


## 0. Memos

- a. Request for Expedited Review Memo
- b. Request for Early Effective Date Memo

MEMORANDUM

To: Office of Administrative Law

Date: November 19, 2020

  
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Irina Kaminer, Staff Attorney

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY  
(CALRECYCLE)

Subject: REQUEST FOR EXPEDITED REVIEW

The California Department of Resources Recycling and Recovery (CalRecycle) respectfully requests that the Office of Administrative Law (OAL) expedite its review of the proposed regulations regarding the Pharmaceutical and Sharps Waste Stewardship Program (California Code of Regulations, Title 14, Division 7, Chapter 11, commencing with Article 4, section 18972) ("Regulations").

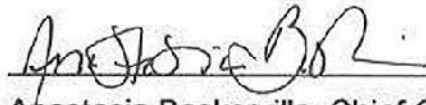
The Regulations are required by the authorizing statute to become effective by January 1, 2021. CalRecycle was unable to submit the regulatory package to OAL by October 1, 2020. But, CalRecycle made every effort to submit the Regulations to OAL in a timely manner despite challenges related to COVID-19, implementation of new accessibility requirements, and staffing issues.

For reasons stated in the Request for an Early Effective Date (included in the rulemaking file), CalRecycle respectfully requests that OAL expedite its review of the Regulations.

MEMORANDUM

To: Office of Administrative Law

Date: November 19, 2020



Anastasia Baskerville, Chief Counsel

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY  
(CALRECYCLE)

Subject: REQUEST FOR EARLY EFFECTIVE DATE BASED UPON GOOD CAUSE

The California Department of Resources Recycling and Recovery (CalRecycle) respectfully requests that the Office of Administrative Law (OAL) prescribe an early effective date for the proposed regulations regarding the Pharmaceutical and Sharps Waste Stewardship Program (California Code of Regulations, Title 14, Division 7, Chapter 11, commencing with Article 4, section 18972) ("Regulations"), based upon good cause as delineated below.

Public Resources Code, section 42031.2(a) requires that CalRecycle adopt regulations, with an effective date of no later than January 1, 2021, for the implementation of Senate Bill 212 (Jackson, Chapter 1004, Statutes of 2018), contained in Chapter 2 of Part 3 of Division 30 of the Public Resources Code. CalRecycle was unable to submit the regulatory package to OAL by October 1, 2020 (a quarter in advance) in order for the Regulations to be effective by January 1, 2021. But, CalRecycle made every effort to submit the Regulations to OAL in a timely manner despite challenges related to COVID-19, implementation of new accessibility requirements, and staffing issues.

Deadlines within the authorizing statute that affect the regulated community are reliant on the Regulations having an effective date of no later than January 1, 2021. The Regulations should be in place as soon as possible to preserve regulatory certainty and to avoid unnecessary delays, costs, and hardships on members of the regulated community who have already made significant preparations based upon the statutory effective date.

Delaying the effective date of the Regulations to April 1, 2021 will delay improvements to public health and the environment as intended by the Legislature and Governor upon enacting this law in 2018. As explained in the Initial Statement of Reasons, the Regulations will reduce needle-stick injuries and accidental poisonings, mitigate abuse of prescription drugs, and improve water quality. Program operators cannot submit stewardship plans for the implementation of a stewardship program until the Regulations are effective. For the foregoing reasons, the Regulations should be in place as soon as possible.

Accordingly, CalRecycle respectfully requests that OAL approve the Regulations so they become effective on filing with the Secretary of State, but no later than January 1, 2021.