

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 Home-Generated Sharps
Waste

Action By: June 22, 2023

Summary of Request

The Drug Takeback Solutions Foundation (The Foundation) submitted its revised annual program budget, titled, *Annual Program Budget for Home-Generated Sharps Waste 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 Home-Generated Sharps Waste*. 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 15 covered entities under its stewardship plan for home-generated sharps waste, titled, *Stewardship Plan for Home-Generated Sharps Waste* (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 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.

Analysis: Condition 1(a) 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.

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 Home-Generated Sharps Waste Stewardship Program](https://www2.calrecycle.ca.gov/PublicNotices/Documents/14825) (March 24, 2023)
<https://www2.calrecycle.ca.gov/PublicNotices/Documents/14825>
2. February 2023 Request for Action: [Consideration of The Drug Takeback Solutions Foundation’s Revised Annual Program Budget for Home-Generated Sharps Waste](https://www2.calrecycle.ca.gov/Docs/Web/123111) (February 28, 2023)
<https://www2.calrecycle.ca.gov/Docs/Web/123111>

3. *Annual Program Budget for Home-Generated Sharps Waste Stewardship Program* (December 16, 2022)
4. [Stewardship Plan for Home-Generated Sharps Waste](https://www2.calrecycle.ca.gov/Docs/Web/122409) (October 15, 2022)
<https://www2.calrecycle.ca.gov/Docs/Web/122409>
5. *Annual Program Budget for Home-Generated Sharps Waste Stewardship Program* (August 3, 2022)
6. October 2022 Request for Action: [Consideration of The Drug Takeback Solutions Foundation's Annual Program Budget for Home-Generated Sharps Waste](https://www2.calrecycle.ca.gov/Docs/Web/122397) (October 18, 2022)
<https://www2.calrecycle.ca.gov/Docs/Web/122397>