



COUNCIL AGENDA: 06-19-12
ITEM: 2.55

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Dennis Hawkins, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: 06-14-12

SUBJECT: AB 1442 (WIECKOWSKI) PHARMACEUTICAL WASTE: COMMON CARRIERS

RECOMMENDATION

As recommended by the Rules and Open Government Committee on June 13, 2012 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, adopt a support position for AB 1442 (Wickowski) Pharmaceutical Waste: Common Carriers.



**Subject: AB 1442 (WIECKOWSKI)
PHARMACEUTICAL WASTE : COMMON
CARRIERS**

**RULES COMMITTEE: 06-13-12
ITEM: G.4**

Recommend Position: Support

City Council Action Request			
Department: ESD	DATE: 06/07/12	Coordination: CMO/CAO	CMO Approval:  6/7/12
			Dept. Approval: /s/ Kerrie Romanow
RECOMMENDED ACTION:			
<ol style="list-style-type: none"> 1. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, approve support for AB 1442 (Wieckowski). 2. Recommend a one-week turnaround to the City Council so that the City's legislative staff can advocate for the City's support for AB 1442. 			
BILL SYNOPSIS:			
<p>The California Medical Waste Management Act requires that all medical waste be hauled by a registered hazardous waste hauler. This bill would:</p> <ol style="list-style-type: none"> (1) Define pharmaceutical waste as any pharmaceutical that may no longer be sold or dispensed as a drug; (2) Create new documentation requirements of medical waste generators who use a common carrier to transport pharmaceutical waste offsite for treatment and disposal; and (3) Authorize a medical waste generator to apply for an exemption from medical waste requirements so as to allow pharmaceutical waste to be transported by a common carrier. 			
IMPACTS TO CITY OF SAN JOSÉ:			
<p>Under current law, pharmaceutical drugs can be shipped by common carrier. However pharmaceutical waste is designated as medical waste and must be shipped as costly hazardous waste upon disposal. Pharmaceutical waste can create pollution both in our waterways and in our landfills. A 2002 study by the U.S. Geological Survey found that 80% of US waterways have measureable concentrations of prescription drugs in them. Additionally, 40% of prescribed drugs are not taken, putting them at risk of improper disposal. When disposed of in landfills, pharmaceuticals can leach into groundwater.</p> <p>This bill would make it more likely that pharmaceutical waste would be disposed of properly because it would reduce the costs of doing so to the health care facilities and pharmacies that generate them. It would allow unwanted pharmaceuticals designated as medical waste to be transported for disposal by common carrier, avoiding the costs associated with transporting hazardous wastes, a financial benefit for local pharmacies and health care facilities such as hospitals and nursing homes. It will help protect local water quality by reducing illegal disposal of pharmaceuticals as well as help keep them out of landfills.</p> <p>If this bill passes, no costs will be incurred by the City. The California Department of Public Health will incur staff costs of approximately \$280,000 (equivalent to three positions) in 2012-13 through 2014-15 to coordinate with stakeholders statewide, and to oversee the rulemaking process and develop regulations. Beyond that, annual special fund costs of approximately \$159,000 will be required by the department to review exemption requests and ensure compliance with documentation requirements.</p>			

POLICY ALIGNMENT:

Included in the Council approved 2012 Legislative Guiding Principles and Priorities under “Promote Livability, Sustainable Development, and Environmental Protection” is language supporting pollution prevention practices and protection of local watersheds: “Protect the environment through conservation and preservation of natural resources, habitat, and improving the health of local watersheds.”

This action would also align with the City’s Green Vision and Zero Waste Goals as it would help better manage pharmaceutical waste.

SUPPORTERS/OPPONENTS:

Support:

- Counties of Alameda, Kern and Orange
- Natural Resources Defense Council
- Clean Water Action
- Sierra Club California
- Solid Waste Association of North America
- California Product Stewardship Council
- City of Palo Alto
- Fremont Chamber of Commerce
- Los Angeles County Integrated Waste Management Task Force
- EXP Pharmaceutical Services Corp. (sponsor)
- American Federation of State, County, and Municipal Employees (AFSCME)
- Bay Area Clean Water Agencies

Opposition:

None

STATUS OF BILL:

April 18, 2012: referred to the Assembly Appropriations Suspense File.

FOR QUESTIONS, CONTACT: Elaine Marshall: 793-5355