

Intro. Res. No. 1463-2020

Laid on Table 5/19/2020

Introduced by Legislators Spencer, Piccirillo, Gonzalez, Sunderman, Richberg, Fleming, Berland, Anker, Hahn and Flotteron

RESOLUTION NO. 456 -2020, ADOPTING LOCAL LAW NO. 24-2020, A LOCAL LAW TO PROHIBIT IMPROPER DISPOSAL OF PERSONAL PROTECTIVE EQUIPMENT IN SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 19, 2020, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT IMPROPER DISPOSAL OF PERSONAL PROTECTIVE EQUIPMENT IN SUFFOLK COUNTY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 24-2020, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROHIBIT IMPROPER DISPOSAL OF PERSONAL PROTECTIVE EQUIPMENT IN SUFFOLK COUNTY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that due to the current COVID-19 pandemic, people are required to wear face masks in New York, with many electing to wear additional personal protective equipment (collectively, "PPE") while in public spaces to prevent the spread of the virus.

This Legislature also finds and determines that many forms of PPE, such as paper masks and plastic gloves, are single use and should be discarded after use for the safety of both the user and the public.

This Legislature further finds and determines that once discarded, PPE harbors germs and other bacteria which make it a public health hazard. Discarded used PPE can perpetuate the spread of viral infections and should not be touched by anyone other than the original user.

This Legislature determines that the County of Suffolk has seen an increased amount of PPE littering in public areas during the COVID-19 crisis.

This Legislature finds that littering PPE is detrimental to the health and safety of others during a public health crisis, adds to the accumulation of waste and harms the environment.

This Legislature determines that improper disposal of PPE, just as the littering of other hazardous waste, should be specifically banned and appropriately punished in Suffolk County during periods of public health crisis.

Therefore, the purpose of this law is to prohibit the improper discarding of PPE in any area other than an appropriate waste receptacle in Suffolk County during a declared state of emergency or other disaster declaration due to a public health crisis.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

PERSON – a natural individual.

PERSONAL PROTECTIVE EQUIPMENT (“PPE”) – any equipment worn to minimize exposure to germs or viruses that may cause serious illnesses. “PPE” shall include, but not be limited to, disposable or multi-use: face masks and coverings, gloves and hand coverings, face shields, goggles, gowns, head coverings, respirators, and shoe coverings.

WASTE RECEPTACLE – any public, commercial, or private receptacle used for the temporary storage of solid waste while awaiting collection and proper disposal.

Section 3. Requirements.

- A. During any period when a disaster or state of emergency is declared in Suffolk County due to a public health crisis, a person shall dispose of any used personal protective equipment they utilize into a waste receptacle.
- B. During any period when a disaster or state of emergency is declared in Suffolk County due to a public health crisis, no person shall throw, deposit, or place used personal protective equipment in any area or location utilized by members of the public other than a waste receptacle.

Section 4. Penalties.

- A. Violation(s) of any provision of this law shall be a criminal violation, subject to a fine of two hundred and fifty dollars (\$250.00) for a first offense, seven hundred fifty dollars (\$750.00) for a second offense, and one thousand five hundred dollars (\$1,500.00) for any third or subsequent offense(s).
- B. Each incident of improper disposal of personal protective equipment under this law shall constitute a separate and distinct offense.

Section 5. Enforcement.

- A. This law shall be enforced by the Suffolk County Police Department.
- B. This law shall only be enforced during the period encompassing a state of emergency or disaster declaration due to a public health crisis affecting the County of Suffolk, as declared by the President of the United States, New York State Governor, or Suffolk County Executive.

Section 6. Applicability.

This law shall apply to all actions occurring during a declared public health emergency or disaster, as established in Section 5 of this law, on or after the effective date of this law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED: June 9, 2020

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 23, 2020

After a public hearing duly held on June 22, 2020
Filed with the Secretary of State on July 15, 2020