

Notice of Exemption

2020090507

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Sacramento

From: (Public Agency): Department of Resources Recycling and Recovery
1001 I Street

Sacramento, CA 95814
(Address)

Project Title: Proposed Pharmaceutical and Sharps Waste Stewardship Program Regulations

Project Applicant: Department of Resources Recycling and Recovery

Project Location - Specific:

Statewide

Project Location - City: Project Location - County:

Description of Nature, Purpose and Beneficiaries of Project:

see attached.

Name of Public Agency Approving Project: Department of Resources Recycling and Recovery

Name of Person or Agency Carrying Out Project: Department of Resources Recycling and Recovery

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number: 14 CCR Sections 15378(a), 15378(b)(1)
Statutory Exemptions. State code number:

Reasons why project is exempt:

see attached.

Lead Agency
Contact Person: Jason Smyth Area Code/Telephone/Extension: 916-341-6676

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: 9/23/2020 Title: Sr. Environmental Scientist (Supervisory)

Governor's Office of Planning & Research

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: Sep 25 2020

STATE CLEARINGHOUSE

## Attachment to Notice of Exemption

Project Title: Proposed Pharmaceutical and Sharps Waste Stewardship Program Regulations

Project Applicant: Department of Resources Recycling and Recovery (CalRecycle)

### Description of Nature, Purpose and Beneficiaries of Project:

In 2018, the Legislature enacted SB 212 (Stats.2018, c. 1004; Public Resources Code, §§42030-42036.4) which establishes stewardship programs, for the proper collection, transportation, and disposal of covered drugs and sharps from consumers. To accomplish this, a covered entity responsible for covered drugs or sharps, is required to establish and implement, either on its own or as a member of a stewardship organization, a stewardship program. The covered entity or stewardship organization that operates a stewardship program, must submit a proposed stewardship plan, an initial stewardship program budget, an annual budget, annual report, and other specified information to CalRecycle. Each covered entity, either individually or through the stewardship organization of which it is a part, must pay all administrative and operational costs associated with establishing and implementing the stewardship program. CalRecycle has developed a proposed regulation to establish administrative procedures to enable CalRecycle to fulfill its responsibilities under SB 212.

### Reasons Why Project is Exempt:

The adoption of the regulation is exempt from the California Environmental Quality Act (CEQA) because it is not a “project,” as that term is defined in the CEQA Guidelines (Cal. Code of Regs, Title 14, §§ 15000 et seq.). A “project” is an activity “which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...” (CEQA Guidelines, § 15378(a).) The regulation only establishes administrative procedures for CalRecycle, covered drug and sharp manufacturers, and other covered entities subject to the underlying statute. The adoption of the regulation will have no direct effect on the environment and no reasonably foreseeable indirect effect on the environment.

Although the regulation allows the submission of Pharmaceutical and Sharps plans in the future, there are no plan requirements in the proposed regulation from which any environmental impacts, direct or indirect, can be discerned. There are no standards or targets set in the proposed regulation on which to base an objective analysis of any potential impacts. To impute any general or specific environmental effects from the regulation would be entirely speculative, and CEQA does not require a lead agency to speculate as to the potential impacts of a project. Accordingly, the adoption of the regulation is exempt from consideration under CEQA.