



Assembly Member Bill Quirk, 20th Assembly District

AB 246 – CONTRACTORS STATE LICENSE BOARD: ILLEGAL DUMPING

(UPDATED – 1.14.21)

BACKGROUND

Illegal dumping is a huge issue state-wide and impacts public health, public safety, property, and the overall quality of our environment. Cities across the state are identifying popular areas for illegal dumping – alleys, unoccupied property and in some instances, sidewalks. Material illegally dumped ranges from mattresses and discarded electronics to more hazardous items like batteries and construction material. Local governments and district attorneys have reported that discarded construction material is also being illegally dumped. Construction material can consist of asphalt, concrete, paint, drywall, lumber, brick, rock, ceramics, and metal of all types.

Several California cities and counties, including Alameda, Contra Costa and Los Angeles, are prioritizing, and trying to find creative ways to address illegal dumping. Alameda County District Attorney Nancy O'Malley states, "illegal dumping is an environmental justice issue that disproportionately affects disadvantaged communities, and impacts the sense of well-being of all who live and work in neighborhoods where it is rampant." In 2017 Alameda and Contra Costa County launched a \$750,000 pilot program to help establish best practices that will be used to enforce illegal dumping laws across the state. In 2019, the City of Los Angeles increased its illegal dumping fines an additional 300% to combat the problem.

EXISTING LAW

Business and Professions Code §7110 grants the Contractors State Licensing Board (CSLB) with the authority to discipline licensees for violations relating to state building, labor, and safety provision.

PROBLEM

There have been documented instances in which CSLB licensees have been caught illegally dumping construction materials and debris in an attempt to "cut corners" and maximize their total profit. They feel comfortable in doing so, because it is economically feasible, as the fines for violating illegal

dumping laws are relatively minimal. Additionally, district attorney's throughout California report having difficulty in prosecuting cases because it is challenging to criminally prosecute a corporation, identifying the individual responsible in a large corporation can be next to impossible, and witnesses may be fearful about speaking with law enforcement.

Furthermore, the CSLB cannot discipline a licensee for illegally dumping. According to the board, this is because illegal dumping is not a direct violation of the current code.

SOLUTION

AB 246 will provide the Contractors State License Board the authority to discipline licensees who are found guilty of illegal dumping.

SUPPORT

Contractors State License Board (Sponsor)

FOR MORE INFORMATION

Evan Gyorkos, *Legislative Director*
(916) 319-2020
evan.gyorkos@asm.ca.gov