further the chance of the virus spreading throughout the community. The following is a list of references from the CDC for potential consideration of this motion.

The Center for Disease Control and Prevention (CDC): Frequently Asked Questions (FAQ's)

### CDC: How does COVID-19 Spread? (1)

Spread is mainly through respiratory droplets produced when an infected person coughs or sneezes. These droplets can land on the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Spread is more likely when people are in close contact with one another (within about 6 feet). People are thought to be most contagious when they are symptomatic (the sickest).

### CDC: Does COVID-19 spread through food? (1)

Currently, the CDC reports there is no evidence to support the transmission of COVID-19 associated with food. In general, because of poor survivability of these coronaviruses on surfaces, there is likely very low risk of spread from food products or packaging.

### CDC: Does the COVID-19 virus spread easily in other ways? (2)

COVID-19 is a new disease and we are still learning about how it spreads. It may be possible for the virus to spread in other ways, but these are not thought to be the main ways the virus spreads.

## **Item # 1: Measures to mitigate the littering of PPE throughout the city:**

LASAN currently has several resources operating during the 'Safer at Home Order' to collect and remove litter, illegally dumped materials, refuse and hazardous waste. These services include the removal of any type of discarded PPE on the City's public rights-of-way, including disposable gloves, coverings and masks. LASAN services include the following:

- Comprehensive Cleaning and Rapid Engagement Program (CARE/CARE+)
- Clean and Green Program (provided by the LA Conservation Corps working with LASAN)
- Illegal dumping enforcement
- Illegal dumping of hazardous waste emergency response and removal
- Public litter basket collection: LASAN oversees the citywide inventory of public litter/trash containers (street litter bins) of which there are 12,000 and more being deployed incrementally

### **Recommendation**

In order for LASAN to devote more resources to this issue beyond what is currently being provided by the Comprehensive Cleaning and Rapid Engagement Program (CARE/CARE+). Provide LASAN additional resources for locating and identifying illegally discarded PPE in the public rights-of-way for rapid and safe removal. With the additional resources, LASAN will provide metrics on the collection of discarded PPE. Provide additional LASAN Enforcement staff resources for proactive enforcement of all applicable environmental laws at businesses and in the communities. Lastly, in addition to public advisories and public announcements on the proper disposal of PPE's potentially compromised with the COVID-19 virus create free for use PPE anti-littering public education materials/posters directed at businesses and the public that details the proper handling and disposal of PPE.

### **Item # 2:** Measures on the implementation of enhanced penalties and fines for littering of PPE

On October 25, 2019 the Los Angeles City Mayor approved legislation by the City Council for Ordinance # 186366, amending all applicable sections of the Los Angeles Municipal Code (LAMC) to enhance the City's remedies against illegal dumping/littering by increasing fines and penalties to highest allowable under state law. Adoption of Ordinance #186366 authorized increases of criminal fines in the LAMC from \$50 dollars to \$200 dollars for the first violation, and \$250 dollars for every subsequent violation. The maximum criminal penalty authorized by State law for a violation of the LAMC is a maximum fine of \$1000.00 dollars and/or up to 6 months in jail

We note that California State law is authorized to carry higher fines and penalties. For example pursuant to Penal Code 37.4.(a) the maximum fine for littering is \$1,000 dollars for the first conviction, up to \$1,500 dollars for the second conviction, and up \$3,000 dollars for the third and subsequent conviction.

### **Recommendation**

Coordinate with the City Attorney's office on the viability of a temporary ordinance with a sunset clause for improper disposal/littering/discarding of PPE on public and/or private property.

### **REFERENCES**

- 1) Frequently Asked Questions, How COVID-19 Spreads, *Center For Disease Control and Prevention (CDC)*,  
<https://www.cdc.gov/coronavirus/2019-ncov/faq.html#How-COVID-19-Spreads>
- 2) Coronavirus Disease 2019 (COVID-19), Prevent Getting Sick, CDC  
[https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprepare%2Ftransmission.html](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprepare%2Ftransmission.html)