STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0003
(916) 319-2003
FAX (916) 319-2103

E-MAIL
Assemblymember.Gallagher@assembly.ca.gov

Assembly
California Legislature

JAMES GALLAGHER
ASSEMBLYMEMBER, THIRD DISTRICT

DISTRICT OFFICES
1130 CIVIC CENTER BOULEVARD, SUITE F
YUBA CITY, CA 95993
(530) 671-0303
FAX (530) 671-0308

2060 TALBERT DRIVE, SUITE 110
CHICO, CA 95928
(530) 895-4217
FAX (530) 895-4219

March 5, 2020

Sonia Y. Angell, MD, MPH
Director, California Department of Public Health
PO Box 997377, MS 0500
Sacramento, CA 95899-7377

Dear Director Angell:

Your response to a serious public health issue in Butte County is frustrating and completely unacceptable.

It is clear from your response that the Department undertook little to no independent investigation into the documented community complaints about the NVHRC needle distribution program in Chico.

Thank you for the lecture on how great needle exchange programs are in stopping the spread of communicable disease among drug addicts. That's not what the issue is here. There is very little 'exchange' happening and a whole lot of 'distribution'. We are talking about an exponential increase in sharps waste throughout Chico. In the parks, in our waterways, around places of business. That is the issue that needs to be addressed. **Where is the concern for the communicable disease spread by used needles littered in public spaces where our community congregates and children play?**

Your department seemed to just take NVHRC's word that they are operating in compliance with state protocols. I have never heard of this type of oversight where regulators simply call the entity they are supposed to oversee and verbally ask if they were following all the rules.

You directed me to a link at NVHRC's website describing their written policy for needle clean ups. Yes, I can read their online policy. But words on a screen do not reflect reality of what is happening on the ground. The organization is not responding within two hours of reported needle litter. Sometimes no one even picks up when you call their 'hotline'. Just this last week the Butte County Sheriff, not NVHRC, had to clean up over a thousand needles in Little Chico Creek. My staff spoke to a young man last night who found a fully loaded syringe yesterday in the parking lot of his family business. He called NVHRC, left a message, and no one ever showed up to properly dispose of it. **How is this acceptable?**

Let me point you to a link. It's a video showing NVHRC giving 30 needles to a child. NVHRC made no effort whatsoever to discuss or refer this child to treatment. The only question asked was whether or not 30 needles would get the child through to their next fix. **How is this in line with**

CDPH guidelines? At the very least, shouldn't they be attempting to get this child into treatment?

I understand the opioid epidemic. I have been one of the strongest voices in the Legislature for trying to expand treatment and address the issue. But when the evidence shows that NVHRC is not offering referrals for treatment, it is clear this program is simply enabling drug use and addiction. **Instead of taking NVHRC at their word, shouldn't CDPH actually verify that services are being offered at their distribution site?**

You said law enforcement was consulted prior to the program being implemented. **Has there been any direct discussion with law enforcement upon receiving my letter? Was any attempt made to contact concerned community members? Did the Department follow up on any of the complaints that have been made in public meetings and elsewhere?** Again, there appears to be no independent verification of compliance. In short, CDPH has completely failed in its duty to provide any regulatory oversight of NVHRC's program.

After all this, you had the audacity to suggest that this clearly flawed program be expanded to other cities within Butte County. It would be laughable if this issue were not so serious. I can assure you I am not laughing. The Department's ineffectiveness to properly oversee this program puts my communities and constituents at risk. This flawed program needs to be suspended immediately, not expanded.

The Governor recently said in his State of the State that "open drug use on the streets can no longer be tolerated." This seems to be completely inconsistent with your letter and CDPH's current position. **Has CDPH consulted with the Governor as to whether or not the Department's stance is reflective of his policy platform?**

I await a true investigation and action with regard to this program permitted by your department. Please let me know when a proper and independent investigation has been conducted.

I am also strongly considering making a request to audit your department's handling of syringe programs throughout the state.

Sincerely,

James Gallagher
Assemblyman, 3rd District

cc.
Monica Wagoner, Legislative & Govt Affairs, California Dept. of Public Health
Kory Honea, Sheriff, Butte County
Michael O'Brien, Police Chief, City of Chico
Steve Lambert, Chairman, Butte County Board of Supervisors
Chuck Reynolds, Mayor, City of Oroville
Bruce Johnson, Mayor, City of Gridley