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SOLID WASTE MANAGEMENT COMMITTEE/  
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December 18, 2008

Ms. Margo Reid Brown, Chair  
California Integrated Waste Management Board  
P.O. Box 4025  
Sacramento, CA 95812-4025

Dear Ms. Brown:

**COMMENTS ON THE DRAFT CRITERIA AND PROCEDURES FOR MODEL PROGRAMS FOR THE COLLECTION AND PROPER DISPOSAL OF PHARMACEUTICAL WASTE**

Thank you for the opportunity to comment on the draft Criteria and Procedures for Model Programs for the Collection and Proper Disposal of Pharmaceutical Waste. The draft proposal is scheduled for discussion by the California Integrated Waste Management Board (CIWMB) and stakeholders on December 19, 2008. The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) applauds the CIWMB's efforts to develop model programs to devise a safe, efficient, convenient, cost-effective, sustainable, and environmentally sound solution for the proper management of home-generated pharmaceutical and sharps wastes. The Task Force would like the CIWMB to address the following issues related to legislative and regulatory obstacles in implementing model programs for the proper management of the said wastes stream.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and its 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities, and to ensure a coordinated, cost-effective, and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

First, the most logical and convenient collection sites for the residents to bring their home-generated pharmaceutical waste and sharps wastes are pharmacies, health clinics, and hospitals. However, as indicated in the November 13, 2008, CIWMB staff report Item No. 4, the California Business and Professions Code does not clarify whether a pharmacy is authorized to

collect home-generated pharmaceuticals and/or sharps waste. This places an impediment on providing convenient collection opportunities and promoting producer responsibility. The CIWMB in concert with the California Department of Consumer Affairs and the California Pharmacy Board needs to develop legislative language and promote efforts for the Legislature to amend the Business and Professions Code to authorize a pharmacy to accept the return of home-generated pharmaceuticals and sharps waste and also expand means to encourage the pharmacies, health clinics, and hospitals to implement convenient programs for the safe management of the abovementioned waste streams.

Second, as required by SB 966, the draft Procedures attempt to identify "sustainable" funding sources for the collection and disposal of pharmaceuticals, such as grants, utility funding, Advance Disposal Fees placed on pharmaceuticals, local general funds, and Extended Producers Responsibility (EPR) funding framework. We consider the EPR funding framework to be the most viable mechanism to provide for a sustainable funding source and legislative efforts need to be provided to ensure implementation of the EPR. Further, as identified in the staff report, the pharmaceutical waste stream under the medical waste definition is currently not eligible for Hazardous Household Waste (HHW) grant funding either. As part of the legislative efforts, consideration should be provided for a legislation that would exclude home-generated pharmaceutical waste from the definition of medical waste, to allow the waste stream to qualify for HHW grant funding.

Finally, the draft Criteria and Procedures require the management of home-generated pharmaceutical waste to be handled according to the Medical Waste Management Act as well as requiring segregation of pharmaceuticals from other waste streams. This may pose a barrier and discourage participation due to time constraints and high handling costs involving segregation of pharmaceuticals from other waste streams, as well as, the management of collected waste as medical waste. Common carriers, such as U.S. Postal Service, are authorized to collect home-generated pharmaceuticals and sharps waste under the hazardous waste regulations and would be much more cost effective and efficient to apply the same rule here. The CIWMB in concert with the California Department of Public Health, the California Department of Consumer Affairs, and the California Pharmacy Board needs to promote efforts for the Legislature to enact a legislation that would exclude home-generated pharmaceutical waste management from the Medical Waste Management Act.

To encourage participation in the proposed model programs, the State should recognize the existing programs that have been successfully implemented. For example, the County of Los Angeles has the largest program in the nation for the management of HHW and Electronic Waste, including home-generated pharmaceutical and sharps waste. Since its inception in the late 1980s, this Countywide program has been beneficial in serving the unincorporated communities and the 88 cities in Los Angeles County to protect the health and safety of the public and the environment. The staff report did not acknowledge the existence of this major program. It would be beneficial to have summaries of such programs including program challenges, barriers, costs, resources, and recommendations that others can consider when implementing new model programs.

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If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Council Member, City of Rosemead

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cc: Governor Arnold Schwarzenegger  
Senate President pro Tem Darrel Steinberg  
Assembly Speaker Karen Bass  
Senator Joe Simitian  
Cal EPA Secretary (Linda Adams)  
California State and Consumer Services Agency Secretary (Rosario Marin)  
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California Department of Public Health (Dr. Mark Horton, Kelvin Yamada)  
Director of the California Department of Consumer Affairs (Carrie Lopez)  
President of the California Pharmacy Board (Kenneth Schell)  
Executive Director of the California Pharmacy Board (Virginia Harold)  
California State Association of Counties  
The League of California Cities  
The League of California Cities, Los Angeles County Division  
Each Member of the County of Los Angeles' Board of Supervisors  
Each City Mayor in Los Angeles County  
South Bay Cities Council of Governments  
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Each City Recycling Coordinator in Los Angeles County  
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