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SOLID WASTE MANAGEMENT COMMITTEE/
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April 29, 2010

The Honorable Bob Blumenfeld
State Capitol, Room 6026
Sacramento, CA 94249-0040

Dear Assembly Member Blumenfeld:

**ASSEMBLY BILL 1858 (AMENDED APRIL 13, 2010)
SHARPS EXCHANGE SERVICES**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **supports if amended** Assembly Bill 1858 (AB 1858). AB 1858, among other things, would permit the State Department of Public Health (Department) to authorize entities (public and/or private) to provide hypodermic needle and syringe exchange services “in any location” (emphasis added) where the department determines that the conditions exist for the rapid spread of potentially deadly or disabling infections that are spread through the sharing of used needles and syringes. While the Task Force commends efforts to address this critical public health issue, we are concerned that granting such an authority solely to the Department may encroach into the local jurisdiction’s land use authority. Additionally, improper disposal of used needles and sharps may also further the spread of HIV infection, viral hepatitis, and other potentially deadly blood-borne infections. Therefore it is critical that the proposed legislation incorporate provisions to ensure the proper collection and management of the needles is provided.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated and cost-effective and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles,

waste management industry, environmental groups, the public, and a number of other governmental agencies.

Existing law regulates the sale, possession, and disposal of hypodermic needles and syringes and requires, with certain exceptions, a prescription to purchase a hypodermic needle or syringe for human use. Current law also prohibits any person from possessing or having under his control any hypodermic needle or syringe except in accordance with those regulatory requirements. AB 1858, if enacted, would permit the State Department of Public Health to authorize entities to provide hypodermic needle and syringe exchange services **in any location** where the Department determines that the conditions exist for the rapid spread of HIV, viral hepatitis, or any other potentially deadly or disabling infections that are spread through the sharing of used hypodermic needles and syringes. As discussed above, the Task Force believes that granting such an authority to the Department may result in the encroachment of a local jurisdiction's land use authority, thus blurring the lines of responsibility between a local agency's planning process and the State's authority. To avoid this situation, we recommend amending the bill to require the Department to coordinate with local agencies when such programs are deemed to be necessary in an effort to ensure that land use decision-making authority is not compromised.

The Task Force also recognizes the need to control the spread of potentially deadly or disabling infections, which is caused by the sharing of used hypodermic needles and syringes. However, AB 1858, if enacted, may lead to an increase in the amount of sharps waste generated without providing a mechanism for the proper collection and management of these wastes. Therefore, the bill should be amended to ensure that entities that provide needle and syringe exchange services establish a free-of-charge mechanism for the safe collection and proper disposal of hypodermic needles and syringes onsite.

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For the above reasons, the Task Force **supports AB 1858 if amended** and stands ready to assist the Legislature in amending the bill to address the above concerns. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste management Task Force and
Council Member, City of Rosemead

PGT/RG:

cc: Assembly Speaker John A. Perez
Assembly Member Martin Garrick, Minority Leader
Each Member of the Assembly Appropriations Committee
Mark Horton, Director of the California Department of Public Health
Kenneth H. Schell, California Board of Pharmacy
Each Member of the Los Angeles County Legislative Delegation
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
California Product Stewardship Council
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Jonathan E. Fielding, Director, Los Angeles County Department of Public Health
Helene Calvet, Health Officer, City of Long Beach Department of Public Health
Takashi Wada, Director/Health Officer, City of Pasadena Department of Public Health
Lewis Pozzebon, Director/Health Officer, City of Vernon Department of Public Health
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force