

## REQUEST FOR APPROVAL

**To:** Rachel Machi Wagoner  
Director

**From:** Zoe Heller  
Acting Deputy Director, Materials Management and Local  
Assistance Division  
Deputy Director, Policy Development and Analysis Office

**Request Date:** June 14, 2022

**Decision Subject:** Consideration of MED-Project's 2021 Annual Report for Home-Generated Sharps Waste

**Action By:** June 29, 2022

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### **Summary of Request**

MED-Project USA (MED-Project) submitted its 2021 annual report, titled, *MED-Project 2021 Annual Report, State of California, Sharps (2021 Annual Report)* on March 31, 2022, as required by statute. This Request for Approval presents staff's analysis and compliance recommendation regarding MED-Project's *2021 Annual Report*.

### **Background**

MED-Project is a stewardship organization that represents more than 50 covered entities. On December 9, 2021, the Department of Resources Recycling and Recovery (CalRecycle) conditionally approved MED-Project's *A Product Stewardship Plan for Home-Generated Sharps Waste (Plan)* pursuant to Public Resources Code (PRC) section 42032(d)(1) and Title 14, California Code of Regulations (14 CCR) sections 18973.1(e) and (g). *2021 Annual Report* covers the period of time its *Plan* was conditionally approved in calendar year 2021 (December 9, 2021, through December 31, 2021).

PRC section 42033.2(a)(1) states that, on or before March 31, 2022, and each year thereafter, a program operator shall submit to CalRecycle a report that describes the stewardship program activities during the previous reporting year. MED-Project submitted its *2021 Annual Report* on March 31, 2022. CalRecycle determined the *2021 Annual Report* was complete and notified MED-Project on May 2, 2022, pursuant to PRC section 42033.2(d)(1) and 14 CCR section 18973.1(b). CalRecycle has 90 days to approve, disapprove, or conditionally approve the *2021 Annual Report* pursuant to PRC section 42033.2(d)(2) and 14 CCR section 18973.1. The sections below summarize staff's analysis of MED-Project's *2021 Annual Report*.

### **Staff Analysis**

#### **1. Program Activities**

**Requirement:** A written report describing the stewardship program activities during the previous reporting period of one year pursuant to PRC sections 42033.2(a)(1) and 42033.2(b) and 14 CCR section 18973.5. A description and evaluation of the

comprehensive education and outreach activities pursuant to 14 CCR section 18973.5(i).

Result: Additional information from and additional actions by MED-Project are necessary. MED-Project must meet the condition outlined below under the section titled “CalRecycle Condition 1.”

MED-Project’s *2021 Annual Report* states that the *Plan* was in the beginning stages of implementation during the December 9, 2021, to December 31, 2021, reporting period and MED-Project had not implemented its mail-back program.

On page 13 of its *2021 Annual Report*, MED-Project states that it “did not begin education and outreach efforts during the Reporting Period.” However, on page 8, MED-Project states that it “performed outreach and education about the Program with Covered Entities and Point of Sale Sites” and on page 6 it reported \$116,089 in education and outreach costs during the reporting period. MED-Project must clarify whether any education and outreach efforts took place during MED-Project’s reporting period and provide a description and evaluation of those activities in its *2021 Annual Report*.

CalRecycle Condition 1: Pursuant to 14 CCR section 18973.1(j), MED-Project must revise and resubmit its 2021 annual report to CalRecycle within 60 days of signature of this Request for Approval, and the resubmitted annual report must meet the following condition:

- a) Provide sufficient description of all education and outreach efforts performed by MED-Project consistently throughout its annual report. (The requirement necessitating this condition appears in 14 CCR section 18973.5(i)).

### **Summary of Staff Analysis**

CalRecycle staff reviewed MED-Project’s *2021 Annual Report*, which describes MED-Project’s program activities in its 2021 reporting period (December 9, 2021, through December 31, 2021), and found the *2021 Annual Report* substantially compliant with all material requirements in PRC section 42033.2(b), 14 CCR sections 18973 and 18973.5, and MED-Project’s conditionally approved *Plan*. However, additional information from and additional actions by MED-Project are necessary for CalRecycle to determine that the *2021 Annual Report* is compliant.

### **Options**

1. Conditionally approve MED-Project’s *2021 Annual Report*, contingent upon MED-Project providing to CalRecycle a revised 2021 annual report, within 60 days of signature on this Request for Approval, that includes the additional information to meet the condition specified in the “Staff Analysis” section of this Request for Approval.
2. Disapprove MED-Project’s *2021 Annual Report*. MED-Project shall resubmit its revised 2021 annual report within 60 days of signature on this Request for Approval and CalRecycle will review the revised 2021 annual report within 90 days of resubmittal.

**Action**

Based on the information and analysis in this Request for Approval, I hereby conditionally approve MED-Project's *2021 Annual Report*, contingent upon MED-Project revising and resubmitting its 2021 annual report, within 60 days as described in the "Options" section above. Failure to comply with the condition and resubmit within 60 days may result in disapproval of MED-Project's *2021 Annual Report*. This Request for Approval shall serve as the written notice of the condition that CalRecycle must identify pursuant to the first sentence in 14 CCR section 18973.1(j).

**Dated:** June 23, 2022

**Signed by:** Rachel Machi Wagoner, Director

**Attachments:**

Documents listed below are posted to CalRecycle's website. To request the *2021 Annual Report* and its associated attachments, please submit a Public Records Act request (<https://www2.calrecycle.ca.gov/Forms/ContactUs/PublicRecordsRequest/>).

1. [A Product Stewardship Plan for Home-Generated Sharps Waste](#) (September 14, 2021)  
<https://www2.calrecycle.ca.gov/Docs/Web/119592>
  - a. [Appendix A – Participating Covered Entities](#) (September 14, 2021)  
<https://www2.calrecycle.ca.gov/Docs/Web/119595>
  - b. [Appendix B – Covered Products](#) (September 14, 2021)  
<https://www2.calrecycle.ca.gov/Docs/Web/119598>