



Join the **Movement**

**Find out how this small nonprofit took on Big Pharma and won!
Learn how you can help them to accomplish even more.**

A Prescription for Change

California Product Stewardship Council has a 10-year track record of being change agents and ensuring consumer products don't become waste problems — from paint and propane cylinders to medications and needles

How CPSC Changed the Game to Require Pharmaceutical Manufacturers to Pay for Medicine and Needle Disposal

When California started banning certain toxic or bulky materials from landfills in the early 2000s, a new problem was created — how do you get rid of them? Experts call this a “ban without a plan,” which forces local governments to assume responsibility for the costly disposal of items like paint, mattresses and mercury thermostats.

In 2007, Heidi Sanborn co-founded the nonprofit California Product Stewardship Council (CPSC) in order to give local governments and product producers a way to collaborate on solutions for the disposal of items.

The Sacramento-based nonprofit promotes extended producer responsibility (EPR) policies, which make manufacturers financially responsible for the entire lifecycle of the products they create, including recycling and/or disposal costs.

“In the current system, we privatize the profits and socialize the costs,” Sanborn said. “People don't know that recycling a fluorescent bulb costs the same as it

does to purchase it off the shelf. They just think it's ‘free’ to recycle at their public facility, **but it's not free at all.**”

CPSC has led several EPR efforts that have shifted the cost burden from local governments — and taxpayers — to product producers. In 2008, CPSC co-authored the first EPR bill in California to require producers of mercury thermostats to design and operate a collection system, operated by the Thermostat Recycling Corporation. CPSC also worked with the paint industry to create an industry-managed paint recycling program called PaintCare. CPSC's “Refuel Your Fun & \$ave” Campaign encourages the use of refillable 1 lb propane gas cylinders and the proper recycling of the old, single-use cylinders.

What CPSC discovered along the way was that in order to prevent these items from being illegally dumped in landfills or in communities, disposal needed to be free and convenient.

“What we've concluded — after years of research and observation — is that it has to be free at end-of-life, because if the product has no value to you and it costs money to recycle, you're going to throw it away for free,” Sanborn said.

Opioids, A Waste Problem that Is Fueling an Epidemic

Another problematic product is prescription medicines, which have skyrocketed in use over the past decade. While these medicines can save lives, they can also destroy them. A flood of prescriptions for pain relieving medications, known as opioids, has fueled an addiction epidemic that currently kills 113 people in our country — every day.

Local governments are also paying a big price for this epidemic.

“We have [pharmaceutical takeback] locations at police stations and smaller pharmacies,” said David Gorton, management analyst with the San Joaquin County Department of Public Works. “We pay for this, as the county, out of our household hazardous waste funds.”

Getting medications out of homes can help save lives, but cities and counties end up footing the bill for disposal. Meanwhile, the producers of these medicines are reaping nothing but profits. Johnson & Johnson, the nation's leading drug maker, took in \$16.3 billion in profits in 2017 alone. Most people agree that medicine take-back programs should be created, and that the producers of these drugs should be paying for them.

A David and Goliath Story

In 2010, CPSC started hearing from local governments and the public about the safety concerns

How CPSC changed the game

California Product Stewardship Council (CPSC) has spearheaded several recycling programs that keep problematic items out of state landfills.



ReFuel Your Fun & \$ave

refuelyourfun.org



Don't Rush to Flush, Meds in the Bin We All Win

dontrushstoflush.org



Thermostat Recycling Corporation

thermostat-recycle.org



PaintCare

paintcare.org

regarding sharps and medications.

That same year, it launched the award-winning Don't Rush to Flush, Meds in the Bin We All Win Campaign, a grant-funded program that discourages people from disposing of unwanted medicines down the drain, where they pollute the watersheds, including downstream drinking water sources.

In June 2012, CPSC worked to pass a local ordinance in Alameda County, making it the first jurisdiction in the nation to require pharmaceutical manufacturers to develop, run and finance a countywide pharmaceutical take-back program.

But by December of that year, the drug companies filed suit against the county, challenging the ordinance's constitutionality.

CPSC's staff worked tirelessly to prepare facts to support Alameda's case against the powerful drug companies' industry lobby.

"We're the last industrialized country to embrace this policy approach of making manufacturers be responsible for the end-of-life of their products," Sanborn said. "I knew it was possible and I knew the same corporations that were doing it in other parts of the world — and being successful — were also the same ones here in the U.S. saying they could not do it, it was a big burden and we were being unreasonable."

In its suit, drug companies argued that the cost to implement EPR programs would be \$1.2 million a year. Alameda County, however, estimated annual program costs of \$330,000, a figure supported by CPSC. However, using PhRMA's cost and their annual countywide sales of approximately \$1 billion in 2010, the approximated cost for drug companies to run the program in Alameda County would be 1.3 cents for every \$100 in prescription sales.

The Federal District Court and the 9th Circuit Court of Appeals sided with Alameda County, and the U.S. Supreme Court declined to hear the case and the ordinance was upheld.

"That changed the legal rules of the road so that **any county in the country now understands that if there is a public health and safety impact, they have the legal right to make the producer responsible for that product,**" said Sanborn. "That was a game changer."

After that, CPSC advised other jurisdictions across the state on how to enact their own medicine take-back ordinances and counter the powerful drug companies' objections, eventually helping nine other California counties to pass local ordinances.

"CPSC's support was critical in passing and defending our County's ordinance, and for the jurisdictions that followed," said Alameda County Supervisor Nate Miley, District 4. "The work they are doing just makes sense — and should be applauded

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*Nate Miley
Alameda County Supervisor, District 4*

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In 2017, CPSC and State Sen. Hannah-Beth Jackson and Assemblymembers Phil Ting and Adam Gray introduced a new statewide bill that would establish a comprehensive statewide take-back system for sharps and medications. After being discussed in the California Legislature for 10 years and numerous previous attempts to pass needle and medication producer responsibility legislation, the State Senate unanimously passed SB 212 on a vote of 39-0. It was signed into law by Gov. Jerry Brown on September 30, 2018.

"The importance of SB 212 for California and the country should not be underestimated," Sanborn said. "We will work to ensure other states will follow our lead."

More Work to be Done

In 2018, Sanborn moved on to lead the National Stewardship Action Council, also headquartered in Sacramento. CPSC's operations were turned over to new Executive Director Doug Kobold, a waste management expert with more than 25 years of experience working in the solid waste industry.

In the future, CPSC will be addressing batteries, packaging, single-use propane cylinders and other problematic products.



Dr. Janet Dumonchelle deposits pharmaceuticals into a disposal bin.
PHOTO BY ANNE STOKES

What does SB 212 do?

Establishes two comprehensive, producer-funded take-back programs to provide safe and convenient disposal options for home-generated medications and sharps waste.



Pharmaceutical Take-Back Program

- A statewide system of conveniently located collection kiosks for safe disposal of unwanted medications
- Applies to brand name or generic drugs sold in California, including: prescription, nonprescription, over-the-counter and drugs in a medical device or combination product



Home-Generated Sharps Waste Take-Back Program

- A mail-back system for home-generated sharps, with a prepaid mail-back sharps container provided at point of sale for every needle sold
- Manufacturers will reimburse local agencies for disposal costs for any needles they collect

Public Benefits of SB 212

REMOVES DRUGS FROM THE COMMUNITY —

Removing unwanted drugs will reduce accidental poisonings and abuse, which fuels the opioid epidemic.

PROTECTS WORKERS — Protects solid waste, parks, hotel, wastewater, sanitation, and other workers, river and beach clean-up volunteers and the public from needle stick injuries.

REDUCES BURDEN ON LOCAL JURISDICTIONS —

Cities and counties will no longer incur the full costs for disposing of unwanted medicines and sharps.

JOIN THE MOVEMENT!

The California Product Stewardship Council (CPSC) is a powerful network of local governments, non-government organizations, businesses, and individuals who support policies and projects where producers share in the responsibility for managing products at end-of-life. CPSC is California's thought leader and expert on the Producer Responsibility movement.

CPSC is leading the way to ensure producers have a fair share of responsibility to manage products at end-of-life, but they need your help!



CPSC developed the "ReFuel Your Fun & Save" Campaign to encourage consumers to use refillable 1 lb propane gas cylinders instead of single-use propane cylinders (seen here), which cost cities an average of \$6 each to recycle.

National Stewardship Action Council

CPSC is taking what it's learned in California and spreading it nationwide. Formed in 2015, the National Stewardship Action Council (NSAC) is a 501(c)4 nonprofit organization that engages in lobbying and advocacy for producer responsibility. NSAC is working on closed loop recycling, building off their first legislative success in California with the passage of AB 1158 in 2017, which has resulted in 50 new jobs at a newly opened Aquafil carpet recycling plant in Woodland, CA.

For more information, visit nsaction.us.



VOTE WITH YOUR DOLLARS!

Give your business to retailers that take back their products, like Benjamin Moore, which takes back paint! Buy refillable 1 lb propane cylinders from companies like Kamps Propane, and purchase reusable and recyclable products!

DONATE (IT'S TAX DEDUCTIBLE!)

Be part of the movement! Donate now to fund our work, which results in much more convenient take-back options for products. www.calpsc.org/donate

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