

Latest ruling on needle exchange proposal is another victory for Costa Mesa and the county

San Diego Superior Court Judge Joel R. Wohlfeil ruled on Friday Oct. 25, that the Orange County Needle Exchange Program and the State of California cannot operate a mobile needle exchange program in Costa Mesa and other cities in the county unless the state's California Department of Public Health complies with the California Environmental Quality Act (CEQA).

This is a great victory for Costa Mesa residents, visitors and businesses, whose safety would have been put at risk with operation of a mobile needle exchange program.

"Protecting the public health includes complying with CEQA," Mayor Katrina Foley said. "Evidence of more than 200,000 needles in the public space creates an environmental hazard not analyzed by the state. It's unfortunate that local entities had to expend taxpayer funds to force compliance with laws intended to protect the public. This is similar to the state's sober living home rubber stamp licensing. We need better oversight from these state agencies."

The most recent ruling comes nearly one year after the Superior Court for the County of San Diego issued a preliminary injunction against both the Orange County Needle Exchange Program and the California Department of Public Health.

It was in July of 2018 that the state Department of Public Health granted the Orange County Needle Exchange Program the right to distribute needles in Costa Mesa on 17th Street, from the intersection of Whittier Avenue and west to the edge of

the city boundary at the Banning Ranch property each Wednesday and Sunday from 10 a.m. to 2 p.m.

The state also granted the group the right to operate needle exchange programs in the City of Orange, Anaheim and Santa Ana.

In response to those approvals, the Costa Mesa City Council voted unanimously to pursue legal action and joined those three cities and the County of Orange to seek a temporary restraining order/temporary injunction and to put a halt to the approved mobile needle exchange program.

The Orange County Needle Exchange Program had previously operated a needle exchange program at the Santa Ana Civic Center but that operation was shut down by city officials who revoked OCNEP's permit after a massive increase in needle litter that posed a threat to public safety. Several people were pricked by discarded needles, including members of the Santa Ana Police Department. The city of Costa Mesa received written and photographic evidence of the needle litter.

Prior to the state's approval of the needle exchange program, the Costa Mesa Police Department and the City Attorney's Office submitted evidence and statements to state officials that chronicled the substantial risks to public health the program presents to the Costa Mesa community and asked that the application be denied.

[Click here to see the city's responses.](#)