

## REQUEST FOR ACTION

**To:** Rachel Machi Wagoner  
Director

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

**Request Date:** April 18, 2023

**Decision Subject:** Consideration of The Drug Takeback Solutions Foundation's  
Revised Annual Program Budget for Covered Drugs

**Action By:** June 22, 2023

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### **Summary of Request**

The Drug Takeback Solutions Foundation (The Foundation) submitted its revised annual program budget, titled, *Annual Program Budget for Covered Drugs Stewardship Program (Revised Annual Program Budget)* to the Department of Resources Recycling and Recovery (CalRecycle) on March 24, 2023, in response to the conditions in CalRecycle's February 2023 Request for Action, titled, *Consideration of The Drug Takeback Solutions Foundation's Revised Annual Program Budget for Covered Drugs*. This Request for Action presents a summary of staff's analysis regarding The Foundation's *Revised Annual Program Budget*.

### **Background**

The Foundation is a stewardship organization that represents more than 70 covered entities under its covered drugs stewardship plan, titled, *Stewardship Plan for Covered Drugs* (October 15, 2022).

Public Resources Code (PRC) section 42033.2(a)(2) states that, on or before March 31, 2022, and each year thereafter, a program operator shall submit to CalRecycle a program budget for stewardship program implementation for the upcoming calendar year. CalRecycle determined The Foundation's *Annual Program Budget* was incomplete on May 2, 2022, and required The Foundation to revise and resubmit an annual program budget to CalRecycle within 30 days. The Foundation resubmitted its *Annual Program Budget* on June 6, 2022, that CalRecycle determined was incomplete and notified The Foundation on July 1, 2022.

The Foundation submitted its *Annual Program Budget* on August 3, 2022, that CalRecycle determined was complete and notified The Foundation on August 23, 2022, pursuant to PRC section 42033.2(d)(1) and Title 14, California Code of Regulations (14 CCR) section 18973.1(b). On October 18, 2022, CalRecycle conditionally approved The Foundation's *Annual Program Budget* pursuant to PRC section 42033.2(e) and 14 CCR section 18973.1(e) and (j). CalRecycle provided The Foundation 60 days to submit a revised annual program budget that addressed the condition specified in the October 2022 Request for Action.

On December 16, 2022, The Foundation submitted its *Annual Program Budget* to meet conditions specified in the “Staff Analysis” section of the October 2022 Request for Action.

On February 28, 2023, CalRecycle disapproved The Foundation’s *Annual Program Budget* and referred The Foundation to CalRecycle’s Waste Permitting, Compliance, and Mitigation Division for potential enforcement. Pursuant to PRC section 42033.2 and 14 CCR section 18973.1(k), The Foundation was provided 60 days to resubmit a revised annual program budget to CalRecycle.

On March 24, 2023, The Foundation submitted its *Revised Annual Program Budget*, which is the subject of this Request for Action.

### **Staff Analysis**

#### **CalRecycle’s February 2023 Request for Action: Condition 1**

**Requirement:** CalRecycle’s February 2023 Request for Action determined that The Foundation’s *Annual Program Budget* did not meet the following condition regarding accessibility and partially met the following condition regarding correct terminology, pursuant to 14 CCR sections 18973(a) and (d).

- a. Correct accessibility errors in the *Annual Program Budget* to make it compliant with section 7405 of the Government Code and with the Web Content Accessibility Guidelines 2.0 Level AA success criteria, at a minimum.
- b. Use correct terminology throughout the *Annual Program Budget*.

**Analysis:** Condition 1(a) and 1(b) met.

The Foundation met condition 1(a) as the *Revised Annual Program Budget* is compliant with section 7405 of the Government Code and with the Web Content Accessibility Guidelines 2.0.

The Foundation met condition 1(b) as the *Revised Annual Program Budget* reflects mathematically correct subcategory totals for fiscal years 2023 to 2026.

### **Action**

Pursuant to PRC section 42033.2(e) and 14 CCR section 18973.1:

- Approve The Foundation’s *Revised Annual Program Budget*
- Conditionally approve The Foundation’s *Revised Annual Program Budget*
- Disapprove The Foundation’s *Revised Annual Program Budget*

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

**Dated:** April 18, 2023

### **Attachments:**

To request documents that are referenced in this report, please submit a Public Records Act request

(<https://www2.calrecycle.ca.gov/Forms/ContactUs/PublicRecordsRequest/>).

1. [Annual Program Budget for Covered Drugs Stewardship Program](https://www2.calrecycle.ca.gov/Forms/ContactUs/PublicRecordsRequest/) (March 24, 2023)  
<https://www2.calrecycle.ca.gov/PublicNotices/Documents/14805>

2. February 2023 Request for Action: [Consideration of The Drug Takeback Solutions Foundation's Revised Stewardship Plan for Covered Drugs](https://www2.calrecycle.ca.gov/Docs/Web/123114) (February 28, 2023)  
<https://www2.calrecycle.ca.gov/Docs/Web/123114>
3. *Annual Program Budget for Covered Drugs Stewardship Program* (December 16, 2022)
4. [Stewardship Plan for Covered Drugs](https://www2.calrecycle.ca.gov/Docs/Web/122445) (October 15, 2022)  
<https://www2.calrecycle.ca.gov/Docs/Web/122445>
5. *Annual Program Budget for Covered Drugs Stewardship Program* (August 3, 2022)
6. October 2022 Request for Action: [Consideration of The Drug Takeback Solutions Foundation's Annual Program Budget for Covered Drugs](https://www2.calrecycle.ca.gov/Docs/Web/122400) (October 18, 2022)  
<https://www2.calrecycle.ca.gov/Docs/Web/122400>