



July 1, 2019

Mr. Jason Smyth  
Senior Environmental Scientist, Pharmaceutical and Sharps Unit Supervisor  
Materials Management & Local Assistance Division  
California Department of Resources Recycling and Recovery  
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**RE: CRA/NACDS Comments Regarding CalRecycle's Informal Draft Regulatory Text Implementing SB 212**

Dear Mr. Smyth:

The California Retailers Association (CRA) and the National Association of Chain Drug Stores (NACDS) appreciate the opportunity to provide comments to the California Department of Resources, Recycling and Recovery (CalRecycle) regarding the Department's Informal Draft Regulatory Text to implement SB 212 (Chapter #1004, 2018).

The California Retailers Association is the only statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, restaurants, convenience stores, supermarkets and grocery stores, chain drug, and specialty retail such as auto, vision, jewelry, hardware and home stores. CRA works on behalf of California's retail industry, which currently operates over 400,000 retail establishments with a gross domestic product of \$330 billion annually and employs over 3 million people—one fourth of California's total employment.

The National Association of Chain Drug Stores advances a pro-patient and pro-pharmacy agenda. For the ultimate benefit of the consumers served by NACDS members, the mission of NACDS is to advance the interests and objectives of the chain community pharmacy industry, by fostering its growth.

CRA and NACDS's comments on the draft regulatory text include the following:

1. CRA and NACDS support CalRecycle's Criteria for Determining a Covered Entity. We appreciate that the Department will consider all manufacturers of covered products sold, offered for sale or dispensed in California and will be holding accountable manufacturers

first pursuant to the priority set forth in subsection (1) of subdivisions (f) of Section 42030 of the Public Resources Code.

2. CRA and NACDS would like more clarity regarding the Submittal of Product Lists pursuant to subdivisions (a) of Section 42031 of the Public Resources Code. There should be greater clarity on how these lists can be submitted to the Board of Pharmacy.
3. The Stewardship Plan for Covered Drugs - paragraph (g) - outlines efforts the stewardship plans will take to verify participation and encourage participation by pharmacies. For chain pharmacies, it is more effective if the program operator for the stewardship plan reaches out to a company at the regional level rather than utilize site visits or outreach to individual pharmacies. We would ask that there be language directing program operators to work with regional representatives for chain pharmacies where available and applicable.
4. The proposed Stewardship Plan for Home-Generated Sharps Waste is concerning in that it requires sharps take-back to include the distribution of sharps waste containers at point-of-sale. Many pharmacies may not have the appropriate square footage to stock the number of sharps waste containers in their pharmacy. There are also concerns with the over-distribution of containers to sharps users. Pharmacies are supportive of looking at more cost effective and efficient options for consumers to mail back their sharps such as home delivery of sharps containers.
5. CRA and NACDS are very concerned about the Record Keeping Requirements that require pharmacies to track a detailed list of information including the manufacturers of covered products, dates of purchase of these covered products, dates of product sales and certification letters for each covered product. This type of record-keeping is unworkable for pharmacies and pharmacy chains.
6. CRA and NACDS are also very concerned about the Retailer, Wholesaler, Distributor Product Verification requirements that specify a pharmacy shall log into CalRecycle's website every time they sell a new drug at their pharmacy. New drugs come on the market every day and pharmacies do not have the capability to monitor a website every day for every new drug that comes on the market. Some type of annual listing or other tracking would be a more workable alternative to these requirements.

CRA and NACDS greatly appreciate the opportunity that CalRecycle has given their associations to provide comments and look forward to continuing to work with the Department on an effective and efficient pharmaceutical and sharps waste stewardship program in California. Please contact Jennifer Snyder with Capitol Advocacy at (916) 444-0400 or [jsnyder@capitoladvocacy.com](mailto:jsnyder@capitoladvocacy.com) if there are further questions.

Sincerely,



Rachel Michelin  
President  
California Retailers Association



Mary Staples  
Director, State Government Affairs  
National Association of Chain Drug Stores