

March 7, 2024

The Honorable Greg Wallis
1021 O Street, Suite 4330
Sacramento, CA 95814

Submitted via Position Letter Portal

RE: OPPOSE - AB 2445 (Wallis) – Prescriptions: personal use pharmaceutical disposal system

Dear Assemblymember Wallis,

The California Product Stewardship Council (CPSC) respectfully **opposes** AB 2445 (Wallis), which would create more waste by requiring every prescription opioid to be dispensed with a personal use pharmaceutical disposal system despite the existence of a comprehensive state regulated and industry funded statewide drug collection program. CPSC is a leading advocate for Extended Producer Responsibility (EPR) policies, uniting local governments, NGOs, businesses, and individuals to promote shared responsibility for managing problematic products at their end of life.

California already has a statewide pharmaceutical waste program that was established by SB 212 (Jackson, Ting, Gray – 2018). The Extended Producer Responsibility (EPR) program established by that legislation has been in operation since 2021 and requires drug makers to design and establish a statewide drug collection system for unused medications. The program had an estimated 1,414 permanent drug take-back collection sites according [CalRecycle's Pharmaceutical and Sharps Program List](#) and the collection system has a population-based minimum number of collection sites to ensure equitable statewide coverage in rural areas. The law also requires a statewide education and outreach program and alternative collection methods like temporary take-back events and mail back options. There are also nine counties that are not covered by the SB 212 program because their counties had adopted nearly identical laws prior to passage, and those counties each have an established permanent collection site network.

Most, if not all, of the products that are available to consumers to render an opioid prescription harmless require the addition of water into a pouch. The active ingredients within the pouch then deactivate the opioids. Based on California regulation 27 CCR § 20164 and 27 CCR § 20200(d)(3), which restricts disposal of free liquids and regulates moisture-holding capacity for Californian landfills, it appears that this type of product, when properly used, would be in violation of State law. The product appears to exceed the limit of no more than 50% moisture content when used pursuant to the instructions for that type of product. Furthermore, these products may also result in free liquids which is also in violation of State law.

California has a convenient and effective statewide drug takeback system that meets strong environmental standards. AB 2445 would be an unnecessary expense and would likely confuse consumers who are already being educated about how to safely and properly dispose of unused medications. For these reasons, we **OPPOSE** [AB 2445](#) (Wallis).

Respectfully,



Doug Kobold, Executive Director

CPSC Vision

Producers have the primary responsibility to establish, fund, and manage end of life systems for their products with state government setting the performance goals and ensuring accountability and transparency.

CPSC Mission Statement

To shift California's material economy from a linear model that subsidizes resource extraction, including ratepayer financed collection and disposal, towards a circular economy that relies upon producer-financed and managed recovery programs overseen by state agencies with all participants compensated for their contributions, while improving the health and well-being of all Californians.