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www.swanacal-leg.org

LEGISLATIVE ADVOCATES

PAUL J. YODER

JASON SCHMELZER

Shaw / Yoder / Antwih, Inc.

1415 L Street, Suite 1000

Sacramento, CA 95814

(916) 446-4656

FAX (916) 446-4318

paul@shawyoderantwih.com

jason@shawyoderantwih.com

CHAIR

MARK A. BOWERS

City of Sunnyvale

PO Box 3707

Sunnyvale, CA 94088

(408) 730-7421

mbowers@sunnyvale.ca.gov

VICE CHAIR

GLENN ACOSTA, P.E.

Sanitation Districts of Los Angeles County

1955 Workman Mill Road

Whittier, CA 90601

(562) 908-4288

gacosta@lacsdsd.org

TREASURER

ERIC ZETZ

City of Clovis

155 N. Sunnyside Avenue

Clovis, CA 93611

(559) 324-2612

ericz@ci.clovis.ca.us

SECRETARY

MARK J. URQUHART, P.E.

Solid Waste Consulting

2741 Fairover Drive

Placerville, CA 95667

(530) 626-4771

MarkJ.Urquhart.PE@gmail.com

April 1, 2016

The Honorable Luis Alejo

Chair, Assembly Committee on Environmental Safety and Toxic Materials

State Capitol, Room 2117

Sacramento, CA 95814

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

Dear Chairman Alejo:

The Solid Waste Association of North America (SWANA) is the world's largest association of solid waste professionals (over 8,000 members). SWANA's California chapters represent more than 900 members. SWANA is committed to advancing the practice of environmentally- and economically-sound management of municipal solid waste. SWANA's California Legislative Task Force (LTF) is responsible for representing the California Chapters on legislative and regulatory issues.

SWANA is pleased to **SUPPORT AB 2039**, which 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 studyⁱ](#) 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. AB 2039 would require sharps manufacturers to design, fund, and administer a take back program for a portion of the products they sell each year. *This is a public policy approach that has already been implemented in California for mercury thermostats, paint, carpet, and mattresses.*

We support AB 2039 for the following reasons:

1. **VOLUNTARY MEASURES ARE NOT WORKING:** SB 486 (Simitian, 2009) 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" gradesⁱⁱ.
2. **HAND SORTING OF GARBAGE INCREASING:** California's 75% recycling goal, established by the legislature in 2011, requires 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.

3. **REGULATORY FLEXIBILITY:** 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.
4. **THE NUMBER OF SHARPS IS GROWING:** CalRecycle estimates that self-injectors in California use 936 millionⁱⁱⁱ sharps each year. Of those 936 million sharps, an estimated 43% ^{iv}(or approximately 400 million) are thrown in the trash each year and one study documented 7% of needles were flushed into wastewater systems^v.
5. **EXPOSURE TO WORKERS UNACCEPTABLE:** Simply put, the state of California is allowing a public policy void to endanger thousands of sanitation, parks, hotel, and public safety workers who are exposed to irresponsibly discarded sharps on a daily basis.

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.

SWANA is pleased to **SUPPORT AB 2039** 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.

Sincerely,



Jason Schmelzer
SWANA Legislative Advocate

cc. Members and Consultants, Assembly Committee on Environmental Safety and Toxic Materials

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

ⁱⁱ http://www.acgov.org/board/district5/documents/fina-august-draft-2012-senate_bill_486_report-card.pdf

ⁱⁱⁱ Coalition for Safe Community Needle Disposal, October 2011

^{iv} 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>

^v [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.