



**REPORT TO LAW &  
LEGISLATION COMMITTEE  
City of Sacramento**

915 I Street, Sacramento, CA 95814-2671

**Staff Report**

**May 4, 2010**

Honorable Mayor and  
Members of the City Council

**Subject:** Discussion and consideration of an ordinance to implement take back for Sharps sold in the City of Sacramento

**Location/Council District:** All

**Recommendation:** Direct staff to forward the attached proposed ordinance to City Council for discussion and approval.

**Contact:** Marty Strauss, Integrated Waste Planning Superintendent, 916-808-4934

**Presenters:** Edison Hicks, Integrated Waste General Manager  
Marty Strauss, Integrated Waste Planning Superintendent

**Department:** Utilities

**Division:** Solid Waste Services

**Organization No:** 14001711

**Summary:**

The proposed ordinance is to require all retail stores, hospitals and other points of sales or distributors of sharps for home use in the City of Sacramento to take back the sharps at their expense.

May 4, 2010

**Background Information:**

At the September 1, 2009 Law and Legislation Committee meeting staff was directed to continue working with stakeholders and the City Attorney to draft an ordinance requiring all points of sale or distributors of sharps for home use to take home generated sharps back at the end of life at no additional cost to the consumer. Since then staff has met with California Retailers Association, private Pharmacy Association, Kaiser Permanente, the Multiple Sclerosis Society's Government Affairs committee and other interested groups. To date only the California Retail Association and the California Grocer Association have objected to a take back program. They have asked for an extended producer responsibility (EPR) program. Staff has reviewed this request and determined an EPR program would be too much of an administrative burden to implement.

Questions asked by stakeholders included:

1. Will sharps ordered and delivered through the mail be subject to the ordinance?

Only sharps sold by a retailer or distributor located in the City of Sacramento will be subject to the ordinance. If the point of sale or distribution is outside the City, the provider of the sharps will not be subject to the ordinance.

2. Will City and County health facilities dispensing sharps be subject to the ordinance?

City facilities will be subject to the ordinance. It is not certain if the City can enforce the ordinance on County facilities.

3. Will mail back containers sold to the patient/customer at the time of purchasing or being dispensed sharps suffice as a no additional cost to the customer disposal option?

This is a question raised by representatives of retail pharmacies and concern over the ability to charge more than private insurance and/or medical programs will cover for the cost of sharps. Staff has assumed there would be a surcharge at the time of purchase and/or receipt of the sharps. However, insurance reimbursement and/or medical restrictions may not allow for a surcharge on sharps purchased using private insurance programs and/or medical.

The intent of the ordinance is to provide a no additional cost to the resident for disposal of the sharps at the end of their life. If the mail back container is provided by the retailer at the time of purchase, it will meet the intent of the ordinance.

4. Will the City have an amnesty period where residents can bring in more than the actual number of sharps purchased from the location taking them back?

In discussions with private individuals it has been found that many users of

Discussion and consideration of an ordinance to implement a take back program for  
Sharps sold in the City of Sacramento  
May 4, 2010

sharps have stock piled sharps while waiting for a legal, safe and convenient way to dispose of home generated sharps. The ordinance only requires a retailer or provider of sharps that become home generated to take back the number of sharps they actually sold. However, residents will still be able to take sharps back to the City's Household Hazardous Waste Facility at a cost of \$5.05 per pound.

**Financial Considerations:**

The ordinance will require all retail, medical offices, hospitals and other points of sales and/or distributors of sharps for home use to take them back at no additional cost to the consumer. There will be no additional cost to the City.

The cost to process and dispose of sharps is approximately 9.2 cents per unit. If 30% of the total number of sharps generated in the City are captured at the City's household hazardous waste facility the cost will be \$276,000 annually. This represents a 61% increase in the current annual budget for household hazardous waste.

**Environmental Considerations:**

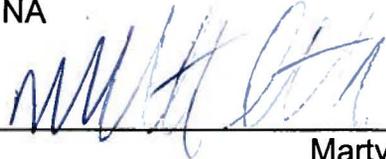
Improper disposal of sharps creates a public health danger.

**Policy Considerations:**

The proper disposal of sharps through the point of purchase will provide a safe and convenient way for generators of sharps to safely dispose of home generated sharps.

**Emerging Small Business Development (ESBD): NA**

Respectfully Submitted by:



Marty Strauss

Integrated Waste Planning Superintendent

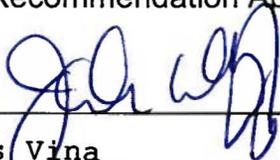
Approved by:



Edison Hicks

Integrated Waste General Manager

Recommendation Approved:



Gus Vina  
Interim City Manager

Discussion and consideration of an ordinance to implement a take back program for Sharps sold in the City of Sacramento

May 4, 2010

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**REPORT TO LAW &  
LEGISLATION COMMITTEE  
City of Sacramento**

**915 I Street, Sacramento, CA 95814-2671**

**Staff Report**

**August 18, 2009**

**Honorable Mayor and  
Members of the City Council**

**Subject:** Discussion Paper: Extended Producer Responsibility for Sharps Sold in the  
City of Sacramento

**Location/Council District:** All

**Recommendation:** Review and provide direction to staff regarding drafting an  
ordinance requiring all point of sales for sharps in the City of Sacramento to take back  
the sharps at their expense for consideration by the Law and Legislation Committee.

**Contact:** Marty Strauss, Integrated Waste Planning Superintendent, 916-808-4934

**Presenters:** Edison Hicks, Integrated Waste General Manager  
Marty Strauss, Integrated Waste Planning Superintendent

**Department:** Utilities

**Division:** Solid Waste Services

**Organization No:** 14001711

**Summary:**

This report provides information and requests direction to staff regarding a city ordinance that would require all retail stores, hospitals and other points of sales for sharps in the City of Sacramento to take back the sharps at their expense.

August 18, 2009

**Background Information:**

Since September 2008 sharps have been banned from the disposal in the trash by state law. SB 1305, the bill that banned sharps from the trash, also defined home generated sharps as household hazardous waste, not medical waste. Home generated sharps are defined as disposable hypodermic needles, syringes, lancets, or other devices used for self injection or blood tests which have a sharp end on the tip. The new law also requires local jurisdictions to work with sharps generators to develop a disposal plan.

Per the County Health Officer, there are approximately 10,000,000 sharps generated per year in the City of Sacramento. This includes sharps generated by hospitals, doctors' offices, diabetics, veterinarians, etc. Of the total generated, only 232,000 sharps (2% of the total generated) were collected at the City's household hazardous waste facility for a total cost of \$25,147.46. This is a cost of approximately 9.2 cents per unit. If 30% of the sharps generated were captured at the household hazardous waste facility the cost would be approximately \$276,000 per year, a 61% increase in the current annual budget for the household hazardous waste facility.

To address this issue Solid Waste Services conducted a stakeholders workshop on January 29, 2009. At this meeting the attendees supported the City going forward with an ordinance requiring sellers of sharps to provide take back programs at their expense. Subsequent to the workshop staff met with the Hospital Council of Northern California where the possibility of meeting with hospitals and other medical groups to discuss their participation in resolving this problem. To date Solid Waste Services has been unsuccessful in meeting with the members of the Hospital Council.

Santa Clara County, City of Vacaville, City of Los Angeles, San Louis Obispo County and Santa Cruz County all have take back programs. Santa Clara County is moving towards requiring the point of purchase to take sharps back and San Louis Obispo County already requires all points of sale to take sharps back. The other programs are hybrids of private hospitals taking the sharps back at no cost to the customer and/or drop off programs paid for by the local government. In discussions with the program managers they are all planning to move toward requiring the point of purchase to take the sharps back at their expense.

**Financial Considerations:**

The cost to process and dispose of sharps is approximately 9.2 cents per unit. If 30% of the total number of sharps generated in the City are captured at the City's household hazardous waste facility the cost will be \$276,000 annually. This represents a 61% increase in the current annual budget for household hazardous waste.

**Environmental Considerations:**

Improper disposal of sharps creates a public health danger.

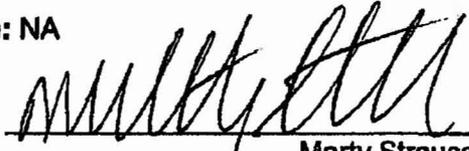
August 18, 2009

**Policy Considerations:**

The proper disposal of sharps through the point of purchase will provide a safe and convenient way for generators of sharps to safely dispose of home generated sharps.

**Emerging Small Business Development (ESBD): NA**

Respectfully Submitted by:



Marty Strauss

Integrated Waste Planning Superintendent

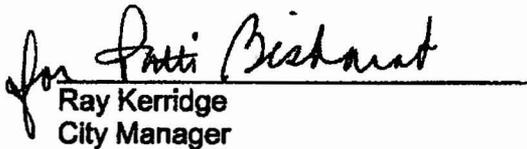
Approved by:



Edison Hicks

Integrated Waste General Manager

Recommendation Approved:

  
Ray Kerridge  
City Manager

**Discussion Paper: Extended Producer Responsibility for Sharps Sold in the City of Sacramento**

**August 18, 2009**

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**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted \_\_\_\_\_

**AN ORDINANCE ADDING CHAPTER 8.128 TO THE SACRAMENTO CITY CODE  
RELATING TO HOME-GENERATED SHARPS WASTE MANAGEMENT**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

A. The City Council finds and determines:

1. Section 118286 of the California Health and Safety Code prohibits the disposal of home-generated sharps waste in trash or recycling containers and requires that sharps waste be transported to a collection center in an approved sharps container.
2. It is necessary and desirable to establish a program to ensure the safe and environmentally sound disposal of home-generated sharps waste and to ensure that the costs associated with the handling and disposal of home-generated sharps waste are the responsibility of the retailers and providers of sharps that become home-generated sharps waste.
3. The establishment of a sharps waste management program will protect and promote the public health, safety and welfare by reducing the illegal disposal of home-generated sharps waste, increasing the safe and environmentally sound disposal of home-generated sharps waste, and ensuring that the costs associated with the handling and disposal of home-generated sharps waste are borne by the retailers and providers of sharps that become home-generated sharps waste.

B. The purpose of this ordinance is to establish a sharps waste management program that will: (1) reduce the likelihood of the illegal disposal of home-generated sharps waste and thereby promote the safe and environmentally sound disposal of home-generated sharps waste in compliance with Health and Safety Code Section 118286, (2) ensure that costs associated with the proper management of home-generated sharps waste are internalized by the retailers and providers of sharps that become home-generated sharps waste at or before the point of purchase, and not at the point of discard, and (3) provide retailers and providers of sharps flexibility to partner with each other, and with those private and nonprofit business enterprises that currently provide collection and

disposal services, to develop and promote safe and effective home-generated sharps waste management systems to achieve compliance with this ordinance.

## SECTION 2

Chapter 8.128 is added to Title 8 of the Sacramento City Code, to read as follows:

### **Chapter 8.128**

#### **HOME-GENERATED SHARPS WASTE MANAGEMENT**

##### **8.128.010 Definitions.**

As used in this chapter:

"Consumer" means a person who acquires sharps for personal use, or for use on a pet.

"Home-generated sharps waste" means sharps that have been used by a consumer.

"Provider" means any person that sells or otherwise furnishes sharps to consumers at a medical or veterinary office, clinic or hospital located in the City.

"Retail or provider establishment" means the location in the City where the retailer sells sharps or the provider sells or furnishes sharps to consumers.

"Retailer" means any person that sells sharps directly to consumers at a business located in the City.

"Sharps" means one or more hypodermic needles, pen needles, intravenous needles, lancets, and other devices that are used to penetrate the skin for the delivery of medications.

##### **8.128.020 Sharps Management.**

- A. Not later than 45 days after the effective date of the ordinance adding this chapter to this code, every retailer and every provider of sharps in the City shall establish a system for the collection of home-generated sharps waste for proper disposal during the retailer's or provider's normal hours of operation.
- B. Each system established by a retailer or provider for the collection and disposal of home-generated sharps waste shall include, at a minimum, the following elements:

1. A receptacle or receptacles in a convenient location within the retail or provider establishment for the collection of home-generated sharps waste that meets the requirements specified in subsection B(2) below. Any receptacle used for the collection of home-generated sharps waste shall meet applicable state and federal standards.
  2. Signage prominently displayed within five (5) feet of every entrance to the retail or provider establishment and easily visible to the consumer, indicating that the retail or provider establishment collects home-generated sharps waste from consumers.
  3. The retailer or provider shall dispose of all home-generated sharps waste that is collected at the retail or provider establishment in accordance with all applicable laws and regulations.
- C. A retailer shall at a minimum provide the following onsite collection services:
1. The collection from a consumer of home-generated sharps waste if the retailer previously sold sharps to the consumer, at no cost to the consumer. The retailer may require proof of purchase of the prior sales, and shall not be required to accept home-generated sharps waste in an amount exceeding the amount of sharps previously sold to the consumer.
  2. The collection of home-generated sharps waste from a consumer simultaneously purchasing sharps from the retailer, at no cost to the consumer. The retailer shall not be required to accept home-generated sharps waste in an amount exceeding the amount of sharps being purchased.
- D. A provider shall at a minimum provide the following onsite collection services:
1. The collection from a consumer of home-generated sharps waste if the provider previously sold or otherwise furnished sharps to the consumer, at no cost to the consumer. The provider may require proof of purchase of the prior sales, or proof that sharps were provided to the consumer if provided at no cost, and shall not be required to accept home-generated sharps waste in an amount exceeding the amount of sharps previously sold or provided to the consumer.
  2. The collection of home-generated sharps waste from a consumer simultaneously purchasing or otherwise obtaining sharps from the provider, at no cost to the consumer. The retailer shall not be required to accept home-generated sharps waste in an amount exceeding the amount of sharps being purchased or obtained.
- E. In lieu of an onsite collection system as described and required in subsections B, C, and D, a retailer or provider may satisfy the requirements of this section

8.128.020 by providing state-approved mail-back sharps disposal containers to consumers who are purchasing or obtaining sharps from the retailer or provider.

**8.128.030 Regulations.**

The City Manager or designee shall have the authority to establish regulations to implement the provisions of this chapter, which shall become effective and applicable to retailers and providers in the City when adopted by resolution of the City Council.

**8.128.040 Enforcement.**

- A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to Chapter 1.28 of this code. In any such action, the City shall be entitled to recover its reasonable attorneys' fees and costs.
- B. Any person who violates a provision of this chapter is liable for civil penalties of not less than two hundred fifty dollars (\$250.00) or more than twenty-five thousand dollars (\$25,000.00) for each day that the violation exists.
- C. Any civil penalties or administrative penalties collected shall be used for the City's costs of administration under this chapter and for programs for the collection and/or disposal of home-generated sharps waste.
- D. All remedies prescribed under this chapter shall be cumulative and the election of one or more remedies shall not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions hereof.

**SECTION 3**

If any section, subsection, subdivision, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.



Countywide Services Agency

Department of  
Health and Human Services

Division of Public Health  
Glennah Trochet, M.D.  
County Health Officer

Terry Schutten, County Executive  
Jim Hunt, Acting Agency Administrator  
Ann Edwards-Buckley, Acting Director

## County of Sacramento

August 17, 2009

Law and Legislation Committee  
City of Sacramento Council  
915 I St., Sacramento, CA 95814-2671

Honorable Mayor and Members of the City Council,

This letter is to support the Extended Producer Responsibility concept for the management of sharps in the waste stream. Improper disposal of used syringes is a public health issue, as it exposes the public and waste management employees to blood borne pathogens as well as to puncture wounds.

My office is working with the Integrated Waste Planning Superintendent, Mr. Marty Strauss to find solutions to this problem. I have calculated, based on the annual number of syringes sold in one pharmacy network in Sacramento County in 2008, that at least 10 million syringes are used in Sacramento households every year. This does not include the sharps that are used in hospitals and medical clinics, which are medical hazardous waste generators and dispose of their used sharps by use of medical waste contractors.

A reasonable solution to this problem would be that which is suggested in the report you are considering on August 18, 2009.

Sincerely,

A handwritten signature in cursive script that reads "Glennah Trochet M.D.".

Glennah Trochet M.D.  
Sacramento County Public Health Officer

**SOLID WASTE ADVISORY COMMITTEE & AB 939 LOCAL TASK FORCE  
SACRAMENTO CITIES & COUNTY**

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September 21, 2009

**Integrated Waste  
Management Plan  
Elements**

Public education  
Source reduction  
Recycling  
Composting  
Transformation  
Materials recovery  
Resource recovery  
Marketing  
Storage of refuse  
Storage of recyclables  
Waste storage  
Waste collection  
Waste transfer  
Waste processing  
Waste disposal

**Members**

Sacramento County  
Cities:  
Citrus Heights  
Elk Grove  
Folsom  
Galt  
Isleton  
Rancho Cordova  
Sacramento

Honorable Mayor and Members of the City Council  
City of Sacramento  
915 I Street  
Sacramento, CA 95814

**Subject: Report to Law & Legislation Committee on the Discussion Paper  
Regarding Extended Producer Responsibility for Sharps Sold in the City of  
Sacramento**

Dear Mayor and Members of the Council:

I am writing on behalf of the SWAC to express our support of the recommendation in the Report to Law & Legislation Committee regarding drafting an ordinance requiring all point of sales for sharps in the City of Sacramento to take back the sharps at their expense. The financial and environmental considerations detailed in that Report provide a compelling argument for extended producer responsibility.

Extended Producer Responsibility (EPR), or Product Stewardship, means whoever designs, produces, sells or uses a product takes responsibility for minimizing its environmental impact through all stages of the product's life cycle. And the producer, having the greatest ability to minimize impacts, has the most responsibility.

Local governments can play a key role in helping to lead the transition to Producer Responsibility by helping develop private infrastructure by encouraging local businesses in take-back programs, sharing collection experience with producers and retailers, and educating consumers to use private infrastructure.

The SWAC appreciates the opportunity to participate in the City's consideration of the recommendation in the Report to Law & Legislation Committee. If you have any questions regarding these comments, please contact Patrick Quinn of SWAC staff, by phone at (916) 875-7082 or email at [quinnpa@saccounty.net](mailto:quinnpa@saccounty.net).

Sincerely,

Patrick Maxfield, Chairman  
Sacramento Cities / County Solid Waste Advisory Committee

cc: SWAC Members  
Patrick Quinn  
Marty Strauss, City of Sacramento Solid Waste Division

**Mission:** SWAC shall act as the AB 939 Local Task Force and advise the Sacramento Regional Solid Waste Authority, the County of Sacramento Board of Supervisors and the city councils of the cities of Citrus Heights, Folsom, Galt, Isleton and Sacramento on all matters relating to the County of Sacramento **Integrated Waste Management Plan** and all its elements.