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November 10, 2008

Chair Margo Reid-Brown and Board Members
California Integrated Waste Management Board
1001 I Street
P.O. Box 4025
Sacramento, CA 95812

SUBJECT: November Agenda Item 4: Criteria and Procedures for Model Home-Generated Pharmaceutical Waste Collection and Disposal Programs

Madam Chair and Board Members:

SB 966 acknowledged the impacts of improper disposal of pharmaceuticals, and established a process for State agencies to develop model programs for the collection and proper disposal of pharmaceutical drug waste. This agenda item is to seek Board approval of the Criteria and Procedures for Model Pharmaceutical Waste Collection and Disposal Programs and to discuss the implementation of SB 1305 for sharps management. The California Product Stewardship Council (CPSC)'s comments are focused only on the producer responsibility aspect, or lack thereof, on this item and will leave the more detailed comments on the program specifics to the individual jurisdictions.

Pharmaceuticals

Rather than identifying the best pilots to try in California, neither the agenda item nor *Criteria and Procedures*, Attachment 1, make recommendations of specific projects nor do they fully review or discuss the existing programs that could be tested in California such as the British Columbia EPR program operated by the "Post Consumer Pharmaceutical Stewardship Association" at www.medicationsreturn.ca/british_columbia_en.php. That program has over 800 collection sites at pharmacies all over the Province and is totally managed and funded by the pharmaceutical companies, many of which sell their drugs in California. The entire cost of this program was \$305,000 in 2007. The program serves 4.4 million people and in 2006, collected over 20,000 kg of pharmaceuticals. It also is operating in Alberta and other Provinces. This

program was not even mentioned in this agenda item nor was there any discussion of making the pilots “transitional” to EPR.

With momentum building for support for the CIWMB-adopted EPR framework, pharmaceuticals is an obvious choice of products to ultimately be covered by such a framework and we believe there is a missed opportunity for a full discussion of it in Agenda Item #4.

Acknowledging that legislative timeframes necessitate the approval of this item, CPSC respectfully requests that the California Integrated Waste Management Board adopt the specific edits below so as to avoid any confusion of what “sustainable” funding sources include:

Page 2: “5. ~~Develops~~ **Recommends the development of** a sustainable funding source for collection and disposal of home-generated pharmaceuticals, ~~such as grants, utility funding, or advanced disposal fees placed on home-generated pharmaceuticals and local general funds or via extended producer responsibility funding framework~~ **through extended producer responsibility framework policies in conjunction with the Board’s Strategic Directive 5.** [Justification – Grants and general funds are not sustainable sources of funding. Waste pharmaceuticals are a natural waste stream for the Board to demonstrate it’s commitment to Strategic Directive 5.]

While utility funding or advanced disposal fees could possibly be considered “sustainable” but might not be optimal for a multitude of reasons including varying utility boundaries, we want to emphasize that, from the local government perspective, grants and local general funds are certainly not sustainable sources for product management programs. As the CIWMB has heard many times before, the lack of sustainable funding options is a major driver for EPR programs to be implemented in California.

Sharps

Again, the EPR Policy Framework can be applied to sharps and it was not discussed in the agenda item. This item does nothing more than re-state what local governments are trying to do with no additional resources and does not discuss the need for a statewide coordinated education and collection program. CPSC urges the Board to investigate the EPR option.

CPSC asked, at the last sharps meeting held at the CIWMB Headquarters, (and the question still remains unanswered) when the CIWMB and the CDPH staff were going to report back to the appropriate Legislative policy committees on the need for subsequent legislation to achieve the purposes of the Act. In our opinion, the items that require legislation are:

1. Provide clear authority for the Board of Pharmacy to allow sharps collection in pharmacies to eliminate an obvious barrier to collection success; and,
2. Provide an EPR solution for sharps since there is not an adequate sharps collection infrastructure that has resulted from SB 1305 and the intent of the law and the intent of

SB 1305 of “shared responsibility” has not been met as outlined by the following language in the “findings” section:

(a) The development of a safe, convenient, and cost-effective infrastructure for the collection of millions of home-generated sharps, and the public education programs to promote safe disposal of these sharps, will require a cooperative effort by the State Department of Health Services, the California Integrated Waste Management Board, local governments, large employers, dispensing pharmacies, as well as health care, solid waste, pharmaceutical industries, and manufacturers of sharps.

Large employers, dispensing pharmacies, as well as health care, solid waste, and pharmaceutical industries and manufacturers have not taken any serious responsibility for designing and funding the sharp collection infrastructure, which has resulted in local governments once again struggling to meet the mandate alone.

Lastly, on page 4-7, item G, CPSC would like to also be listed as an entity that stands ready to implement EPR programs for sharps in California.

Thank you for the opportunity to comment on this agenda item.

Sincerely,



Heidi Sanborn, Executive Director
California Product Stewardship Council

Enclosures