

July 29, 2024

Chris Smith  
President  
The Drug Takeback Solutions Foundation  
P.O. Box 997  
Winston-Salem, NC 27102

*Sent via e-mail*

Re: Notice Regarding Disapproval of The Drug Takeback Solutions Foundation's 2023 Annual Report for Home-Generated Sharps Waste

Dear Mr. Smith:

On June 27, 2024, CalRecycle's director disapproved The Drug Takeback Solutions Foundation's (The Foundation) 2023 annual report for home-generated sharps waste submitted on March 29, 2024, titled, *The Drug Takeback Solutions Foundation State of California Home-Generated Sharps Waste 2023 Annual Report (2023 Annual Report)* and directed staff to provide written notice to The Foundation within 30 days of disapproval (i.e., by July 29, 2024) identifying how the *2023 Annual Report* does not comply. The summary of CalRecycle's analysis of The Foundation's *2023 Annual Report* and its record of decision is contained in CalRecycle's Request for Action, titled, *Consideration of The Drug Takeback Solutions Foundation's 2023 Annual Report for Home-Generated Sharps Waste (June 2024 RFA)*, which was emailed to The Foundation on June 28, 2024.

The deficiencies of The Foundation's *2023 Annual Report* are those items identified as "requirements not met" in the *June 2024 RFA*. This letter supplements the *June 2024 RFA* and provides additional information on how the *2023 Annual Report* does not comply. This notice further highlights supplemental information necessary for determining compliance. Together, this notice and the *June 2024 RFA* satisfy the department's obligation to provide written notice to The Foundation pursuant to Public Resources Code (PRC) section 42033.2(e)(3) and Title 14 of the California Code of Regulations (14 CCR) section 18973.1(k) within 30 days of disapproval (i.e., by July 29, 2024).

In many instances, the department was not able to verify compliance due to a lack of clarity or information in The Foundation's submission. This notice identifies information that is needed to assess the compliance of The Foundation's annual report. Providing the information requested below will be necessary for the department to determine compliance, however, providing the information may not be sufficient to achieve compliance.

Pursuant to 14 CCR section 18973.1(k), The Foundation must revise and resubmit its *2023 Annual Report* within 60 days of this notice (i.e., by September 27, 2024) to address the deficiencies referenced above and to meet the following requirements:

**Mail-Back Program:**

1. Describe how The Foundation ensured it provided and initiated the distribution of a sharps waste container and mail-back materials for ultimate users at every point of sale when products covered under its plan were sold, as described in its approved plan and pursuant to PRC sections 42033.2(b)(8) and 42032.2(d)(1)(F)(i) and 14 CCR sections 18973.3(f)(2) and 18973.1(a).
2. Include the number of point of sale locations that initiated the distribution of sharps waste containers and mail-back materials to ultimate users, pursuant to PRC section 42033.2(b)(8) and 14 CCR section 18973.1(a).
3. Describe how The Foundation tracked when each instance that a point of sale location initiated the distribution of a sharps waste container and mail-back materials to ultimate users, pursuant to PRC sections 42033.2(b)(8) and 42032.2(d)(1)(F)(i) and 14 CCR sections 18973.3(f)(2), 18973.5(c)(2)(B), and 18973.1(a).

**Metrics:**

4. Include metrics for sharps waste containers and mail-back materials provided at the point of sale to ultimate users, per county, pursuant to 14 CCR section 18973.5(c)(2)(A).
5. Describe how The Foundation obtained the metric for the number/amount of sharps waste containers and mail-back materials initiated at the point of sale, pursuant to 14 CCR sections 18973.5(c)(2)(B) and 18973.1(a).

**Education and Outreach:**

6. For the healthcare provider survey, explain whether covered entities and pharmacists were surveyed pursuant to The Foundation's approved plan. If no covered entities or pharmacists were surveyed, explain why not. Include the percentage of survey respondents that have used the program, which collection method was used, and the method of contact, consistent with The Foundation's approved plan, and pursuant to 14 CCR section 18973.1(a).
7. Include the results of the annual survey of residents and explain and discuss what the survey results reveal regarding ultimate user awareness, program usage, and accessibility, pursuant to 14 CCR sections 18973.5(i)(2) and (3). Describe how The Foundation will use the results to improve the program in accordance with its approved plan.
8. Provide the questions The Foundation used for its surveys of healthcare providers and residents, pursuant to 14 CCR section 18973.1(a).

9. Demonstrate how an ultimate user seeking information on proper sharps disposal navigated to the appropriate webpage for The Foundation’s home-generated sharps waste stewardship program, pursuant to 14 CCR section 18973.1(a). Specifically, explain how an ultimate user arrived on the webpage pictured in Figure 12 on page 31 of the *2023 Annual Report*, and understood that answering the question (“Unwanted medication at home?”), may navigate the ultimate user to resources for home-generated sharps waste.

**Service Providers:**

10. Clarify whether any updates were made to service providers in 2023, pursuant to 14 CCR section 18973(d).
  - a. If service provider updates were made, confirm the information provided pursuant to 14 CCR section 18973.5(d)(2) is correct.
11. If any updates were made to service providers in 2023, provide a description and evaluation of the process for selecting service providers, pursuant to 14 CCR section 18973.5(l).

**Reimbursement and Removal Requests:**

12. Clarify whether The Foundation provided each local agency reimbursement for transportation and disposal costs of home-generated sharps waste, pursuant to 14 CCR sections 18973.3(g)(1) and 18973.5(p).
13. Clarify whether The Foundation considers removal of home-generated sharps waste as an option when responding to local agency requests, as described in its approved plan, pursuant to 14 CCR sections 18973.3(g)(1) and 18973.5(p).
14. Consistently identify whether reimbursements were provided, pursuant to 14 CCR sections 18973.5(m) and 18973(d).

**Actual Expenses for Department Administrative Fees:**

15. Include the actual expense for the departmental administrative fee or clarify why the departmental administrative fee is listed as \$0, pursuant to 14 CCR sections 18973.1(a) and 18973.5(q). If the incorrect number was initially provided, the reason why it was included initially should also be noted.

**Document Submittals:**

16. Utilize correct statements and consistent terminology within the annual report, pursuant to 14 CCR section 18973(d), as discussed in the *June 2024 RFA* and including, in particular, the items noted in the “Reimbursement and Removal Requests” and “Service Provider” sections of the *June 2024 RFA*.

Chris Smith  
July 29, 2024  
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Questions regarding this letter may be directed to [pharmasharps@calrecycle.ca.gov](mailto:pharmasharps@calrecycle.ca.gov).

Regards,

**Signed by:** Zoe Heller, Director

**Dated:** July 29, 2024

Zoe Heller  
Director

Cc: Heather Beckner, Supervisor, Pharmaceutical and Sharps Unit  
Morgan Buchan, Environmental Scientist, Pharmaceutical and Sharps Unit