



November 30, 2015

Pharmaceutical Working Group
C/O Angelo J. Bellomo, REHS, QEP
Deputy Director for Health Protection
5050 Commerce Drive
Baldwin Park, CA 91706

SUBJECT: Los Angeles County EPR Pharmaceuticals and Sharps Ordinance Language - Comments

Dear Mr. Bellomo:

The signatories to this letter are in support of Los Angeles County's efforts to craft an Extended Producer Responsibility (EPR) Pharmaceuticals and Sharps Ordinance with ample stakeholder input. The County of Los Angeles has drafted an ordinance released on 11-10-2015 and requested public comment and input. Previously we submitted a list of thirteen key elements of

a properly constructed ordinance prior to seeing the draft language. We believe that the county staff have done an excellent job in preparing the first draft including:

- the definition of producers
- the definition of sharps
- not mandating the pharmacies or law enforcement participate as collection locations
- prohibiting visible fees to be charged at point of purchase or a charge at disposal

In addition to our previous general suggestions we have eight specific comments/questions:

1. Include a definition for a safe container for sharps referencing that it be [FDA compliant](#) FDA-cleared sharps disposal containers are made from rigid plastic and come marked with a line that indicates when the container should be considered full, which means it's time to dispose of the container. This definition could include specifying a color. In Canada they have specified that the containers should be yellow to be easily identifiable. In the U.S. the FDA has not specified a color.
2. Include provision that an FDA compliant sharps container must be provided at no charge with the purchase of sharps at the point of purchase
3. Clarify what is meant by line 3 on page 11 regarding certification that patient information on packaging will be destroyed.
4. Clarify what is meant by incentives to those who voluntarily agree to serve as collectors.
5. Include a provision that any existing county funded collection location, such as law enforcement stations, be fully compensated for the bins, disposal and labor costs when the ordinance takes effect if they continue to operate until the producer run program is completely rolled out and meeting convenience standards.
6. Include a provision on determining the effectiveness of public education efforts whereby the County would approve of some metric for consumer awareness and usage of the program, possibly using public survey method.
7. Include language to prohibit producers and the stewardship organization from promoting methods of disposal outside those in the stewardship plan, such as throwing medications and sharps in the trash or flushing them.
8. Include language to establish a convenience standard that is not only geographically equitable but also takes into account socioeconomic and transportation issues for the public.

The passage of this ordinance would ensure that manufacturers and producers of prescription and nonprescription drugs and sharps share in the responsibility of proper disposal of their products by developing a safe and convenient program to collect and properly manage unused/unwanted pharmaceutical and sharps waste from County residents. The ordinance does not require manufacturers and producers to bear all of the responsibility for the impact of these products – it just requires a significant contribution to the efforts already funded by taxpayers and managed by local governments. It recognizes that industry has a role in managing the end-of-life consequences of their products when those products have substantial societal impacts at the end-of-life and that externalizing all the costs is just not fair or reasonable.

The signatories are in strong support of this important effort to craft legislation, with the industries and stakeholders.

Sincerely,

Christine Flowers, Program Manager, California Product Stewardship Council

Heidi Sanborn, Executive Director, National Stewardship Action Council

Dr. Matt Willis, Public Health Officer, RxSafe Marin

April Rovero, Executive Director, National Coalition Against Prescription Drug Abuse

Teresa Bui, Legislative and Policy Analyst, Californians Against Waste

Andria Ventura, Toxics Program Manager, Clean Water Action

J Michael Huls, Principal, Sustainable Environmental Management Co., Professor, Zero Waste Communities, Santa Monica College

Jodi Reid, Executive Director, California, Alliance for Retired Americans

Dianna Cohen, CEO and Co-Founder, Plastic Pollution Coalition

Craig Cadwallader, Chapter Chair, Surfrider Foundation South Bay Chapter

Bill Allayaud, California Director of Government Affairs, Environmental Working Group

Graham Hamilton, Executive Committee Chairman Surfrider Foundation West LA / Malibu Chapter