



March 24, 2016

The Honorable Philip Ting  
California State Assembly, 19<sup>th</sup> District  
State Capitol, Room 3123  
Sacramento, CA 95814-4900

**SUBJECT: AB 2039 (Ting) – Solid Waste: Home-Generated Sharps- SUPPORT**

Dear Assemblymember Ting:

The California Product Stewardship Council (CPSC) is a non-profit organization which formed in 2006 and is comprised of local governments and their associations, businesses, and the general public. CPSC works with product manufacturers and partners to encourage a producer responsibility approach to product management. This public policy approach, known as Extended Producer Responsibility (EPR), is a useful tool when dealing with hard-to-handle products or products the State has banned for disposal in the garbage. EPR is also a vital component of the State's hazardous waste reduction strategy as outlined for sharps on page 26 of the CalRecycle [AB 341 Report to the Legislature](#)<sup>i</sup>.

Despite several attempts by the California Legislature to address the problem, needles are commonly found in public spaces and in trash and recycling streams across California. The Legislature passed SB 1305 (Figueroa) in 2006 which banned needles from disposal, then SB 486 (Simitian) in 2009 which required pharmaceutical manufacturers that sell or distribute medications that are self-injected to submit a plan describing how that manufacturer supports the safe collection and disposal of sharps. Third party reviewers evaluate and grade the plans and the last grading in 2012 listed 31 plan submittals and 20 "F" grades<sup>ii</sup>. **Despite these efforts, in 2016, millions of these products are discarded irresponsibly, resulting in an unacceptable risk of needle stick injuries for parks, hotel, solid waste, sanitation and other workers.** Currently, sharps users must collect their own needles in an approved container which they must purchase, and drive to the county household hazardous waste facility for proper disposal. In some jurisdictions, and in limited situations and for limited populations, there are doorstep pickup services provided. There are limited private sector efforts such as some Kaiser hospitals in Roseville, Los Angeles and Santa Clara counties, which host collection kiosks for their patients and some veterinarians who accept needles from their customers. CalRecycle estimates that self-injectors in California use 936 million<sup>iii</sup> sharps each year. Of those 936 million sharps, an estimated 43%<sup>iv</sup> (or approximately 400 million) are thrown in the trash each year and one study documented **7% of needles were flushed into wastewater systems**<sup>v</sup>.



**AB 2039** is an EPR bill for home-generated sharps waste, which includes hypodermic needles, pen needles, lancets, and other such items that may carry human blood, fluids, and tissues infected with pathogens. Needle stick injuries occur frequently; a [2008 study](#)<sup>vi</sup> suggested that “nationwide each year roughly 150,000 to 200,000 needle sticks occurred outside the health services industry for a cost of \$38 million.” These injuries require the filing of a workers’ compensation claim, lost wages by the employee, and a strict regimen of testing to ensure that no pathogens have passed to the worker, a process that takes several months and has significant psychological and emotional impact on workers and their families.

California’s 75% recycling goal, established by the legislature in 2011, will require a great deal more hand sorting of solid waste from recyclables to achieve the recycling goal. Sorting involves workers standing on either side of a quickly moving conveyor belt that is carrying waste through a facility, and then grabbing recyclables as they quickly pass by. There is little opportunity for workers to see potential hazards, such as sharps waste.

Solid waste haulers and local governments have attempted to mitigate this risk by engineering protective gloves that reduce the number of needle stick injuries, but the need to maintain dexterity means that the gloves are not sufficiently protective to prevent needle sticks. With the use of sharps growing dramatically in our homes, and more hands sorting our waste, it becomes imperative that we protect workers and successfully remove sharps from the waste stream. In addition, there has been a well-publicized increase in heroin use fueled by the opioid prescription drug epidemic where opioid abusers turn to less expensive heroin and start using needles to intravenously inject the drug leaving more needles in parks, beaches, and other public spaces also adding to the need for a convenient and safe needle disposal program statewide.

**AB 2039** recognizes the simple truth – even the most helpful products can cause significant problems when they are mishandled after their use. This bill applies the same program to sharps that has been implemented in California to successfully manage carpet, mattresses, paint, and mercury thermostats. **AB 2039** requires manufacturers of sharps to design, fund, and administer a take-back program that is designed to safely collect and dispose of sharps before they end up in the trash. This program would augment the substantial investment that has already been made by employers attempting to protect their workforce and local governments that currently provide limited take-back opportunities for residents.

This bill allows manufacturers to develop their own programs. Rather than establishing a command-and-control regulatory construct, **AB 2039** takes a performance-based approach that allows for maximum flexibility as manufacturers implement the requirements of the bill. Sharps manufacturers have substantially similar requirements in Canada, and many of these same manufacturers readily comply with pharmaceutical EPR programs in Europe, Canada, and other counties.



CPSC is pleased to **SPONSOR** and **SUPPORT** your **AB 2039**, as amended March 17<sup>th</sup>, 2016, because the bill calls on manufacturers to meaningfully participate in the mitigation of the end-of-life impact of their products. This targeted bill focuses on a specific problem, and follows years of legislative debate and interim measures. The result is simple but significant – fewer needle stick injuries for workers around the state, and a lower risk of transmitting infectious diseases.

Should you have any questions about our position, or wish to discuss your legislation, please feel free to contact Jason Schmelzer at 916-549-0898.

Sincerely,

Heidi Sanborn, Executive Director

cc. Graciela Castillo-Krings, Office of Governor Jerry Brown  
Scott Smithline, CalRecycle  
Christine Hironaka, CalRecycle

---

<sup>i</sup> AB 341 Report to the Legislature, Calrecycle, August 2015

<sup>ii</sup> [http://www.acgov.org/board/district5/documents/fina-august-draft-2012-senate\\_bill\\_486\\_report-card.pdf](http://www.acgov.org/board/district5/documents/fina-august-draft-2012-senate_bill_486_report-card.pdf)

<sup>iii</sup> Coalition for Safe Community Needle Disposal, October 2011

<sup>iv</sup> CalRecycle's Average of Four Surveys showing percent of self-injectors throwing sharps in trash  
<http://www.calrecycle.ca.gov/homehazwaste/sharps/Business.htm#Footnote%207>

<sup>v</sup> [Understanding sharps injuries in home healthcare: The Safe Home Care qualitative methods study to identify pathways for injury prevention](#). 2015. The research references a New Jersey survey through which 86% of the 44 respondents reported improper disposal of their sharps medical waste, 7% of which flushed their sharps.

<sup>vi</sup> [Characteristics Of Persons And Jobs With Needlestick Injuries In A National Data Set](#), National Institute of Health August 2008