

Guide to Incorporating Extended Producer Responsibility (EPR) Principles into Purchasing and Procurement Documents

SHARPS

Overview

Why are Sharps a disposal issue?

“Sharps” are medical needles, syringes, lances and other medical devices used to penetrate the skin to deliver medicine. SB 1305 (Figueroa), the Medical Waste Management Act, which was passed by the California State Legislature and signed into law by the Governor in July 2006, made it illegal to dispose of sharps in the trash. Sharps are expensive to manage properly and due to increases in diabetes and use of injectible drugs, California has seen an increase in sharps used at home and many sharps continue to end up in trash cans, landfills and on city streets posing risks to public and environmental health.

How do I Control Disposal of Sharps?

Follow the mantra “Reduce, Reuse, Recycle.” When developing procurement policies for medication, explore alternative drug delivery methods such as oral and transdermal delivery. This reduces sharps disposal costs and needle-stick incidents by eliminating the use of sharps. If sharps must be procured, establish Environmentally Preferable Procurement policies that include Extended Producer Responsibility (EPR), or “take back” language for sharps.

How do I Create Smart Procurement Policies?

- **Review procurement specifications** to remove any provisions that may exclude the procurement of products from vendors who support sharps EPR.
- **Amend your specifications** by adding EPR language into your procurement policies which requires take-back and management services for sharps.

Sample Policy Language

Producers must propose a program in which they agree to provide take-back and management services for end-of-life sharps at no additional cost to (INSERT JURISDICTION), as this cost should already be incorporated into the original product proposal. This can be accomplished through a variety of contractual provisions whereby the Producer agrees to be responsible for taking back the sharps and providing for appropriate reuse or recycling when Procurement no longer needs the sharps. Such take-back methods and parameters may include, but are not limited to:

- One-for-one exchange of end-of-life products offered by, or previously purchased from the Producer, upon purchase of new products from said Producer.
- Collection of any end-of-life products by Vendor (or subcontractor) for reuse or recycling, preferably to also include provisions that ensure Vendor will continue the program should a subcontractor no longer be able to perform such activities.
- Requirement that vendor must manage all end-of-life collection of their products at a collection facility provided or funded by Vendor.

- Coupon system for pre-paid take-back at permanent regional collection centers (at no additional cost to Procurement).
- Requirement that vendor must provide information to the agency on available take-back and end-of-life product management options.
- Requirement that product packaging and containers must clearly display information on the Vendor's environmentally preferable end-of-life recycling and disposal options for the product and its packaging, as applicable.
- Requirement that vendor must post the aforementioned consumer information on at least one clearly visible sign at the point-of-purchase for the end user of the product.

Sample Proposal Language

End of Life Management 1 [Mandatory]: Vendors must propose a program in which they agree to provide take-back and management services for end-of-life sharps, a hazardous household waste, at no cost to the Jurisdiction. This can be accomplished through a contractual provision whereby the seller agrees to be responsible for taking back the products and providing for appropriate disposal when the buyer no longer needs the products.

Such take-back methods may include but are not limited to:

1. One-for-one exchange of equipment offered by, or previously purchased from the Vendor, upon purchase of new equipment from said Vendor.
2. Collection of any used sharps by approved Vendor or sub-contractor at specific location where the sharps are used to ensure reduction in needle-stick incidents.

Any proposed programs must comply with the following:

If take-back provisions are proposed, agencies must follow applicable laws, procedures and guidelines relating to disposing of equipment prior to invoking disposal procedures. The proposed programs shall continue for the life of the product; e.g., beyond the product contract period.

Vendor should also highlight if they are willing to take-back products other than their own.



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