

County of Santa Clara

Consumer and Environmental Protection Agency
Recycling and Waste Reduction Division
1555 Berger Drive, Bldg 2, Suite 300
San Jose, CA 95112
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12/14/18 NOTICE OF DETERMINATION

Safe Sharps Disposal Ordinance
Ordinance No. NS-517.92 Chapter XXI Section B11

DATE: December 14, 2018

TO: Amie Phillips Pablo, Director, Government Reporting
Novo Nordisk, Inc.

FROM: Jo Zientek
Director – Consumer and Environmental Protection Agency
County of Santa Clara
1553 Berger Drive
San Jose, CA 95112

SUBJECT: Notice of Determination – Rejection of Novo Nordisk, Inc. proposed Consumer generated Sharps Waste Stewardship Plan dated October 2, 2018

DETERMINATION:

Pursuant to Chapter XXI, Division B11 of the County of Santa Clara Ordinance Code (Ordinance No. NS-517.92, “Ordinance”), and regulations adopted by the Director pursuant to Section B11-573(a) of the Ordinance (“Regulations”), the Director of the County of Santa Clara (“County”) Consumer and Environmental Protection Agency (“Director”) hereby rejects the Stewardship Plan (“Plan”) submitted October 2, 2018 by Novo Nordisk, Inc. (“Novo Nordisk”) on the following basis:

1. Section 1 of the Plan presents a proposal for an alternate compliance path outside the requirements stipulated for each Stewardship Plan Operator within the ordinance. While there is certainly the opportunity for multiple Plan Operators to propose a coordinated joint proposal for consideration by the County to not duplicate efforts, the ordinance does not provide for, nor should there be, the implied assumption that any individual Plan operator can unilaterally exempt themselves from any of the requirements of the ordinance. Novo Nordisk shall review the Plan requirements under Section B11-563 to address fully in a revised Plan.
2. Section 3 of the Plan provides definitions that conflict with the ordinance. The Plan defines “Department” to refer to the “Department of Environmental Health” which is not the regulating body for compliance with this ordinance (B11-561(g)). “Stewardship Organization” is defined in the Plan differently than the term is defined in the ordinance

(B11-561(w)). Novo Nordisk shall recognize the definitions within Section B11-561 of the ordinance and provide that any additional definitions required by the Plan are consistent with Section B11-561.

3. The Plan is not compliant with Section B11-566 related to Sharps Collection. The Plan fails to address numerous requirements provided under Section B11-566 (b) and Section B11-566 (c). These include, but are not limited to, omission of any provision for drop off sites, take back events and mail back distribution sites. In addition, the ordinance does not provide for an "enrollment" process as a prerequisite for requesting prepaid mail back containers which must be provided in any quantity requested through a County-specific Call Center number and website which are not captured in Section 4 (e,f) of the proposed Plan.
4. The Plan is not compliant with significant elements of Section B11-563(b, c, d, f, g, h, k, l, m, o)
5. Section 5 of the Plan does not adequately address the requirements of Section B11-563(e). Especially as this would apply to the expanded collection methodologies discussed in Item 3 (above).
6. Section 6 of the Plan shall remove all information provided for vendors, carriers, transfer facilities/Processing Facilities and disposal/incineration facilities that do not comply with Section B11-567 of the ordinance. Only permitted Medical or Hazardous Waste incineration is required by the ordinance.
7. Plan omits compliance with Section B11-568.
8. Section 8 of the Plan is non-compliant with Section B11-569 of the ordinance

Pursuant to section B11-564 of the ordinance, Novo Nordisk shall prepare a revised Stewardship Plan addressing and correcting these identified deficiencies. Ordinance requires a revised plan addressing these deficiencies be submitted no later than one month after the date of this official Notice of Determination which would be January 14, 2019. The County, however, recognizes that there are significant recognized Holidays within this period and hereby extends the obligation for Novo-Nordisk to submit a revised Stewardship Plan to the County no later than 5:00 p.m. PST on Monday, February 4, 2019.

Please address all communications to:
William Grimes
Safe Sharps Disposal Liaison
County of Santa Clara
1555 Berger Drive Suite 300
San Jose, CA 95112
sccsafemeds@cep.sccgov.org

Sincerely,

DocuSigned by:



Jo Zientek

Director - Consumer and Environmental Protection Agency