

AB 2039 (Ting) - Safe Sharps Disposal Act

A bill to reduce disposal-related needle stick accidents among solid waste, wastewater, hotel, parks & recreation, and police and fire workers

THE PROBLEM

Despite the fact that California law prohibits home-generated sharps waste from being thrown away, millions of these products are discarded irresponsibly every year, resulting in an unacceptable risk of needle stick injuries for parks, hotel, solid waste, wastewater, sanitation and other workers as well as the public.

Under current law sharps users must purchase their own suitable container, discard needles into the container, and then drive to a 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 and paid for often by garbage ratepayers. In some rare instances, private sector hospitals like Kaiser, and some independent veterinarians are accepting needles from their customers.

We estimate that self-injectors in California use 936 million sharps each year. Of those 936 million sharps, it's estimated that 43% (or approx. 400 million) are thrown in the trash each year.

EPR and SHARPS

Extended Producer Responsibility (EPR) is a public policy approach to managing the negative impacts that result when some consumer products reach the end of their useful life, and need to be disposed of or recycled. This is supported by CalRecycle's AB 341 Report to the Legislature from 2015 highlighting EPR as a recommended policy tool for sharps.

EPR is a useful policy tool when dealing with hard-to-handle products; or products that the state has banned from disposal in the garbage. The concept asks the manufacturers of these products to, much like consumers and local governments already do, take an

active role in managing the end-of-life impacts of their products.

AB 2039 is an EPR bill for home-generated sharps waste. In other words – hypodermic needles, pen needles, lancets, and other such items that may carry human blood, fluids, and tissues infected with pathogens.



5,000 Needles Recovered from Burbank Sort Line in November 2015

These items, when used in a commercial setting or when consolidated as home-generated sharps waste, are considered "Medical Waste".

DISPOSAL-RELATED NEEDLE STICKS

Needle stick injuries occur with unacceptable frequency outside of hospital settings, which have a much more controlled environment with sharps containers and strict procedures for managing medical waste. A [2008 study](#) 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."

While these needle stick injuries are typically less dangerous than those in a medical setting, because pathogens are less likely to survive in blood, fluid, or tissue the longer it is outside of the body, they still 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. The testing process takes several months and has significant psychological impact on workers and their families. Some workers that have been accidentally stuck are so traumatized they cannot return to work.

While it may be true that solid waste, hotel, and other public works employees are less likely to contract a serious or fatal disease through these needle sticks, three truths can't be avoided:

1. It absolutely is possible for pathogens such as Hepatitis C and HIV to be passed to workers from these types of needle stick incidents, in addition to being in trash or wastewater or other highly unsanitary conditions.
2. New pathogens and problems pop up routinely and could drastically change the risk of significant exposure. Inaction on the question of sharps disposal leaves some workers over-exposed to new dangers.
3. Most workers at risk are from disadvantaged communities and should not have to bear the majority of risk of exposure.

STATE POLICY INCREASING RISK

California's 75% recycling goal, established by the legislature in 2011, requires a great deal more hand sorting of solid waste to reach the goal. Material Recovery Facilities (MRF) are giant warehouses where trash is consolidated and sorted. Much of this is done by machinery, but solid waste workers are required to remove, by hand, additional recyclable materials and household hazardous waste, in order to meet state-mandated policy goals.

This process involves workers standing on either side of a quickly moving conveyor belt that is carrying waste through the facility, and then grabbing recyclables as

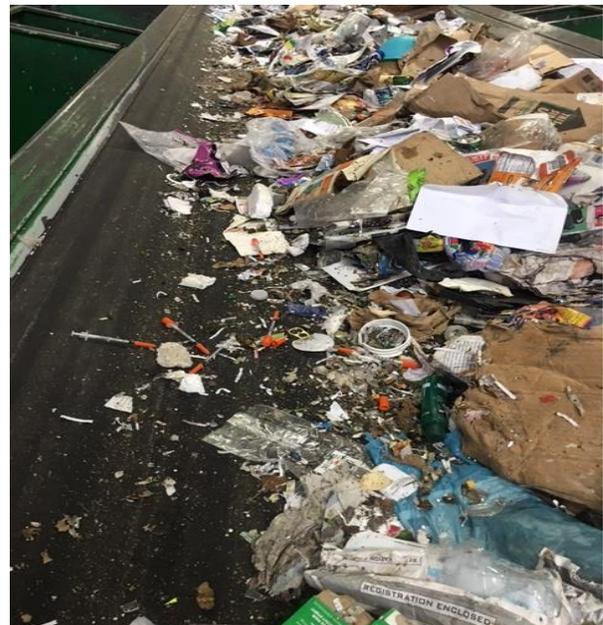
they quickly pass by. There is little opportunity for workers to see potential hazards, such as sharps.

CURRENT EFFORTS TO MITIGATE RISK

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 so workers can grab materials means that the gloves aren't sufficiently protective to prevent most sticks. *There is an inherent risk to workers that cannot be managed effectively once sharps are in the waste stream.* One waste truck driver was stuck in the arm when needles flew out of the can while the truck can lift mechanism emptied the can and a needle stuck in the arm of that driver who had it out the window.

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, home health care workers are often not provided sharps containers or collection services. This



**Recycling Sort Line Stopped With Needles
Loose In the Trash San Jose**

group of workers should be protected and provided safe containers and disposal as a part of doing their job.

AB 2039 – A SOLUTION

AB 2039 recognizes the simple truth – even the most helpful products can cause significant problems when they are mishandled after their use. The proven solution to sustainably fund and cost effectively operate a statewide program is with the partnership of the producers and distributors of the products themselves.

The case for sharps is clear. The product has been banned from disposal, pharmaceutical manufacturers have been required to [submit plans to CalRecycle](#) since 2010 and when graded by third parties, 2/3rd get chronic “F” grades for failing to do anything of substance to reduce needle sticks, and California has been struggling with how to manage this waste stream for years and quite frankly failing to protect its most



Woman Transferring Needles from a Garbage Bag Into 12 Approved Containers

exposed workers. This bill takes the next logical step to finally solving the needle disposal problem in California.

AB 2039 applies the same program principles to sharps that have 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 or flushed. This program would augment, not replace, 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.

Typically, manufacturers subject to EPR requirements partner with retailers that sell their products and existing local government programs, to establish collection points for the product in question. They then contract with a waste hauler to collect the returned products, and then safely and properly manage the product.

The approach to the take-back program is flexible. AB 2039 allows manufacturers to develop their own programs – to, in a sense, write their own regulations. This is not a command-and-control regulatory construct. Instead, the bill takes a performance-based approach that allows for maximum flexibility as manufacturers implement the requirements of the bill.

Sharps EPR is not a new concept to the manufacturers. AB 2039 is modeled from the Ontario Canada stewardship program that is highly effective based on the [2014 Annual Report](#). In addition, sharps and pharmaceutical manufacturers of injectable medications readily comply with pharmaceutical EPR programs in Europe, Canada, and other countries.

AB 2039 calls on manufacturers to participate, in a meaningful way, in the mitigation of the end-of-life impacts of their products. It's a targeted bill that focuses on a specific problem, and follows years of legislative debate and interim measures. When enacted, AB 2039 will result in fewer needle stick injuries for workers around the state, and a lower risk of transmitting infectious diseases.

SUPPORT

CA Product Stewardship Council (Sponsor)
National Stewardship Action Council
Solid Waste Association of North America, CA Chapters
Californians Against Waste
Los Angeles County Solid Waste Management
Committee/Integrated Waste Management Task Force
Recycling and Waste Reduction Commission of Santa
Clara County
United Pharmacy
Butte County
Monterey Regional Waste Management District
Inland Empire Disposal Association
Los Angeles County Waste Management Association
Solid Waste Association of Orange County
Kern Refuse, Inc.

Rural County Representatives of California
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Western Placer Waste Management Authority
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Clean Energy Fuels
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Pleasanton Garbage Service, Inc.
Amador Valley Industries
Gilton Solid Waste Management, Inc.
Marin Sanitary Service
Alameda County MEDS Coalition
Salinas Valley Solid Waste Authority
Voters Injured at Work
Sonoma County Waste Management Authority
California Teamsters Public Affairs Council

Story of Stuff
Seventh Generation Advisors
California League of Conservation Voters
Heal the Bay
Clean Water Action
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OPPOSE

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