

## 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:** August 1, 2022

**Decision Subject:** Consideration of The Drug Takeback Solutions Foundation's  
Revised Stewardship Plan for Home-Generated Sharps Waste

**Action By:** August 16, 2022

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### **Summary of Request**

The Drug Takeback Solutions Foundation (The Foundation) submitted a revised stewardship plan for home-generated sharps waste, which includes its initial program budget, titled, *Stewardship Plan for Home-Generated Sharps Waste (Revised Plan)* to the Department of Resources Recycling and Recovery (CalRecycle) on May 17, 2022, pursuant to the requirements in CalRecycle's February 2022 Request for Approval, titled, *Consideration of The Drug Takeback Solutions Foundation's Product Stewardship Plan for Home-Generated Sharps Waste*. This Request for Approval presents staff's analysis and compliance recommendation regarding The Foundation's *Revised Plan*.

### **Background**

The Foundation is a stewardship organization that represents two covered entities under its *Revised Plan*.

On November 19, 2021, The Foundation submitted its *Stewardship Plan for Home-Generated Sharps Waste (Plan)* to CalRecycle, pursuant to Public Resources Code (PRC) section 42032, and on December 16, 2021, an addendum, titled, *Addendum to Stewardship Plan for Sharps Waste* as part of the *Plan*. CalRecycle determined the *Plan* was complete and notified The Foundation on December 20, 2021, pursuant to PRC section 42032(c)(1) and Title 14, California Code of Regulations (14 CCR) section 18973.1(b).

On February 14, 2022, CalRecycle conditionally approved The Foundation's *Plan* pursuant to PRC section 42032(d)(1) and 14 CCR section 18973.1(e) and (g). CalRecycle provided The Foundation 90 days to submit a revised plan that addressed the conditions specified in the February 2022 Request for Approval. The February 2022 Request for Approval required The Foundation to submit (1) a letter, within 30 days of February 14, 2022, committing to revise and resubmit its plan to meet the conditions specified in the "Staff Analysis" section of the February 2022, Request for Approval, and (2) a revised sharps plan, within 90 days of February 14, 2022, that included the

additional information to meet the conditions specified in the “Staff Analysis” section of the February 2022 Request for Approval.

The Foundation submitted the required letter on March 15, 2022. On May 17, 2022, The Foundation submitted a *Revised Plan*, which is the subject of this Request for Approval.

### **Staff Analysis**

Each condition in the February 2022 Request for Approval that CalRecycle required The Foundation to address is listed below, followed by a summary of staff’s analysis of The Foundation’s *Revised Plan* submitted on May 17, 2022.

#### **1. CalRecycle Condition 1**

Requirements: CalRecycle required the *Revised Plan* to meet the following conditions pursuant to PRC sections 42030(e), 42030(g), 42030(l), 42030(u), 42032.2(d)(1)(F), 42032.2(d)(1)(F)(i) and 42032(d)(1)(F)(i)(I) and 14 CCR sections 18972.1(a)(10), 18973.3(f)(2), 18973.3(f)(2)(A), 18973.3(f)(2)(B), and 18973.3(f)(5)):

- a. Clarify and demonstrate how the plan complies with the requirement to (1) provide sharps waste containers and mail-back materials at all points of sale where any covered products covered under the plan are sold, and/or (2) arrange, at the point of sale or prior, for a sharps waste container and mail-back materials to be sent to the ultimate user and arrive to the ultimate user within five business days of the point of sale. Ensure that the revised plan states that mail-back materials will be provided with sharps waste containers.
- b. Provide circumstances and justification whereby providing and arranging for arrival, pursuant to 14 CCR sections 18972.1(a)(10)(A) and (B), are illegal. Alternatively, remove the option under 14 CCR section 18972.1(a)(10)(C), described in the Plan, which requires the ultimate user to request sharps waste containers and mail-back materials.
- c. Explain how sharps waste containers and mail-back materials will be distributed to ultimate users in amounts sufficient to accommodate the volume of sharps purchased over a selected time period.
- d. Ensure that all inserts and instructions provided with the sharps waste containers are consistent with the scope of covered products that will be managed under this program. Explain how “Injector Mail-Back Packages” may be utilized as part of the program.
- e. Explain how all ultimate users, including homeless individuals without a permanent address, can receive sharps waste containers and mail-back materials through all approved options, including the option whereby ultimate users are instructed to order sharps waste containers and mail-back materials through The Foundation’s website or toll-free telephone number.
- f. Ensure that the stewardship program established by this plan will be a mail-back program and that any supplemental collection methods are provided in addition to, but not in lieu of, the mail-back program.

Result: Conditions 1(a), (b), (c), (d) and (f) met. Condition 1(e) partially met.

Additional information from and additional actions by The Foundation are necessary.

In the *Revised Plan*, The Foundation states it will establish a mail-back program that will “provide Sharps Waste Containers and Mailers at all Points of Sale where Covered Products are sold,” meeting condition 1(a). Further, the program will “arrange, at the Point of Sale or prior, for a Sharps Waste Container and Mailer to be sent to the Ultimate User and arrive ... within five (5) business days of the request.” The *Revised Plan* also explains what will happen at the point of sale and how “Point of Sale location” employees will provide or initiate distribution to the ultimate user.

The Foundation removed reference in the *Revised Plan* to an alternative option where ultimate users would be required to request a sharps waste container and mail-back materials. The Foundation’s *Revised Plan* met condition 1(b).

In the *Revised Plan*, The Foundation states that sharps waste containers and mail-back materials will be distributed to ultimate users in amounts sufficient to accommodate the volume of sharps purchased over a selected time period, and that point of sale location employees will be trained to offer a container to accommodate the amount of sharps purchased. The Foundation’s *Revised Plan* met condition 1(c).

Language describing the information included on the insert provided with the sharps waste containers was updated in the *Revised Plan* to reflect the scope of covered products managed under the program and removed reference to “Injector Mail-Back Packages.” The Foundation’s *Revised Plan* met condition 1(d).

The *Revised Plan* states that ultimate users without an address have the option to use USPS General Delivery, and that information about this process will be provided to point of sale locations. Additionally, in the “Education and Outreach” section, the *Revised Plan* describes that the website will accept requests for sharps waste container and mail-back materials from all ultimate users, including homeless individuals. However, The Foundation did not explain how ultimate users without a permanent address can receive sharps waste containers and mail-back materials when placing a request through The Foundation’s toll-free telephone number. The *Revised Plan* partially met condition 1(e) as The Foundation did not state that the toll-free telephone number will accommodate requests from homeless individuals.

In the *Revised Plan*, The Foundation clarifies that it will establish a mail-back program and any supplemental collection methods are provided in addition to, but not in lieu of, the mail-back program. The Foundation’s *Revised Plan* met condition 1(f).

## **2. CalRecycle Condition 2**

Requirements: CalRecycle required the *Revised Plan* to meet the following conditions pursuant to PRC sections 42032.2(d)(1)(C) and 42033(b), and 14 CCR sections 18973.3(e) and 18973.6(b) through (e):

- a. Include a narrative description of the types of activities that will be conducted under each of the line items in the budget. Include the departmental administrative fees in the initial program budget as either a separate line item or part of the administrative costs line item, pursuant to 14 CCR section 18973.6(b). Include a description of how costs are apportioned to and funds are remitted from participating covered entities.

- b. Correct all mathematical discrepancies and ensure an accurate initial five-year program budget is submitted.
- c. Include a justification for the proposed reserve level amount and commit to maintaining the reserve in a prudent and responsible manner.

Result: Conditions 2(a), (b), and (c) partially met. Additional information from and additional actions by The Foundation are necessary.

The *Revised Plan* includes the departmental administrative fees as a separate line item and includes a description of how “Program operational costs” are apportioned to and funds remitted from participating covered entities, partially meeting condition 2(a). While The Foundation provided narrative descriptions for the costs categories provided in its *Revised Plan*, some required cost categories are missing. The *Revised Plan* does not specify if the Foundation will provide any grants, loans, sponsorships, reimbursements, or other incentives. These potential costs must be included as a line item in the budget, even if they are not applicable. Additionally, The Foundation did not include a line item for capital costs. The Foundation’s *Revised Plan* partially met condition 2(a) as it did not include all required cost categories pursuant to 14 CCR section 18973.6(b), and a narrative description for those categories.

Regarding condition 2(b), the five-year program budget provided in Appendix A does not contain any mathematical errors. However, the total five-year departmental administrative fee cost provided in Appendix A is \$2,942,263 which is different than \$2,484,680 (i.e., the amount listed as “Item 4. Department Administrative Fee” in the “Program Budget” section of the *Revised Plan* (pages 8-9)). Therefore, The Foundation partially met condition 2(b) as it did not correct all mathematical discrepancies needed to ensure submittal of an accurate initial five-year program budget. CalRecycle notes that regardless of the estimated departmental administrative fee amount included in The Foundation’s, or any program operator’s, budget, program operators are responsible for paying the actual departmental administrative fee amount, pursuant to PRC section 42034.2.

In the *Revised Plan*, The Foundation proposes a reserve level amount of nine percent of the “total program operational budget” for the first five years of program expenses and commits to maintain the reserve in a prudent and responsible manner, partially meeting condition 2(c). However, Appendix A of the *Revised Plan* includes line items for reserve amounts of approximately nine percent for 2022, six percent for 2023, and eight percent for 2024 through 2026. The Foundation did not provide a justification as to why nine percent is an appropriate reserve level amount, or an explanation for why the reserve level deviates from the proposed 9 percent level in some years. The Foundation partially met condition 2(c) as the *Revised Plan* did not include a justification for the proposed reserve level amounts

### **3. CalRecycle Condition 3**

Requirements: CalRecycle required the *Revised Plan* to meet the following conditions pursuant to PRC sections 42031.6(a)(1), 42031.6(a)(5), and 42032.2(d)(1)(E) and 14 CCR sections 18973.3(i)(1) through 18973.3(i)(6):

- a. Clarify that the education and outreach program is intended to promote ultimate user awareness and maximize ultimate user participation. Specify that signage will be provided to hospitals, pharmacies, and other locations, as necessary.
- b. Explain the methodology The Foundation proposes to use to determine which languages are suited to various local demographics. Describe how The Foundation's comprehensive education and outreach program will promote participation in the stewardship program, encourage users to separate covered products from products that are not covered, and distribute materials in languages suited to local demographics.
- c. Describe how the website's digital content and navigability will be accessible to disabled individuals. Provide an accurate description of how the website will provide instructions for safe handling and proper disposal of home-generated sharps waste, not "substances."
- d. Clarify that language options suited to local demographics will be available for live translation through the toll-free telephone number and how non-English language users will understand that live translation services are available in other languages. Explain how the toll-free telephone number will provide services for hearing-impaired and speech-impaired individuals.
- e. Explain how the proposed biennial education and outreach survey will evaluate the annual performance of the outreach and education program regarding ultimate user awareness, program usage, and accessibility. Describe the metrics that will be used to measure ultimate user awareness, program usage, and accessibility. Include sufficient detail about the components of the comprehensive education and outreach program in the plan that is not dependent upon an additional CalRecycle review process.

Result: Condition 3(d) met. Conditions 3(a), (b), (c), and (e) partially met. Additional information from and additional actions by The Foundation are necessary.

The *Revised Plan* describes education and outreach methods The Foundation will use to promote ultimate user awareness and maximize ultimate user participation, including printed materials, traditional media, programmatic advertising, social media, and targeted media. However, the website narrative description on page 21 limits activities to publicizing collection options and education to covered entities only, while the bullets below the narrative include ultimate users, as well. The Foundation states that "promotional materials" will be provided to hospitals and pharmacies but does not state that required signage will be provided to hospitals, pharmacies, and other locations, as necessary. Therefore, The *Revised Plan* partially met condition 3(e) as The Foundation did not clarify that the education and outreach program is intended to promote ultimate user awareness and specify that signage will be provided to hospitals, pharmacies, and other locations, as necessary.

The *Revised Plan* includes sufficient description of the activities The Foundation will use to promote participation in the stewardship program. The *Revised Plan* states that all education messaging will include guidance on separating covered products from products that are not covered. The Foundation proposes to translate materials based on the languages available on the California Voter Registration website for

the methodology to determine which languages are suited to various local demographics, partially meeting condition 3(b). The *Revised Plan* also states that whenever notice of availability of materials is given, either orally or in writing, it will be provided in English and any non-English language(s) that the materials have been translated into. However, the *Revised Plan* does not describe how The Foundation will distribute materials in languages suited to local demographics. It describes that “materials will be developed for dissemination...that will be translated into languages” but does not describe whether materials, including printed materials, will always be provided in these languages or how ultimate users will know how and where to access these translated materials. The Foundation must describe how it will distribute (not just make available) materials, including printed materials, in languages suited to local demographics. The *Revised Plan* partially met condition 3(b) as The Foundation did not describe how it will distribute materials, including printed materials, in languages suited to local demographics.

The Foundation states that the website will be compliant with Web Content Accessibility Guidelines 2.0, partially meeting condition 3(c). The *Revised Plan* did not provide an accurate description that meets the requirement in 14 CCR section 18973.3(i)(3)(B). The *Revised Plan* states that the website will “clearly indicate what substances are and are not accepted.” The Foundation also did not provide an accurate description of how the website will provide instructions for safe handling and proper disposal of home-generated sharps waste, not “substances.” The Foundation’s *Revised Plan* partially met condition 3(c).

The *Revised Plan* clarifies that language options suited to local demographics will be available for live translation through the toll-free telephone number and explains how non-English language users will understand that live translation services are available in other languages. The *Revised Plan* states that the toll-free telephone number will provide services for hearing-impaired and speech-impaired individuals. The Foundation’s *Revised Plan* met condition 3(d).

The *Revised Plan* proposes an annual survey and commits to reporting the survey results in the annual report. The Foundation also removed dependency on an additional CalRecycle review process, partially meeting condition 3(e). The *Revised Plan* describes a survey of “Covered Entities, pharmacists and healthcare professionals” that will measure how these groups assess the convenience and accessibility of the program. It is not clear how surveying covered entities will evaluate the performance of the education and outreach program related to making ultimate users aware of the program, program usage, and program accessibility pursuant to 14 CCR section 18973.3(i)(5). The Foundation must explain how the proposed annual education and outreach survey will evaluate the performance of the education and outreach program regarding ultimate user awareness, program usage, and accessibility. Although The Foundation proposes to design survey questions that will “evaluate the effectiveness of different messaging,” the *Revised Plan* does not include clear metrics that will be used to evaluate the performance of the education and outreach program, specifically the metrics that will be used to measure ultimate user awareness, program usage, and accessibility. Therefore, The Foundation did not meet all the requirements of condition 3(e). The *Revised Plan*

partially met condition 3(e) as The Foundation did not describe the metrics that will be used to measure ultimate user awareness, program usage, and accessibility and explain how the proposed annual education and outreach survey will evaluate the performance of the education and outreach program regarding ultimate user awareness, program usage, and accessibility.

#### **4. CalRecycle Condition 4**

Requirement: CalRecycle required the *Revised Plan* to meet the following condition pursuant to PRC section 42032.2(e) and 14 CCR section 18973.3(h):

- a. Describe the processes and logistics of implementation that will be utilized to expand the stewardship program into jurisdictions that repeal their local stewardship program ordinance.

Result: Condition 4(a) partially met. Additional information from and additional actions by The Foundation are necessary.

In the *Revised Plan*, The Foundation describes the processes and logistics of implementation that will be utilized to expand the stewardship program into jurisdictions that repeal their local stewardship program ordinance, including identifying differences and updating and expanding the program as necessary. However, the *Revised Plan* states The Foundation will incorporate its program into a jurisdiction that has repealed their local ordinance “within 270 days of the effective date of their notification of repeal.” It is the responsibility of The Foundation to incorporate its program into the jurisdiction within 270 days of the repeal effective date regardless of notification by the jurisdiction. The *Revised Plan* partially met condition 4(a) as The Foundation did not describe how it will expand its stewardship program into jurisdictions that repeal their local stewardship program ordinance within 270 days of the effective date of repeal.

#### **5. CalRecycle Condition 5**

Requirement: CalRecycle required the *Revised Plan* to meet the following condition pursuant to 14 CCR section 18973.3(j):

- a. Propose a process to coordinate with approved program operators to avoid confusion to the public and all program participants that is not dependent upon a CalRecycle approval process and does not place responsibilities, outside of those that are mutually acceptable, on other program operators.

Result: Condition 5(a) met.

In the *Revised Plan*, The Foundation proposes a process to coordinate with approved program operators to avoid confusion to the public and all program participants that is not dependent upon a CalRecycle approval process and does not place responsibilities on other program operators. The Foundation’s *Revised Plan* met condition 5(a).

#### **6. CalRecycle Condition 6**

Requirements: CalRecycle required the *Revised Plan* to meet the following conditions pursuant to PRC section 42030(q) and 14 CCR section 18973(d):

- a. Use terminology defined in PRC and 14 CCR or define and consistently utilize terminology within the plan.
- b. Ensure that statutory and regulatory citations in the plan are correct.
- c. Consistently identify The Foundation as the stewardship organization and program operator. Consistently identify Inmar as The Foundation's service provider and include its mailing and physical address(es) in Appendix D. Ensure that the plan demonstrates that The Foundation and Inmar are separate entities.

**Result:** Conditions 6(a), (b), and (c) partially met. Additional information from and additional actions by The Foundation are necessary.

The Foundation made some revisions using terminology defined in PRC and 14 CCR, but some inconsistencies in terminology remain throughout its *Revised Plan*. Therefore, condition 6(a) was partially met.

For example, although the *Revised Plan* includes the statement "All capitalized terms not otherwise defined shall have the same meaning as in the Public Resource Code and the Regulation," terms such as "Program," "Point of Sale Location," "Covered Home-Generated Sharps Waste" (found within the definition of the term "Mail-back Unit"), and "California Covered Entities" are used in the *Revised Plan* but are not defined in PRC, 14 CCR, or in the *Revised Plan*. The acronyms "CA," "CCR," and "CA ADC" are not defined. The education and outreach section of the *Revised Plan* uses phrases and terminology such as "traditional media," "behaviorally targeted display," and "social influencer marketing programs" that are not defined or explained. The budget section uses the phrases "Program Budget," "Program operational costs," and "total program operational budget" that are not defined or explained. It is unclear if these phrases are synonymous with "Program Budget," also undefined, or how they relate to the required initial five-year program budget. The phrase "convenience standards" (page 28) does not relate to sharps stewardship programs. The Foundation partially met condition 6(a) as it did not use terminology defined in PRC and 14 CCR or define and consistently use terminology within the *Revised Plan*.

Related to local agency requests, the *Revised Plan* states that "the Service Provider will work with that agency to determine the cost of destruction and will reimburse the facility." PRC section 42032.2(d)(1)(F)(ii)(II) and 14 CCR section 18973.3(g) require a program operator to reimburse local agencies for "transportation and disposal costs," not just the cost of destruction. To be consistent with the terminology in PRC and 14 CCR, The Foundation must clarify that it will provide reimbursement for costs associated with "transportation and disposal" of home-generated sharps waste to any facility operated by a local agency that is properly authorized to accept and manage household hazardous waste.

The Foundation's Plan also includes incorrect references and regulatory citations, partially meeting condition 6(b). For example, the regulatory citation included for "Coordination Efforts" (page 24) is 18973.3(i), when it should be 18973.3(j), the citation included for "Plan Compliance" (page 27), 18973.3(9), does not exist, and the citation referenced in the certification statement on page 37 is incorrect and



should be 14 CCR section 18973(e). In multiple locations the *Revised Plan* includes citations for covered drugs stewardship plan requirements (14 CCR section 18973.2) instead of the appropriate home-generated sharps waste stewardship plan requirements (14 CCR section 18973.3), such as on page 21 related to the website. On page 4, the *Revised Plan* references “the Covered Entities listed in Appendix E.” There is no Appendix E. Additionally, the *Revised Plan* often refers to section numbers without referencing the name of the statute or the regulations (see example on page 9). The Foundation partially met condition 6(b) as it did not ensure that statutory and regulatory citations and appendix references in the plan are correct.

In the *Revised Plan*, The Foundation clarifies that Inmar and The Foundation are separate entities and Inmar is identified as a service provider in the *Revised Plan* and listed in Appendix C. However, the *Revised Plan* is missing some required contact information pursuant to 14 CCR sections 18973.3(a) and 18973.6(a) which require mailing and physical address(es) and website for the person(s) responsible for submitting and overseeing the stewardship plan and budget on behalf of the program operator. The missing contact information is necessary to ensure CalRecycle can contact The Foundation and to ensure Inmar and The Foundation are fully identified as separate entities to meet condition 6(c).

#### **7. CalRecycle Condition 7**

Requirement: CalRecycle required the *Revised Plan* to meet the following conditions pursuant to PRC section 42033.4(a) and 14 CCR sections 18973.3(f)(3) and 18974:

- a. Clarify who is responsible for maintaining records. Ensure that records pertaining to mailer distributions, receipts of returned home-generated sharps waste return mailings, and final disposal of home-generated sharps waste will be maintained.

Result: Condition 7(a) met.

In the *Revised Plan*, The Foundation clarifies that it is responsible for maintaining records. The *Revised Plan* lists the records that The Foundation will keep, which includes the required records pursuant to 14 CCR section 18973.3(f)(3). The Foundation’s *Revised Plan* met condition 7(a).

#### **8. CalRecycle Condition 8**

Requirement: CalRecycle required the *Revised Plan* to meet the following conditions pursuant to 14 CCR sections 18973.3(b) and (c):

- a. Provide the list of sharps sold or offered for sale by each covered entity participating in the plan. Explain any instances when the plan does not include a list of sharps sold or offered for sale by a covered entity participating in the plan.

Result: Condition 8(a) met.

Appendix D of the *Revised Plan* provides a list covered products from two covered entities, and the same covered entities are the only participating covered entities listed in Appendix B. The Foundation’s *Revised Plan* met condition 8(a).

## 9. CalRecycle Condition 9

Requirement: CalRecycle required the *Revised Plan* to meet the following conditions pursuant to 14 CCR section 18973(a):

- a. Correct accessibility errors in the plan to make it compliant with section 7405 of the Government Code and with the Web Content Accessibility Guidelines 2.0.

Result: Condition 9(a) not met. Additional information from and additional actions by The Foundation are necessary.

The *Revised Plan* contains over 30 accessibility errors. Most of the errors result from the PDF document not being correctly and completely tagged, which may prevent a vision impaired reader from obtaining needed information. A tagged PDF contains tags, which create invisible formatting for assistive technologies such as screen readers to read the information aloud in a logical order. Other errors relate to alternative text (which provides a description of non-text information that can be read by a screen reader) in the determination letters. The Foundation did not meet condition 9(a) as it did not ensure the *Revised Plan* is compliant with section 7405 of the Government Code and with the Web Content Accessibility Guidelines 2.0.

### **Stakeholder Feedback**

CalRecycle solicited public input on The Foundation's *Revised Plan* from May 18, 2022, through June 1, 2022, and did not receive any public comments.

### **Summary of Staff Analysis**

CalRecycle staff analyzed The Foundation's *Revised Plan* to determine whether it met all the conditions from CalRecycle's February 2022, Request for Approval. Additional information is still required from The Foundation regarding conditions 1(e), 2(a), 2(b), 2(c), 3(a), 3(b), 3(c), 3(e), 4(a), 6(a), 6(b), 6(c) and 9(a) discussed in the "Staff Analysis" section above, for CalRecycle to determine if The Foundation's plan shall be approved pursuant to 14 CCR section 18973.1(d).

Condition 1(e): The plan must explain how all ultimate users, including individuals without a permanent address, can receive sharps waste containers and mail-back materials through all approved options, including the option whereby ultimate users request sharps waste containers and mail-back materials through The Foundation's toll-free telephone number.

Condition 2(a): The budget must include all required cost categories, pursuant to 14 CCR section 18973.6(b), and a narrative description of the types of activities that will be conducted under each of the line items in the budget.

Condition 2(b): Correct all mathematical discrepancies and ensure an accurate initial five-year program budget is submitted.

Condition 2(c): The budget must include a justification for the proposed reserve level amount.

Condition 3(a): The plan must clarify that the education and outreach program is intended to promote ultimate user awareness and maximize ultimate user

participation, and specify that signage will be provided to hospitals, pharmacies, and other locations, as necessary.

Condition 3(b): The plan must describe how The Foundation's comprehensive education and outreach program will distribute materials in languages suited to local demographics.

Condition 3(c): The plan must provide an accurate description of how the website will provide instructions for safe handling and proper disposal of home-generated sharps waste, not "substances."

Condition 3(e): The plan must explain how the proposed annual education and outreach survey will evaluate the performance of the outreach and education program regarding ultimate user awareness, program usage, and accessibility. The plan must also describe the metrics that will be used to measure ultimate user awareness, program usage, and accessibility.

Condition 4(a): The plan must describe how The Foundation will expand its stewardship program into jurisdictions that repeal their local stewardship program ordinance within 270 days of the effective date of repeal.

Condition 6(a): Use terminology defined in PRC and 14 CCR or define and consistently utilize terminology within the plan. The plan must clarify that The Foundation will provide reimbursement for costs associated with "transportation and disposal" of home-generated sharps waste.

Condition 6(b): Ensure that all references, including statutory and regulatory citations, in the plan are correct.

Condition 6(c): The Foundation must provide all required contact information to ensure that The Foundation and Inmar are fully identified as separate entities.

Condition 9(a): Correct accessibility errors in the plan to make it compliant with section 7405 of the Government Code and with the Web Content Accessibility Guidelines 2.0.

### **Options**

1. Find The Foundation did not meet the conditions, as specified in CalRecycle's February 2022, Request for Approval. The Foundation's proposed stewardship plan for home-generated sharps waste remains "conditionally approved." Require The Foundation to revise and resubmit to resolve the issues identified in the "Staff Analysis" section above within 60 days of signature of this Request for Approval.
2. Find The Foundation did not meet the conditions for approval and (1) disapprove The Foundation's proposed stewardship plan for home-generated sharps waste, and (2) refer The Foundation to the Waste Permitting, Compliance and Mitigation Division for potential enforcement pursuant to Title 14, California Code of Regulations section 18973.1(h).

## **Action**

Based on the analysis contained within this Request for Approval, I hereby find The Foundation did not meet all conditions, as specified in CalRecycle's February 2022, Request for Approval. The Foundation's proposed stewardship plan for home-generated sharps waste remains "conditionally approved." The Foundation must revise and resubmit to resolve the issues identified in the "Staff Analysis" section above within 60 days of signature of this Request for Approval. The Foundation must fully implement its plan, revised to comply with the conditions outlined in the "Summary of Staff Analysis," within 270 days from the date of conditional approval (i.e., by November 11, 2022). Failure to comply with all conditions and resubmit the plan within 60 days may result in disapproval of The Foundation's proposed stewardship plan for home-generated sharps waste.

**Dated:** August 16, 2022

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

## **Attachments:**

Documents listed below are posted to CalRecycle's website. To request documents that are referenced in this report but are not listed below, please submit a Public Records Act request (<https://www2.calrecycle.ca.gov/Forms/ContactUs/PublicRecordsRequest/>).

1. [Addendum to Stewardship Plan for Sharps Waste](https://www2.calrecycle.ca.gov/Docs/Web/120195)  
<https://www2.calrecycle.ca.gov/Docs/Web/120195>
2. [Consideration of The Drug Takeback Solutions Foundation's Product Stewardship Plan for Home-Generated Sharps Waste](https://www2.calrecycle.ca.gov/Docs/Web/120858)  
<https://www2.calrecycle.ca.gov/Docs/Web/120858>