

October 10, 2018

**SENT VIA ELECTRONIC MAIL**

Jo Zientek  
Director, Consumer and Environmental Protection Agency (“CEPA”)  
County of Santa Clara  
Recycling and Waste Reduction Division  
Household Hazardous Waste Program  
1555 Berger Drive, Bldg 2, Suite 300  
San Jose, CA 95112  
[sccsafemeds@cep.sccgov.org](mailto:sccsafemeds@cep.sccgov.org)

Re: MED-Project Product Stewardship Plan for Sharps from Households

Dear Ms. Zientek:

MED-Project LLC (“MED-Project”) is submitting this letter and the Product Stewardship Plan (“MED-Project Plan” or “Plan”) on behalf of producers of sharps and sharps-administered medications identified in Appendix A of the Plan in compliance with the County of Santa Clara Safe Sharps Disposal Ordinance, County of Santa Clara Ordinance Code Division B11, Chapter XXI (“Ordinance”). MED-Project is committed to developing and implementing a comprehensive program for the collection, transport, and disposal of sharps (the “Product Stewardship Program”) from residents of Santa Clara County (“County”).

As part of the Plan submission, MED-Project would like to take the opportunity to explain certain key parts of the MED-Project Plan and proposed approach to collecting, transporting, and disposing of sharps, and seek approval from the Director of the Consumer and Environmental Protection Agency (the “Director”) for certain aspects of the Plan. Under the Ordinance, the Director has the discretion to determine whether a stewardship plan’s mail-back services and drop-off sites provide reasonably convenient and equitable access for County residents. Ordinance § B11-566(b). Further, in approving a stewardship plan, the Director has the discretion to waive strict compliance with the requirements of the Ordinance that apply to producers in order to achieve the objectives of the Ordinance. Ordinance § B11-564(f). The underlying objectives of the Ordinance include providing accessible and convenient options for residents to dispose of sharps waste, and ensuring “the safe and environmentally sound disposal of consumer-generated Sharps waste....” Ordinance Preamble § 1(o); *see also* § B11-566(b). MED-Project is seeking approval for certain aspects of the Plan pursuant to Ordinance §§ B11-564(f) and B11-566(b).

First, to satisfy the service convenience goal, MED-Project is proposing to exceed the requisite number of kiosk drop-off sites for the collection of sharps in its Product Stewardship Program in lieu of providing mail-back distribution sites that offer sharps mail-back packages. MED-Project believes that providing additional kiosk drop-off sites beyond the baseline of one drop-off site for every 20,000 county residents under § B11-566(b)(2) would further the underlying objectives

of the Ordinance to provide accessible and convenient options for residents to dispose of sharps. MED-Project believes kiosk drop-off sites provide the best opportunity for residents to safely and securely deposit sharps waste, and additional kiosk drop-off sites will serve the community better than mail-back distribution locations. MED-Project will supply sites with informational brochures providing for free, pre-paid, pre-addressed mail-back packages. The informational brochures will provide information on how to conveniently obtain sharps mail-back packages through MED-Project's website and call center, and provide all residents and persons providing caretaker services to residents with access to a sharps mail-back package upon request. In MED-Project's experience, sites are generally reluctant to serve as distribution locations for sharps mail-back packages due to storage, training, and oversight needed to support and track such activities. Additionally, MED-Project is aware that sharps mail-back packages offered at distribution locations can be used incorrectly, such as placement in sharps kiosks by residents, resulting in wasted packaging or misuse. Informational brochures will be offered to retail pharmacies, law enforcement agencies, fire stations, libraries, clinics, and hospitals. Accordingly, MED-Project requests the Director's approval for MED-Project's proposed approach to providing additional kiosk drop-off sites instead of mail-back distribution locations consistent with the Director's discretion per Ordinance §§ B11-564(f) and B11-566(b).

Second, MED-Project requests approval to provide sharps containers to household hazardous waste facilities ("HHWs") in Santa Clara County instead of providing sharps mail-back packages per § B11-566(b)(1) of the Ordinance. MED-Project proposes to distribute FDA-cleared sharps containers and informational brochures to HHWs to provide a suitable and effective means for residents to safely handle and contain sharps waste, and to utilize kiosk drop-off sites throughout the County. As described above, MED-Project will still offer sharps mail-back packages to all residents and persons providing caretaker services to residents through its website and call center. MED-Project requests that the Director exercise its discretion under § B11-566(b) to determine that this approach provides reasonably convenient and equitable access for County residents, and waive strict compliance with the Ordinance requirements to achieve the objectives of the Ordinance under § B11-564(f).

Finally, MED-Project is requesting approval from the Director to rely on a municipal waste combustor to incinerate sharps collected via sharps mail-back packages instead of using a hazardous waste or medical waste incinerator. MED-Project has included a request for approval to use this approach in Appendix F of the Plan. This request sets forth the proposed process and support for the use of a municipal waste combustor for the disposal of sharps collected via mail-back packages. MED-Project is working with the vendor to explore opportunities for using a medical waste facility to dispose of sharps mail-back packages to control costs, maintain flexibility, and provide redundancy in case any of the municipal solid waste combustors are unavailable at any time. Per § B11-564(f), MED-Project requests that the Director waive strict compliance with the disposal requirements in § B11-567(b) since the use of a municipal waste combustor would help achieve the objectives of the Ordinance by ensuring "the safe and environmentally sound disposal of consumer-generated Sharps waste...." Ordinance Preamble § 1(o).

Thank you for your consideration of the MED-Project Plan. As a part of the Plan review process, MED-Project welcomes the opportunity to discuss the Plan, including any concerns you may have about the proposed approaches outlined in this letter, with CEPA at your convenience. MED-Project would be glad to provide additional information regarding the Plan upon request.

We look forward to continuing to work with CEPA. Please feel free to contact me with any comments or questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Victoria Travis', with a stylized flourish at the end.

Dr. Victoria Travis, PharmD, MS, MBA  
National Program Director