Recycling and Waste Reduction Commission of Santa Clara County
August 22, 2012 Meeting Packet
Table of Contents

Table of Contents ……... Page 1

Agenda …….... Pages 2 – 3

Alameda County Safe Drug Disposal Ordinance and Materials …… Pages 4 – 34

Technical Advisory Committee (TAC) June 2012 Meeting Minutes……. Pages 35 – 39

www.ReduceWaste.org

Recycling & Waste Reduction Commission
of Santa Clara County

County of Santa Clara

RECYCLING AND WASTE REDUCTION COMMISSION OF SANTA CLARA COUNTY
Environmental Resources Agency
Department of Agriculture and Resource Management
Integrated Waste Management Division

1553 Berger Drive, Bldg. 1
San Jose, California 95112
(408) 282-3180 FAX (408) 282-3188
www.ReduceWaste.org

RECYCLING AND WASTE REDUCTION COMMISSION MEETING AGENDA

(*Denotes item on which action may be taken)

DATE: **Wednesday, August 22, 2012**

TIME: **5:15 P.M.**

LOCATION: **BOARD CHAMBERS, 70 West Hedding Street, San Jose, CA 95110**

COMMUTE ALTERNATIVES: The Board of Supervisors encourages the use of commute alternatives including bicycles, carpooling, and hybrid vehicles. Public transit access is available to and from the Berger Drive Facility, 1553 Berger Drive, Building 1, San Jose, California by VTA bus lines 66. For trip planning information, contact the VTA Customer Service Department at 408-321-2300 Monday through Friday between the hours of 6:00 a.m. to 7:00 p.m., and on Saturday from 7:30 a.m. to 4:00 p.m. Schedule information is also available on the web at www.vta.org. Bicycle parking racks are available in the front of Buildings 1 and 2.

1. Call to Order and Introductions

2. Approval of Minutes from June 27 and Special July 16, 2012 RWRC Meetings*

3. Public Presentation (3-minute limit)

This item is reserved for persons desiring to address the Commission on any matter not on this agenda. For members of the public who wish to address the Commission on any item not listed on the agenda this would be the appropriate time. The Chair will call individuals in turn. Speakers are limited to three (3) minutes. The Commission is not permitted action or extended discussion of any item not on the agenda except under special circumstances. If Commission action is requested, the Commission may place the matter on a future agenda. All statements that require a response will be referred to staff for reply in writing.

4. Election of Officers — 10 minutes

Staff will ask for nominations for Chair and a vote will be taken. Once the new Chair is seated, s/he will take over conducting the remainder of the meeting by asking for nominations for Vice Chair. Commissioners will then vote in a new Vice-Chair and the meeting will continue according to the Agenda.

5. Verbal Update on Organizational Structure MOA* — 5 minutes

Presenter: Elizabeth Constantino, Program Manager, Integrated Waste Management
Elizabeth will provide an update on the Organizational Structure MOA process
Recommended Action: Accept report and recommendations and provide further direction to staff.

Agenda continued on next page

Commissioners: Jamie McLeod, Chair; Ronit Bryant, Kansen Chu, Susan Garner, Jim Griffith, Linda J. LeZotte, Diane McNutt, Cat Tucker, Mike Wasserman, Gilbert Wong

6. Alameda County Pharmaceutical Take Back Ordinance **10 minutes**
Presenter: Kamika Dunlap, Policy Assistant, Alameda County Supervisor Nate Miley
Ms. Dunlap will discuss the recent passage of Alameda County's Safe Drug Disposal Ordinance
No action required – informational item only

7. Household Hazardous Waste/Don't Dump Drugs Down Drains (HHW/5D) grant
Presenter: Donna Marencia, Heart of the Valley **10 minutes**
Donna will report on a grant received by the Santa Clara Valley Water District and how it will be used to expand Heart of the Valley's HHW/5D Program for seniors to other cities in the County
No action required – informational item only

8. Update on Extended Producer Responsibility (EPR) **10 minutes**
Presenter: Rob D'Arcy, Santa Clara County Household Hazardous Waste Program
Rob will provide an update on Extended Producer Responsibility
No action required – informational item only

9. TAC Minutes **5 minutes**
Presenter: Dave Staub, Chair, Technical Advisory Committee
Approved June, July 2012 TAC Minutes attached
No action required – informational item only

10. Announcements/Future Agenda Items* **5 minutes**

11. Adjournment

Next Meeting: Wednesday, October 24, 2012

Agenda Item #6

Board of Supervisors

Nathan A. Miley, President
Supervisor, District 4

Oakland Office
1221 Oak Street, Suite 536
Oakland, CA 94612
510-272-6694/510-465-7628 Facsimile

Eden Area District Office
20993 Redwood Road
Castro Valley, CA 94546
510-670-5717/510-537-7289 Facsimile

Pleasanton District Office
4501 Pleasanton Avenue, 2nd Floor
Pleasanton, CA 94566
925-803-7959

district4@acgov.org

FOR IMMEDIATE RELEASE

Media Contact: Kamika Dunlap
Phone Number: (510) 272-3691
E-mail: kamika.dunlap@acgov.org

Additional Contact: Andria Ventura
Clean Water Action/Clean Water Fund
Phone Number: (415) 369-9160 x306
E-mail:aventura@cleanwater.org
Website: www.cleanwateraction.org

New County Policy Requires Drug Makers to Pick Up Disposal Costs

OAKLAND, July 24, 2012_ The Alameda County Board of Supervisors passed a new policy, the first in the country, requiring drug companies to pay for collecting and disposing of leftover drugs they manufacture. The unanimous vote today positions the County as a national leader for its producer responsibility approach on addressing the problem of what residents should do with their unused and expired medications.

"I am proud that we've found a more sustainable policy solution that promotes good will and corporate social responsibility," said Supervisor Nate Miley, President of the Alameda County Board of Supervisors. "The community's growing demand for more permanent and convenient medication disposal sites goes far beyond what the County can fund and operate on its own."

Currently, there are 28 med collection sites throughout Alameda County, which dispose of discarded medications at a cost of $40,000 per year. The collection sites are operated by 10 different agencies and labor is donated by many participating agencies such as East Bay Municipal Utility District, Union Sanitary District and the City of San Leandro. Of the annual $186 million in profits generated by drug companies in Alameda County, officials say the projected cost of a comprehensive program producer-funded program would be about 1 cent for every $33 of pharmaceuticals sold in the County.

Alameda County has become the first local government in the country to enact a policy mandating pharmaceutical companies design, operate and fund a collection program. The effort has attracted wide support from a variety of cities and agencies throughout the Bay Area and across the country struggling with the same issue.

"This ordinance is the low hanging fruit that gives us something that we can do now to help avoid medication waste from getting into our environment at the source,'' said Andria Ventura, Program Manager at Clean Water Action in San Francisco. "It makes financial, environmental and social sense."

The Alameda County Medication Education Disposal Safety Coalition (MEDS), a local grassroots organization, partnered with Miley's office to bring the legislation forward. MEDS is concerned about senior safety issues and prescription drug abuse by adults and children.

In addition to local support, letters have been submitted from across the country by organizations and individuals such as political figure and environmental attorney Robert F. Kennedy Jr. He states in a letter, "I applaud Alameda County's leadership and encourage the county to proceed and adopt the ordinance and I hope that this leads to action nationally."

The scarcity of medication collection sites has led residents to stockpile drugs in their homes, throw medications in the trash or flush them down the toilet – all of which have public health, safety and environmental risks.

The Safe Drug Disposal Ordinance is based on an Extended Producer Responsibility (EPR) policy framework, adopted by CalRecycle in 2008, which places primary responsibility on minimizing the environmental, health and public safety impact on whoever produces a product.

According to Alameda County Household Hazardous Waste Programs about 1.5 million of the county's residents have as much as 681 tons of unwanted drugs stockpiled in medicine cabinets. Poisoning is also the fastest rising cause of accidental death among older adults in the county particularly from prescription and illicit drugs.

Board of Supervisors

Nathan A. Miley, President
Supervisor, District 4

Oakland Office
1221 Oak Street, Suite 536
Oakland, CA 94612
510-272-6694/510-465-7628 Facsimile

Eden Area District Office
20993 Redwood Road
Castro Valley, CA 94546
510-670-5717/510-537-7289 Facsimile

Pleasanton District Office
4501 Pleasanton Avenue, 2nd Floor
Pleasanton, CA 94566
925-803-7959

district4@acgov.org

AGENDA _____ July 10, 2012

July 6, 2012

SECOND READING
CONTINUED FROM (Item #32B) Tuesday, 7/10/12

The Honorable Board of Supervisors
Administration Building
1221 Oak Street, Suite 536
Oakland, California 94612

Dear Board Members:

SUBJECT: ALAMEDA COUNTY'S SAFE DRUG DISPOSAL ORDINANCE

RECOMMENDATIONS:

It is requested that Your Board:

1. Adopt the attached "Alameda County Safe Drug Disposal Ordinance," requiring producers of prescription drugs to develop product stewardship program(s) to collect and dispose of unwanted medications from residential consumers.

2. Adopt the attached "Alameda County Safe Drug Disposal Ordinance," by amending Title 6 of the Alameda County Health and Safety Code, by adding Chapter 6.53.

SUMMARY

On February 28, 2012 the Alameda County Board of Supervisors approved the first reading of a previous version of the Safe Drug Disposal Ordinance. The Board adopted the ordinance by amending Title 6 of the Alameda County Health and Safety Code, by adding Chapter 6.53, Sections 6.53.010 through 6.53.130 requiring producers of prescription and nonprescription drugs to develop product stewardship program(s) to collect and dispose of unwanted medications from residential consumers.

On March 13, 2012 the Safe Drug Disposal Ordinance came before your Board for a second reading and adoption. However, after much discussion and public comment from both the community and the pharmaceutical industry, your Board decided not to vote on the item but continue the matter to a future date, to be no later than June 5, 2012, for second reading. On June 5, 2012, your Board decided

not to have a vote on the item, because a revised version of the ordinance would be submitted for a first reading at this meeting.

DISCUSSION

Unused and expired medications are an increasing concern for public health and safety in Alameda County and nationwide, particularly for senior citizens and youth. Poisoning is the fastest rising cause of accidental death among older adults, particularly from overdoses of prescription drugs and over-the-counter medications. Unintentional poisoning of adults over 60 resulting in hospitalization increased by 43% in Alameda County from 1998 to 2006. Accidental poisoning from ingestion of drugs among children often occurs in homes where medicine is easily accessible. The Partnership for a Drug-Free America released a report in February 2010, indicating that over 60% of teens are able to obtain prescription painkillers free of charge from family and friends.

The environment will be improved by enactment this Ordinance. Pharmaceutical residues have been accumulating in groundwater and drinking water. Drugs enter the environment through multiple sources including flushing toilets or through leaks in landfills. The cost of developing waste treatment for wastewater is extremely high. Thus, many drugs pass through wastewater treatment systems and contaminate receiving waters.

Currently no mandatory state or federal program exists to safely collect unwanted drugs and to properly dispose of them. Yet, safe and convenient medical disposal programs are one of the most effective solutions in preventing negative individual and environmental health impacts. This first-in-the-nation ordinance requires drug producers to dispose of unwanted household medications. Manufactures and producers of drugs would be required to finance and operate the collection of unwanted prescription medications for proper disposal and pay for all costs associated with complying with this ordinance.

A series of Safe Medication Disposal Ordinance stakeholder meetings were convened by Supervisor Nate Miley's office at the request of the pharmaceutical industry. Another meeting was initiated by pharmaceutical industry representatives and was attended by staff from all members of this board. The meetings were organized to provide the industry with an opportunity to participate and share ideas around improving policy outcomes. In addition, there has been much email and telephone communication with Supervisor Miley's office from a variety of stakeholders including industry representatives. Kay Iwata Associates Inc. facilitated five stakeholder meetings and provided a note taker.

Stakeholder participants came from all over the Bay Area and around the country to attend the meetings. Ginnette Vanasse from the Post Consumer Pharmaceutical Association in Canada also came to a stakeholder meeting to discuss how voluntary and industry funded medication take-back programs work in British Columbia and other provinces.

Below is a listing of the speakers, topics and meetings convened over the last two months:

Industry Initiated Meeting
Monday, April 23, 10 a.m. – noon
Location: Office of the County Counsel 1221 Oak Street, Suite 450 Oakland, California 94612
Topic: Discussion concerning the Safe Drug Disposal Ordinance
Speakers: Marjorie Powell

Senior Assistant General Counsel
950 F Street NW
Washington, DC 20004
202-835-3517
FAX 202-715-7037
mpowell@phrms.org

Chelsea Crucitti
Associate
Director,
State Government Affairs Consumer Healthcare Products Association
900 19th Street, NW, Suite 700 Washington, DC 20006 Telephone (202) 429-3537 Fax (202) 223-6835
E-mail: ccrucitti@chpa-info.org
http://www.chpa-info.org

John A. Murphy, III
Director
State Government Relations, Health Policy
Biotechnology Industry Organization
1201 Maryland Avenue, SW
Suite 900
Washington, DC 20024
202-962-9514 Direct
202-286-2139 Cell
202-488-6301 Fax
jmurphy@bio.org

David Gonzales,
DLA Piper LLP (US)
400 Capitol Mall, Suite 2400
Sacramento, California 95814-4428
T 916.930.3229
F 916.403.1628
M 916.281.6981
david.gonzalez@dlapiper.com

Consuelo Hernandez
Vice President, State Government Affairs
CHI-California Healthcare Institute
1201 K Street
Suite 1840
Sacramento, CA 95814
Email: Hernandez@chi.org
Phone: 916-233-3497
Mobile: 916-952-2120
Fax: 916-233-3498

Ritchard A. Engelhardt
Vice President of Government Affairs
BayBio
Office: 650 871 7101 x 217 Fax: 650 871 7555 Mobile: 415 819 3085
ritchard@baybio.org
400 Oyster Point Blvd. Suite 221
South San Francisco, CA 94080

Nancy F. Noe
Johnson & Johnson
Manager State Government Affairs
Johnson & Johnson Services Inc
6500 Paseo Padre Parkway, Fremont CA 94555
T 510 248 2362
F 510 248 2366
nnoe@its.jnj.com

Stakeholder Meeting #1
Monday, April 30, 2012 9:30 a.m. – 11:30
Location: Alameda Conference Center 125 12th Street, 4th Floor Oakland CA 94607-6467
Topic: Pharmaceuticals in the Environment, the role of take-back programs
When pharmaceuticals are currently disposed of, where do they end up and what evidence do we have that this is safe?
Speakers: Melody Labella, Central Contra Costa Sanitation, Andria Ventura, Clean Water Action/Clean Water Fund
Topic: Why does Alameda County need a pharmaceutical take-back program?
Speakers: Linda Pratt, CommPre, Carolina Guzman, Prevention Institute
Topic: What are the issues with controlled substances and take-back programs?
Speaker: Nancy O'Malley, Alameda County District Attorney

Stakeholder Meeting #2
Wednesday, May 9, 2012 11:30 a.m. – 1:30 p.m.
Location: Alameda Conference Center 125 12th Street, 4th Floor Oakland CA 94607-6467
Topic: Producer Responsibility and Take-back Programs
What is extended producer responsibility (EPR)?
Speaker: Heidi Sanborn, Executive Director of the California Product Stewardship Council
Topic: What are ways others have safely and effectively disposed of drugs?
Speaker: Ginette Vanesse, Executive Director of the Post-Consumer Pharmaceutical Stewardship Association (PCPSA)

Stakeholder Meeting #3
Wednesday, May 16, 2012 2:00 p.m. – 4:00 p.m.
Location: Alameda Conference Center 125 12th Street, 4th Floor Oakland CA 94607-6467
Topic: Alameda County Safe Medication Disposal Ordinance in Detail
Review and Presentation of Ordinance Language

Speaker: Alameda County Deputy County Counsel, Robert D. Reiter
Topic: Bay Area Medication Disposal Study and Implication for the Ordinance
Speaker: Dr. Joel Kreisberg, Teleosis Institute

Stakeholder Meeting #4
Wednesday, May 23, 2012 10:00 a.m. – noon
Location: Alameda Conference Center 125 12th Street, 4th Floor Oakland CA 94607-6467
Topic: Moving Forward
Educational and Social Media Campaigns to Curb Medicine Abuse
Speaker: Chelsea Crucitti Associate Director, State Government Affairs Consumer Healthcare Products Association
Topic: Other Programs and the Ordinance
Speaker: Open Forum

Stakeholder Meeting #5
Wednesday, June 27, 2012
Location: Alameda Conference Center 125 12th Street, 4th Floor Oakland CA 94607-6467
Topic: Revisions to the Ordinance
Speaker: Robert D. Reiter, Deputy County Counsel with open forum.

FINDINGS

Throughout the stakeholder meeting series many questions were raised about the Ordinance, its complexity and how it can be used to address health, public safety and environmental issues. Stakeholder participants shared their feedback on how to improve the Ordinance. Supervisor Miley applauded the healthy debate on the issues and emphasized that the goal of the stakeholder meetings was to try and write a sustainable Ordinance, address concerns, and build consensus in a way that is effective. Stakeholder participants received summary notes and presentations of all the speakers after each meeting.

The stakeholder meetings culminated on May 23rd, when participants agreed that Alameda County Safe Drug Disposal Ordinance needed to be revised based on the feedback and input given during the stakeholder meetings. As a result, the revisions of the ordinance were shared with the industry at a meeting on June 27, during which they had an opportunity to review the revised Ordinance and provide final input before the item returns to the board of Supervisors.

Respectfully submitted,

ORDINANCE NO. _____

ORDINANCE AMENDING THE ALAMEDA COUNTY ORDINANCE CODE BY ADDING CHAPTER 6.53, SECTIONS 6.53.010 THROUGH 6.53.120 TO: REQUIRE ANY PERSON WHO PRODUCES A DRUG OFFERED FOR SALE IN ALAMEDA COUNTY TO PARTICIPATE IN AN APPROVED DRUG STEWARDSHIP PROGRAM FOR THE COLLECTION AND DISPOSAL OF UNWANTED DRUGS FROM RESIDENTIAL SOURCES; PROVIDE FOR IMPLEMENTATION, ENFORCEMENT, FEES, AND PENALTIES; AND MAKING ENVIRONMENTAL FINDINGS.

WHEREAS, the County of Alameda has a substantial interest in, and a substantial need for, a drug stewardship program; and

WHEREAS, the health and welfare of the residents of the County of Alameda, particularly children and the elderly, would be improved and advanced by the proper disposal of unwanted, expired or unneeded prescription drugs;

NOW THEREFORE, the Board of Supervisors of the County of Alameda ordains as follows:

Title 6 of the Alameda County Health and Safety Code is hereby amended by adding Chapter 6.53, Sections 6.53.010 through 6.53.120, to read as follows:

6.53.010 - Declaration of findings.

The Board of Supervisors hereby finds and declares the following:

A. Prescription Drugs are a necessary medical technology that successfully allows us to live longer, healthier, and more productive lives;

B. The public, particularly children and the elderly, are at significant and unnecessary risk of poisoning due to improper or careless disposal of prescription drugs and the illegal re-sale of prescription drugs;

C. Our groundwater and drinking water are being contaminated by unwanted, leftover or expired prescription drugs passing through our wastewater and treatment centers;

D. There is no mandatory statewide drug stewardship program for unwanted drugs in California, and drug manufacturers and producers have not offered any support for a permanent collection program to date.

Section 6.53.020 - Title

This Chapter may be cited as the "Alameda County Safe Drug Disposal Ordinance."

Section 6.53.030 - Definitions.

For the purposes of this Chapter, the following terms have the meanings given.

1. "Controlled Substance" for purposes of this Section shall mean any substance listed under California Health and Safety Code Sections 11053 through 11058 or Title 21 of the United States Code, Sections 812 and 813 or any successor legislation.

2. "Cosmetics" means (i) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to, the human body, or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, (ii) articles intended for use as a component of any such articles, and (iii) cosmetics as defined above with expiration dates.

3. "Covered Drug" means all drugs as defined in 21 U.S.C. § 321(g)(1) of the Federal Food, Drug and Cosmetic Act (FFDCA) covered under 21 U.S.C. § 353(b)(1) of the FFDCA, including both brand name and Generic Drugs.

   "Covered Drug" does not include: (i) Vitamins or supplements; (ii) Herbal-based remedies and homeopathic drugs, products, or remedies; (iii) Cosmetics, soap (with or without germicidal agents), laundry detergent, bleach, household cleaning products, shampoos, sunscreens, toothpaste, lip balm, antiperspirants, or other personal care products that are regulated as both cosmetics and Nonprescription Drugs under the Federal Food, Drug, and Cosmetic Act ("FFDCA") (21 U.S.C. Sec. 301 et seq. (2002)); (iv) Drugs for which Producers provide a take-back program as part of a Federal Food and Drug Administration managed risk evaluation and mitigation strategy (21 U.S.C. Sec. 355-1); (v) Drugs that are biological products as defined by 21 C.F.R. 600.3(h) as it exists on the effective date of this Section if the Producer already provides a take-back program; (vi) Pet pesticide products contained in pet collars, powders, shampoos, topical applications, or other delivery systems; and (vii) nonprescription drugs.

4. "Department" means the Alameda County Department of Environmental Health.

5. "Drug Wholesaler" means a business that sells or distributes drugs and Covered Drugs for resale to an Entity other than a consumer.

6. "Drugs" means: (i) articles recognized in the official United States pharmacopoeia, the official national formulary, the official homeopathic pharmacopoeia of the United States, or any supplement of the formulary or those pharmacopoeias; (ii) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; (iii) substances, other than food, intended to affect the structure or any function of the body of humans or other animals.

   "Drugs" does not mean medical devices, their component parts or accessories, or a Covered Drug contained in or on medical devices or their component parts or accessories.

7. "Entity" means a person other than an individual.

8. "Generic Drug" means a drug that is chemically identical or bioequivalent to a brand name drug in dosage form, safety, strength, route of administration, quality, performance characteristics, and intended use, though inactive ingredients may vary.

9. "Mail-Back Program" means a system whereby Residential Generators of Unwanted Products obtain prepaid and preaddressed mailing envelopes in which to place Unwanted Products for shipment to an Entity that will dispose of them safely and legally.

10. "Nonprescription Drug" means any drug that may be lawfully sold without a prescription.

11. "Person" means an individual, firm, sole proprietorship, corporation, limited liability corporation, general partnership, limited partnership, limited liability partnership, association, cooperative, or other legal Entity, however organized.

12. "Plan" or "Product Stewardship Plan" means a product stewardship plan required under this Chapter that describes the manner in which a Product Stewardship Program will be provided.

13. "Prescription Drug" means any drug that by federal or state law may be dispensed lawfully only on prescription.

14. "Producer" shall be determined, with regard to a Covered Drug that is sold, offered for sale, or distributed in Alameda County as meaning one of the following:

    (i) The Person who manufactures a Covered Drug and who sells, offers for sale, or distributes that a Covered Drug in Alameda County under that Person's own name or brand.
    (ii) If there is no Person who sells, offers for sale, or distributes the Covered Drug in Alameda County under the Person's own name or brand, the producer of the Covered Drug is the owner or licensee of a trademark or brand under which the Covered Drug is sold or distributed in Alameda County, whether or not the trademark is registered.
    (iii) If there is no Person who is a producer of the Covered Drug for purposes of paragraphs (i) and (ii), the producer of that Covered Drug is the Person who brings the Covered Drug into Alameda County for sale or distribution.

    "Producer" does not include (i) a retailer that puts its store label on a Covered Drug or (ii) a pharmacist who dispenses Prescription Drugs to, or compounds a prescribed individual drug product for a consumer.

15. "Product Stewardship Program" or "Program" means a program financed and operated by Producers to collect, transport, and dispose of Unwanted Products.

16. "Residential Generators" means single and multiple family residences and locations where household drugs are unused, unwanted, disposed of, or abandoned. "Residential Generators" do not include airport security, drug seizures by law enforcement, pharmacy waste, business waste, or any other source identified by the Department as a nonresidential source.

17. "Stewardship Organization" means an organization designated by a group of Producers to act as an agent on behalf of each Producer to operate a Product Stewardship Program.

18. "Unwanted Product" means any Covered Drug no longer wanted by its owner or that has been abandoned, discarded, or is intended to be discarded by its owner.

Section 6.53.040. - Product Stewardship Program.

A. Requirement for sale. This Chapter shall apply only to a Producer whose Covered Drug is sold or distributed in Alameda County. This Chapter shall apply to all of Alameda County including unincorporated and incorporated areas, except for those incorporated areas (cities) where the governing body of that incorporated area (city) has authorized its own local health officer or environmental health director to administer and enforce the provisions of California Health and Safety Code section 117800. This Chapter shall be administered and implemented by the Alameda County Department of Environmental Health. Each Producer must:

1. Operate, individually or jointly with other Producers, a Product Stewardship Program approved by the Department; or

2. Enter into an agreement with a Stewardship Organization to operate, on the Producer's behalf, a Product stewardship Program approved by the Department.

B. Product Stewardship Program costs.

1. A Producer, group of Producers, or Stewardship Organization must pay all administrative and operational fees associated with their Product Stewardship Program, including the cost of collecting, transporting, and disposing of Unwanted Products collected from Residential Generators and the recycling or disposal, or both, of packaging collected with the Unwanted Product.

2. A Producer, group of Producers, or Stewardship Organization must pay for all fees associated with obtaining compliance with the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000 et seq.), if required, for a specific Product Stewardship Program and product stewardship Plan.

3. No Person or Producer may charge a specific point-of-sale fee to consumers to recoup the costs of their Product Stewardship Program, nor may they charge a specific point-of-collection fee at the time the Unwanted Products are collected from Residential Generators or delivered for disposal.

4. A Producer, group of Producers, or Stewardship Organization must pay all costs incurred by the County of Alameda, including but not limited to the Department, in the administration and enforcement of their Product Stewardship Program. Exclusive of fines and penalties, the County of Alameda shall only recover its actual costs of administration and enforcement under this Ordinance and shall

not charge any amounts under this Ordinance in excess of its actual administrative and enforcement costs.

6.53.050 - Product stewardship plan.

A. Plan content. Each Product Stewardship Program shall have a product stewardship Plan that contains each of the following:

1. Certification that the Product Stewardship Program will accept all Unwanted Products regardless of who produced them, unless excused from this requirement by the Department as part of the approval of the Plan;

2. Contact information for the individual and the Entity submitting the Plan and for each of the Producers participating in the Product Stewardship Program;

3. A description of the methods by which Unwanted Products from Residential Generators will be collected in Alameda County and an explanation of how the collection system will be convenient and adequate to serve the needs of Alameda County residents;

4. A description of how the product stewardship Plan will provide collection services for Unwanted Products in all areas of Alameda County that are convenient to the public and adequate to meet the needs of the population in the area being served.

5. The location of each collection site and locations where envelopes for a Mail-Back Program are available (if applicable);

6. A list containing the name, location, permit status, and record of any penalties, violations, or regulatory orders received in the previous five years by each Person that will be involved in transporting Unwanted Products and each medical waste or hazardous disposal facility proposed to participate in the Product Stewardship Program;

7. A description of how the Unwanted Products will be safely and securely tracked and handled from collection through final disposal and the policies and procedures to be followed to ensure security;

8. A description of the public education and outreach activities required under this Chapter and how their effectiveness will be evaluated;

9. A description of how the scope and extent of the Product Stewardship Program are reasonably related to the amount of Covered Drugs that are sold in the County of Alameda. by the Producer or group of Producers;

10. A starting date when collection of Unwanted Products will begin;

11. A description of how support will be provided to any law enforcement agencies within Alameda County that have, or later agree to have, a collection program for Controlled substances, including: (i) the provision of a collection kiosk with appropriate accessories and signage, (ii) an ability to accept Controlled Substances and other Covered Drugs, (iii) technical support up to and including an appropriate Person to provide on-site assistance with the sorting and separation of Controlled Substances at no cost to a participating law enforcement agency. Otherwise, Controlled Substances are expressly excluded from this Chapter notwithstanding any other provision contained herein;

12. A description of how collection sites for Unwanted Products may be placed at appropriate retail stores in Alameda County including a description of the involvement of the retail store. Retailers are not required or mandated to host collection sites and nothing in this Ordinance shall be interpreted as requiring such participation; and

13. If more than one Producer will be involved in a proposed Product Stewardship Program, then the product stewardship Plan for that Program must include a fair and reasonable manner for allocating the costs of the Program among the participants in that Program, such that the portion of costs paid by each Producer is reasonably related to the amount of Covered Drugs that Producer sells in the County of Alameda.

B. Department review and approval; updates.

1. No Producer, group of Producers, or Stewardship Organization may begin collecting Unwanted Products to comply with this Ordinance until it has received written approval of its product stewardship Plan from the Department.

2. Product stewardship Plans must be submitted to the Department for approval. The initial Plans must be submitted by July 1, 2013, or at a later date as approved in writing by the Department.

3. Within 180 days after receipt and review of a product stewardship Plan, the Department shall conduct a noticed public hearing and

determine whether the Plan complies with the requirements of this Chapter and of any regulations adopted pursuant to this Chapter.

a) As part of its approval, the Department may set reasonable performance goals for the Program.
b) If the Department approves a Plan, it shall notify the applicant of its approval in writing.
c) If the Department rejects a Plan, it shall notify the applicant in writing of its reasons for rejecting the Plan. The Department may reject a Plan without conducting a public hearing.
d) An applicant whose Plan has been rejected by the Department must submit a revised Plan to the Department within 60 days after receiving notice of the rejection. The Department may require the submission of a further revised Plan or, in its sole discretion, the Department may develop, approve and impose its own product stewardship Plan or an approved Plan submitted by other Producer(s) pursuant to this Ordinance. The imposed Plan will be presented at the public hearing. The Department is not required, and nothing in this Ordinance shall be interpreted as requiring, the Department to create or impose a product stewardship Plan.
e) If the Department rejects a revised Product Stewardship Plan or any other subsequently revised Plan, the Producer(s) at issue shall be out of compliance with this Chapter and are subject to the enforcement provisions contained in this Chapter. If the Department imposes its own or another Plan the Producer(s) at issue shall not be considered out of compliance with this Chapter if they comply with that Plan. However, the Producers shall be subject to the enforcement provisions contained in this Chapter as they relate to compliance with an approved Plan.

4. At least every three years, a Producer, group of Producers or Stewardship Organization operating a Product Stewardship Program shall update its product stewardship Plan and submit the updated Plan to the Department for review and approval.

5. A Producer who begins to offer a Covered Drug for sale in the County of Alameda after July 1, 2013, must submit a product stewardship Plan to the Department or provide evidence of having joined an existing approved Product Stewardship Program within 180 days following the Producer's initial offer for sale of a Covered Drug.

6. Any proposed changes to a product stewardship Plan must be submitted in writing to the Department and approved by the Department in writing prior to implementation of any change.

6.53.060 - Disposal of Unwanted Products.

A. Compliance with applicable law. Each Product Stewardship Program must comply with all local, state, and federal laws and regulations applicable to its operations, including laws and regulations governing the disposal of medical waste and Controlled Substances.

B. Disposal at medical waste or hazardous waste facility. Each Product Stewardship Program must dispose of all Unwanted Products by incineration at a medical waste or hazardous waste facility. The medical waste or hazardous waste facility must be in possession of all required regulatory permits and licenses.

C. Producers with Product Stewardship Programs may petition the Department for approval to use final disposal technologies, where lawful, that provide superior environmental and human health protection than provided by current medical waste disposal technologies for Covered Drugs if and when those technologies are proven and available. The proposed technology must provide equivalent protection in each, and superior protection in one or more, of the following areas:

1. Monitoring of any emissions or waste;

2. Worker health and safety;

3. Air, water, or land emissions contributing to persistent, bioaccumulative, and toxic pollution; and,

4. Overall impact on the environment and human health.

D. Packaging separation. Each Product Stewardship Program shall encourage Residential Generators to separate Unwanted Products from their original containers, when appropriate, prior to collection or disposal.

6.53.070 - Product Stewardship Program promotion and outreach.

A. A Product Stewardship Program must promote the Product Stewardship Program to Residential Generators, pharmacists, retailers of Covered Drugs, and health care practitioners as to the proper and safe method to dispose of Unwanted Products.

B. A Product Stewardship Program shall include, but is not limited to, developing, and updating as necessary, educational and other outreach materials aimed at retailers of Covered Drugs. These materials may include, but are not limited to, one or more of the following:

1. Signage that is prominently displayed and easily visible to the consumer.

2. Written materials and templates of materials for reproduction by retailers to be provided to the consumer at the time of purchase or delivery, or both.

3. Advertising and/or other promotional materials related to the Product Stewardship Program.

C. A Product Stewardship Program must prepare education and outreach materials that publicize the location and operation of collection locations in Alameda County and disseminate the materials to health care facilities, pharmacies, and other interested parties. The Program also must establish a website publicizing collection locations and Program operations and a toll-free telephone number that Residential Generators can call to find nearby collection locations and understand how the Program works.

6.53.080 - Report.

A. On or before July 1, 2014 (or at a later date as approved in writing by the Department) and in each subsequent year, every Producer, group of Producers, or Stewardship Organization operating a Product Stewardship Program must prepare and submit to the Department an annual written report describing the Program's activities during the previous reporting period. The report must include the following:

1. A list of Producers participating in the Product Stewardship Program;

2. The amount, by weight, of Unwanted Products collected from Residential Generators collected at each drop-off site and in the entire County of Alameda and , if applicable, the total amount by weight collected by a Mail-Back Program;

3. A description of the collection system, including the location of each collection site and , if applicable, locations where envelopes for a Mail-Back Program are provided;

4. The name and location of disposal facilities at which Unwanted Products were disposed of and the weight of Unwanted Products collected from Residential Generators disposed of at each facility;

5. Whether policies and procedures for collecting, transporting, and disposing of Unwanted Products, as established in the Plan, were followed during the reporting period and a description of any noncompliance;

6. Whether any safety or security problems occurred during collection, transportation, or disposal of Unwanted Products during the reporting period and, if so, what changes have or will be made to policies, procedures, or tracking mechanisms to alleviate the problem and to improve safety and security;

7. A description of public education and outreach activities implemented during the reporting period, including the methodology used to evaluate the outreach and Program activities;

8. How the Product Stewardship Program complied with all other elements in the product stewardship Plan approved by the Department, including its degree of success in meeting any performance goals set by the Department as part of its approval of the Program; and

9. Any other information that the Department may reasonably require.

B. For the purposes of this section, "reporting period" means the period beginning January 1 and ending December 31 of the same calendar year.

6.53.090. – List of Producers. The Department shall provide on its website a list of all Producers participating in Product Stewardship Programs approved by the Department and a list of all Producers the Department has identified as noncompliant with this Chapter or any regulations adopted pursuant to this Chapter.

6.53.100. - Regulations and fees.

A. The Director of the Department of Environmental Health may, after a noticed public hearing, adopt such rules and regulations as necessary to implement, administer, and enforce this Chapter.

B. As soon as practicable, the Department shall submit to the Board of Supervisors a proposed schedule of fees to be charged to the Producers to cover Alameda County's costs of administering and enforcing this Ordinance.

6.53.110. - Enforcement.

A. The Department of Environmental Health shall administer the penalty provisions of this Chapter.

B. The Department of Environmental Health may issue an administrative citation to a Producer for violation of this Chapter or any regulation adopted pursuant to this Chapter. The Department shall first send a written warning to the Producer as well as a copy of this Chapter and any regulations adopted pursuant to this Chapter. The Producer shall have 30 days after receipt of the warning to comply and correct any violations.

C. If the Producer fails to comply and correct any violations, the Department may impose administrative fines for violations of this Chapter or of any regulations adopted pursuant to this Chapter. Each day shall constitute a separate violation for these purposes.

D. Any Person in violation of this Chapter or any regulation adopted pursuant to this Chapter shall be liable to the County of Alameda for a civil penalty in an amount not to exceed one thousand dollars ($1,000) per day per violation. Each day in which the violation continues shall constitute a separate and distinct violation.

E. In determining the appropriate penalties, the Department of Environmental Health shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the violator.

F. Any Producer receiving an administrative citation under this Chapter or any regulation adopted pursuant to this Chapter may appeal it within 21 calendar days from the date the administrative citation was issued. The administrative citation is deemed issued on the day it is sent by first class mail or personal service. The administrative citation shall state the date of issuance. If the deadline falls on a weekend or County of Alameda holiday, then the deadline shall be extended until the next regular business day.

The request to appeal must:

1. Be in writing;

2. Be accompanied by a deposit of the total fine and any fees noted on the administrative citation;

3. Specify the basis for the appeal in detail;

4. Be postmarked within 21 days from the date the administrative citation was issued; and

5. Be sent to the address as set forth on the administrative citation.

G. The written request to appeal will be reviewed and, if found to be complete, a date, time and place shall be set for a hearing before a hearing officer designated by the Director of the Department of Environmental Health. Written notice of the time and place for the hearing will be served by first class mail or personal service at least 21 days prior to the date of the hearing to the Producer appealing the citation. Service by first class mail, postage prepaid shall be effective on the date of mailing.

H. Failure of any Producer to file an appeal in accordance with the provisions of this section shall constitute waiver of that Producer's rights to administrative determination of the merits of the administrative citation and the amount of the fine and any fees and shall constitute a failure by that Producer to exhaust administrative remedies.

I. The Producer requesting the appeal may request the Director of the Department of Environmental Health to recuse a hearing officer for reasons of actual prejudice against the party's cause. The hearing officer shall conduct an orderly, fair hearing and accept evidence as follows:

1. A valid administrative citation shall be prima facie evidence of the violation;

2. Testimony shall be by declaration under penalty of perjury except to the extent the hearing officer permits or requires live testimony concerning the violation.

3. The hearing officer may reduce, waive or conditionally reduce the fines and any fees stated in the administrative citation. The hearing officer may impose deadlines or a schedule for payment of the fine and any fees due in excess of the deposit.

4. The hearing officer shall make findings based on the record of the hearing and make a written decision based on the findings ("Hearing Officer Decision"). The Hearing Officer Decision shall be served by first class mail on the Producer appealing and the Department. The Hearing Officer Decision affirming or dismissing the administrative citation is final, unless a timely notice of appeal is filed for hearing by the Board of Supervisors of the County of Alameda.

J. A second appeal may be filed with the Board of Supervisors within ten calendar days after the date of service of the Hearing Officer Decision.

1. The appeal may be taken by any Producer or the Department within said ten-day period, by filing with the clerk of the Board of Supervisors a notice of appeal specifying the grounds for such appeal. The \Board of Supervisors shall not hear any appeal that is untimely filed.

2. Upon receiving an appeal, the Clerk of the Board of Supervisors shall indicate upon every notice of appeal received the date upon which it was filed. The Department shall immediately arrange for an administrative record to be made available to the Board of Supervisors of all of the documents constituting the record upon which the action appealed was taken.

3. The Board of Supervisors shall give written notice of the time and place for a public hearing on any appeal filed pursuant to this section to the appellant and the Department.

4. The Board of Supervisors may hear additional evidence in its sole discretion and may sustain, modify or overrule any order brought before it on appeal.

5. The Board of Supervisors may make such findings and decisions as are consistent with state law and the County of Alameda Ordinances. If no motion relative to the Hearing Officer Decision appealed attains a majority vote of the Board of Supervisors within thirty (30) days from the date of the hearing by said board thereon, the Hearing Officer Decision shall stand sustained and be final.

K. The Department of Environmental Health may establish appropriate administrative rules for implementing this Chapter, conducting hearings, and rendering decisions pursuant to this section.

L. Upon the failure of any Producer to comply with any requirement of this Chapter and any rule or regulation adopted pursuant to this Chapter, the Alameda County Counsel's Office may petition any court having jurisdiction for injunctive relief, payment of civil penalties and any other appropriate remedy, including restraining such Person from continuing any prohibited activity and compelling compliance with lawful requirements. However, this subsection does not permit the County of Alameda or any court of competent jurisdiction to restrain the sale of any Covered Drug in Alameda County.

M. Any Person who knowingly and willfully violates the requirements of this Chapter or any rule or regulation adopted pursuant to this Chapter is guilty of a misdemeanor and may be prosecuted by the Alameda County District Attorney's Office. A conviction for a misdemeanor violation under this Chapter is punishable by a fine of not less than fifty dollars ($50) and not more than five hundred ($500) for each day per

violation, or by imprisonment in the Alameda County Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

6.53.120 - Additional provisions.

A. Disclaimer. In adopting and implementing this Chapter, the County of Alameda is assuming an undertaking only to promote the general welfare. Alameda County is not assuming or imposing on its officers and employees an obligation by which they could be liable in money damages to any Person or Entity who claims that a breach proximately caused injury.

B. Conflict with State or Federal Law. This Chapter shall be construed so as not to conflict with applicable federal or state laws, rules or regulations. Nothing in this Chapter shall authorize any Alameda County agency or department to impose any duties or obligations in conflict with limitations on municipal authority established by state or federal law at the time such agency or department action is taken. Alameda County shall suspend enforcement of this Ordinance to the extent that said enforcement would conflict with any preemptive state or federal legislation subsequently adopted.

C. Severability. If any of the provisions of this Chapter or the application thereof to any Person or circumstance is held invalid, the remainder of those provisions, including the application of such part or provisions to Persons or circumstances other than those to which it is held invalid shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

D. Environmental Findings. The County of Alameda has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000 et seq.).

E. Nothing in this Ordinance, or the Program of stewardship in which manufacturers of pharmaceutical products who sell Prescription Drugs in Alameda County are required to participate, is intended to protect anticompetitive or collusive conduct nor shall this Ordinance be construed to modify, impair, or supersede the operation of any of the antitrust laws or unfair competition laws of the State of California or of the United States.

F. This Ordinance shall be construed in accordance with California state law, including but not limited to the Medical Waste Management Act set forth at California Health and Safety Code sections 117600, et seq., and shall not be construed in a way that would result in conflict with, or preemption by, any such state law.

G. This Ordinance is entitled to a categorical exemption of the California Environmental Quality Act ("CEQA") pursuant to 14 California Code of Regulations section 15307, which exempts "actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or

protection of the environment where the regulatory process involves procedures for protection."

H. This Chapter shall be in effect for a period of ten (10) years following enactment.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on _____, 2012, by the following called vote:

AYES:

NOES:

EXCUSED:

_____
NATE MILEY, President
Board of Supervisors
County of Alameda, State of California

ATTESTED TO:

Clerk Board of Supervisors, County of Alameda

By:_____

APPROVED AS TO FORM:

DONNA R. ZIEGLER
County Counsel

By:_____
ROBERT D. REITER
Deputy County Counsel

Alameda County Safe Drug Disposal Ordinance
Last updated 7/27/12

LIST OF ENDORSERS

1. Alameda County Democratic Party Central Committee
2. Alameda County Health Care Services Agency
3. Alameda County Health Consortium
4. Alameda County Medical Center (ACMC)
5. Alameda Labor Council
6. American Pharmacist Association Academy of Student Pharmacists
7. Assemblymember Nancy Skinner
8. Associated Recyclers of Wisconsin (AROW)
9. Bay Area Clean Water Agencies (BACWA)
10. Bay Area Stormwater Management Agencies Association (BASMAA)
11. California Conference of Directors of Environmental Health
12. California Nurses Association (CNA)
13. California Product Stewardship Council (CPSC)
14. California Regional Water Quality Control Board
15. California Retailers Association
16. California State Association of Counties (CSAC)
17. Castro Valley Community Action Network (CV CAN)
18. Castro Valley Sanitary District
19. Center for Environmental Health (CEH)
20. Central Contra Costa County Sanitary District
21. City of Emeryville
22. City of Fremont
23. City of Livermore Water Resources Division
24. City of Milbrae
25. City of Palo Alto
26. City of Pleasanton
27. Clean Water Action
28. Colorado Product Stewardship Council (CoPSC)
29. Consumer Healthcare Products Association
30. County of Marin
31. County of Sacramento Department of Waste Management and Recycling
32. County of Yolo
33. Creekside Middle School in Castro Valley
34. Department of the Environment, City and County of San Francisco
35. Dublin San Ramon Services District
36. East Bay Municipal Utility District (EBMUD)
37. Eden Medical Center
38. Los Angeles County Integrated Waste Management Task Force
39. Marin County Hazardous and Solid Waste Management Joint Powers Authority
40. Marin County Pharmaceutical Association
41. Napa Sanitation District
42. National Resources Defense Council (NRDC)

43. New York Product Stewardship Council (NYPSC)
44. North American Hazardous Materials Management Association (NAHMMA)
45. Product Stewardship Institute
46. Robert F. Kennedy, Jr.
47. San Francisco Public Utilities Commission (SFPUC)
48. Save the Bay
49. SEIU United Long Term Care Workers
50. South Bayside System Authority
51. St. Mary's Center
52. StopWaste.org
53. Texas Campaign for the Environment
54. The Adult Day Services Network of Alameda County
55. The Teleosis Institute in Berkeley
56. Town of Fairfax
57. Union Sanitary District in Union City
58. U.S. Congressman Pete Stark
59. Washington Hospital Healthcare System
60. Waste Management
61. Worksafe

Alameda County Drug Disposal Sites

For Unwanted or Expired Medications

Alameda Police Department
1555 Oak Street (Lobby)
Alameda, CA
(510) 337-8340 8am-8pm daily

United Pharmacy
2929 Telegraph Avenue
Berkeley, CA
510- 843-3201

Alta Bates Milvia Outpatient Pharmacy
2500 Milvia Street, Suite 130
Berkeley, CA
510-204-6550

Berkeley Transfer Station #3
1201 2nd Street
Berkeley, CA Mon-Sat. 8-4:30pm

Eden Medical Center (Bin located at Emergency Entrance)
20103 Lake Chabot Road
Castro Valley, CA
510-537-1234

Fremont Recycling & Transfer Station
41149 Boyce Road
Fremont, CA
510-252-0500

Haller's Pharmacy and Medical Supply
37323 Fremont Blvd
Fremont, CA
510-797-2772

Alameda County Household Hazardous Waste Drop-Off Site -Fremont
41149 Boyce Road
Fremont, CA
1-877-STOPWASTE

Washington Hospital Community Health Resource Library
2500 Mowry Ave
Fremont, CA
510-477-7621

Washington Hospital Main Lobby
2000 Mowry Ave
Fremont, CA
510-797-1111

Alameda County HHW Drop-off Site - Hayward (For residents of Alameda County only)
2091 West Winton Avenue
Hayward, CA
1-800-606-6606

Ted's Drugs
27453 Hesperian Blvd.
Hayward, CA
510-782-6494

Alameda County Household Hazardous Waste Drop-Off Site – Livermore
5584 La Ribera Street
Livermore, CA
1-877-STOPWASTE

Washington Township Medical Group
6236 Thornton Avenue
Newark, CA
510-477-7621

Washington Township Medical Group at Warm Springs
46690 Mohave Drive
Newark, CA
510-477-7621

Haller's Pharmacy Newark
6170 Thorton Ave.
Newark, CA
510-797-4333

Alta Bates Peralta Outpatient Pharmacy
3300 Webster Street, Ground Floor
Oakland, CA
510-869-8835

Alameda County Household Hazardous Waste Drop Off Site – Oakland
2100 East 7th Street
Oakland, CA
1-800-606-6606 Thurs. – Sat. 9-1pm

Medicine Drop-Off at the California State Building
1515 Clay Street
Oakland, CA
510-287-1651 Mon-Fri: 8-5pm

East Bay MUD Administration Bldg.
375 Eleventh Street
Oakland, CA 94607 Mon-Fri. 8-4:30pm

Oakland Fire Station #3
1445 14th Street at Mandela Pkwy.
Oakland, CA (open 24 hrs a day)

City of San Leandro Senior Center
13909 E. 14th St
San Leandro, CA
510-577-7990

City of San Leandro Public Works
14200 Chapman Rd.
San Leandro, CA
510-577-3440

Davis Street Clinic
3081 Teagarden Street
San Leandro, CA
510-347-4620 Mon-Thurs: 8-8pm, Fri. 8-6pm

Medical Arts Pharmacy
13847 E. 14th Street
San Leandro, CA
510-357-1881

Washington Township Medical Group
33077 Alvarado Niles Rd
Union City, CA
510-477-7621

The following site is the only site that can legally accept Controlled Substances and other medications:
Alameda County Sheriff's Office
15001 Foothill Blvd.
San Leandro, CA
(510) 667-7721 Mon-Fri: 7-5pm

Updated 7-2012

San Francisco Chronicle
Subscribe to the weekend
Save 40%

Move to Creative Cloud. Save a bundl
Upgrade to Creative Cloud by August 31st for just US$29.99/month*.

Drug firms must help discard unused meds

Nate Miley
Published 7:49 p.m., Sunday, July 22, 2012

1 Tweet 0 Like 0 7 Share
Comments (0) Email This
Larger | Smaller Font
Printable Version

The medicine cabinet is today's drug dealer. Teens are getting prescription drugs from family members to get high. Yet, without convenient collection sites, unused and expired medications get stored at home, thrown in the trash, and flushed down the toilet - all of which have risks. For years, the Bay Area community has attempted to solve these problems through local government funded programs. Now the public is demanding that pharmaceutical companies play a role.

After months of intense discussion around an ordinance to make drugmakers responsible for designing, operating and funding collection of these unused drugs, the Alameda County Board of Supervisors will vote on this ordinance Tuesday. It is believed to be the first of its kind in the country.

Both federal and state lawmakers have failed to pass legislation requiring a sustainably funded medication management system. Meanwhile, 1 person dies every 19 minutes from prescription drug abuse in the United States, according to the Centers for Disease Control and Prevention. In a 2002 study by the U.S. Geological Survey, 80 percent of streams in the United States have measurable concentrations of prescription drugs, including steroids and hormones.

Although the county's ordinance can't solve all the causes of prescription drug abuse, hundreds of supporters locally and throughout the country agree collection is a big step in

the right direction. I imagine producer-funded take-back programs for medications will be standard business practice in the future, much like is done today with rechargeable batteries. It's just the right thing to do, as well as an opportunity for drug companies to stand by their claims of corporate social responsibility.

The pharmaceutical industry profits are approximately $186 million annually in Alameda County. Joel Kreisberg, of the Teleosis Institute, who has established 10 of the 28 med collection locations in the county, testified that the cost of operating the county system at the current 28 locations would be approximately $330,000 a year. Based on product sales, the cost would be about 1 cent for every $33 of pharmaceuticals sold in the county. According to the Post-Consumer Pharmaceutical Stewardship Association in Canada, medication return programs there were funded by many of the U.S. pharma companies and that small cost has never been passed along to consumers.

The U.S. profits for the pharmaceutical industry in 2010 were $45 billion; they spent $2.5 billion on television advertising in 2011, and are a powerful lobbying force in Washington.

But the public outcry is getting louder and becoming more powerful. My office is partnering with the Medication Education Disposal Safety Coalition and more than 50 organizations throughout the Bay Area to develop a medication disposal ordinance that can be used as a model for other counties.

The pharmaceutical companies need to know you care about public health and water quality, and want them to share in the responsibility for medication disposal.

Get involved

To make your voice heard, you can:

Sign the petition at change.org,

"Like" our Facebook page,

Call your Alameda County supervisor,

Show up at the hearing, 11 a.m. Tuesday at the Alameda County Administration Building, Fifth Floor, 1221 Oak St., Oakland.

Supervisor Nate Miley is the president of the Alameda County Board of Supervisors.

Printable Version Email This Like Tweet 1 0 Share 7

We Recommend From Around the Web [What's this?]

Apple's Next Big Thing Will Be Huge (EBN)

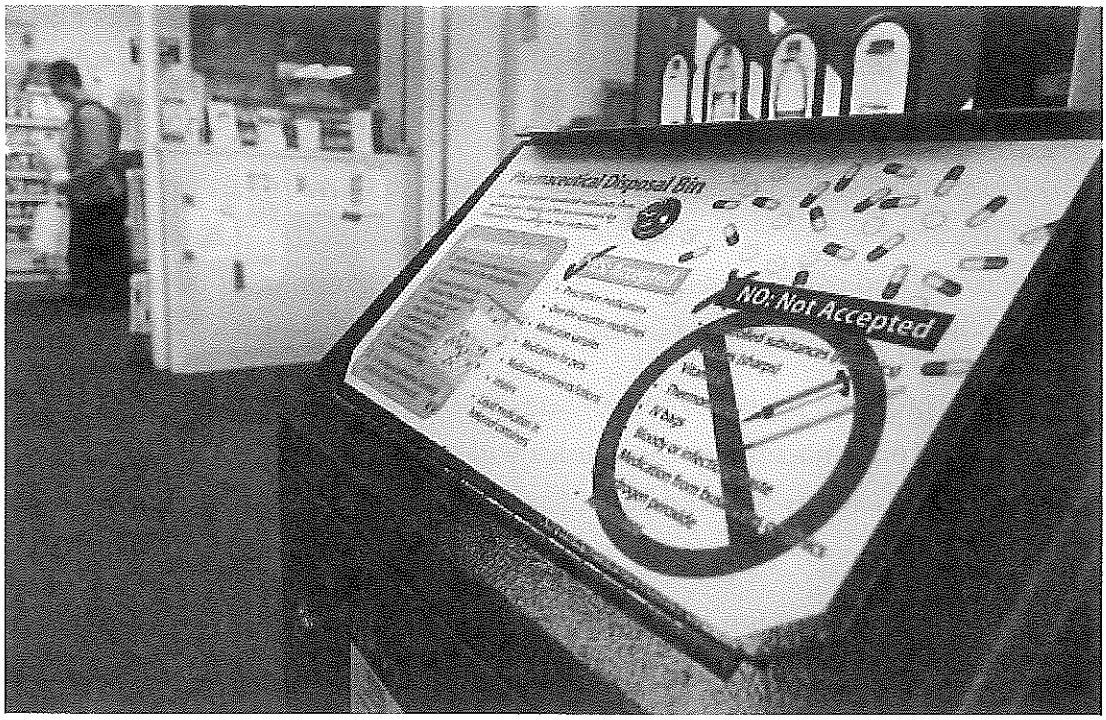
San Francisco Chronicle
Subscribe to the weekend
Save 40%

Do you know someone suffering from Alzheimer's disease or dementia?

Drug-disposal law OKd in Alameda County

Stephanie M. Lee
Updated 1:07 p.m., Wednesday, July 25, 2012

VIEW: LARGER | HIDE 1 of 2 PREV NEXT



Berkeley's United Pharmacy already has a bin on site to dispose of unwanted or expired drugs.Photo: Michael Macor, The Chronicle / SF

0 18 1 10
Tweet Like Share
Comments (5) Email This
Larger | Smaller Font
Printable Version

A nationally unprecedented law telling the pharmaceutical industry it must pay to get rid of prescription drugs won approval from Alameda County lawmakers Tuesday.

The county's Board of Supervisors cast their final votes, 5-0, on the Safe Drug Disposal Ordinance, which requires producers of drugs sold or distributed in the county to pay for the safe collection and disposal of unused medications. Failure to comply will cost drugmakers $1,000 a day in fines.

The law, based on a British Columbia program, shifts the cost of disposal from taxpayers to drug companies. Currently, residents can discard pills they no longer need at 28 publicly funded drop-off locations, which cost an estimated $330,000 to run annually.

Environmentalists, health advocates and residents heralded the new law for its attempts to protect consumers' health and the environment. By ensuring private funding for disposal programs, it intends to keep old or unused drugs beyond the reach of youths and senior citizens, who could misuse or abuse them, as well as out of drains where they could pollute waterways.

"Today is a huge accomplishment, not only for Alameda County, but for everyone who cares about the issue of safe drug disposal," said Nate Miley, the ordinance's sponsor and president of the Board of Supervisors. "It's time for drug companies to take responsibility for their products and to dispose of leftover drugs they manufacture."

Andria Ventura, program manager for the water-pollution prevention group Clean Water Action, noted that pharmaceutical companies will have to do more, such as make drugs that absorb more efficiently into the body, to eliminate drug chemicals entirely from public waters.

"We shouldn't have drugs in our water," she said. "While this won't take care of the entire problem, it certainly is the low-hanging fruit that we can take to make a significant dent in addressing the problem."

Pharmaceutical industry officials opposed the law, arguing that it does not guarantee drugs will be correctly used, nor will it affect drug chemicals that end up in the water through people's excretion.

They also called the law vague. Drugmakers will be permitted to run a disposal program independently or with other companies. Each manufacturer can also decide how the program will work, such as by setting up a series of drop-off locations or providing customers with prepaid envelopes to give people a way to ship off old medications.

They have until July 1, 2013, to submit plans to the county for approval.

"Instead of waiting to see what works, we're running off without good data to put a program into place that's very vague, very general and, ultimately, going to be very difficult for us to provide," said Ritchard Engelhardt, vice president of government affairs for BayBio, which represents Northern California's bioscience industry.

But the program has worked in British Columbia since 1997, involving many of the manufacturers also present in Alameda County, said Heidi Sanborn, executive director of the California Product Stewardship Council. Now it's time to put those lessons to work in California, she said.

"If they can create drugs," she said, "they can figure out how to collect pills."

Stephanie M. Lee is a San Francisco Chronicle staff writer. E-mail: slee@sfchronicle.com Twitter: @stephaniemlee

Printable Version | Email This | Like | Tweet 0 | 1 | Share | 10

We Recommend

Zuckerberg Family Feud: Two Relatives Of Facebook's CEO Now...

'X-Files' co-stars David Duchovny, Gillian Anderson rumored...

Brown twins deserve San Francisco's help

NBC pulls 'creepy' Olympic video 'Bodies in Motion' after backlash

The Who, Spice Girls not enough to save a Jessie J-Centric...

Outside Lands: big names, bigger sound

From Around the Web [What's this?]

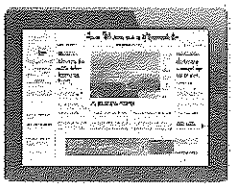
Drop Dead Georgeous Hair: Jennie Garth's 'Messy' Haircut (StyleBistro)

Michelle Obama teases Gabby Douglas about eating fast food (SI.com)

Billionaire Buffet Dumps Iconic Stocks (Money Morning)

Billionaire Warns: Protect Your Wealth, Worst 'Yet To Come' (Moneynews)

Teen Killed During Sleepover (itsybitsysteps)



Subscribe to the San Francisco Chronicle and receive access to the Chronicle for iPad App and a gift:

- Sunday + a $15 gift card
- Fri-Sun + a $15 gift card
- Mon-Sun + a $25 gift card

Select an offer

County of Santa Clara
Recycling and Waste Reduction Commission
Integrated Waste Management Division

1553 Berger Drive, Building #1
San Jose, California 95112
(408) 282-3180 FAX (408) 282-3188
www.ReduceWaste.org

TECHNICAL ADVISORY COMMITTEE MEETING MINUTES
June 14, 2012

VOTING MEMBERS IN ATTENDANCE

ACTERRA	Maija McDonald
CALIFORNIA RESOURCE RECOVERY ASSN.	Clay Reigel
CITY OF GILROY	Tony Eulo
CITY OF MILPITAS	Elizabeth Koo
CITY OF MORGAN HILL	Tony Eulo
CITY OF MOUNTAIN VIEW	Cynthia Palacio
CITY OF PALO ALTO	Matthew Krupp
CITY OF SAN JOSE	Skip Lacaze
CITY OF SANTA CLARA	Dave Staub
CITY OF SUNNYVALE	Mark Bowers
CLARA MATEO	Julie Muir
COUNTY ENVIRONMENTAL HEALTH	Stan Chau
COUNTY UNINCORPORATED AREA	Elizabeth Constantino
SANTA CLARA VALLEY WATER DISTRICT	Pat Showalter
SIERRA CLUB	Heidi Melander
WEST VALLEY CITIES	Marva Sheehan

Commissioners: Jamie McLeod, Chair; Ronit Bryant, Kansen Chu, Susan Garner, Jim Griffith, Linda J. LeZotte, Evan Low, Cat Tucker, Mike Wasserman, Gilbert Wong

VOTING MEMBERS NOT ATTENDING

CITY OF CAMPBELL

CITY OF CUPERTINO

CITY OF LOS ALTOS

CITY OF MONTE SERENO

CITY OF SARATOGA

COUNTY PLANNING DEPARTMENT

LEAGUE OF WOMEN VOTERS

SILICON VALLEY LEADERSHIP GROUP

TOWN OF LOS ALTOS HILLS

CLARA MATEO

CLARA MATEO

TOWN OF LOS GATOS

SAN JOSE STATE UNIVERSITY

OTHERS IN ATTENDANCE

Zachary DeVine	SCC IWM
Rob D'Arcy	SCC HHW
Wendy Fong	SCC HHW
Karen Gissibl	City of Sunnyvale
Walter Lin	City of San Jose
Emy Mendoza	City of San Jose
Debbie Basher	City of San Jose
Wendy Hediger	City of Palo Alto

1. **Call to Order**
   Dave Staub, Chair, called the meeting to order at 1:38 p.m. A quorum of 12 was present. Those present introduced themselves.

2. **Approval of Minutes**
   Tony Eulo made a motion to approve the minutes from the May 10, 2012 TAC meeting. The motion was seconded by Dave Staub. All present voted to approve the minutes. Those not present at the May 10, 2012 TAC meeting abstained.

3. **Public Presentations**
   There were no public presentations.

4. EPR & local ordinance

Rob D'Arcy's EPR item was moved behind the RWRC Update and the Division Manager's Report due to technical difficulties. Rob gave a PowerPoint presentation on Extended Producer Responsibility. IWM will forward the presentation to TAC. Discussion of local and statewide EPR action followed. Rob agreed to two action items: 1) to write a transmittal/staff report to the Recycling and Waste Reduction Commission as a way of renewing the discussion and 2) write an ordinance for primary batteries that would mandate retailer take back. Rob said that this would be the perfect pilot as primary batteries are already banned from the landfill and the beginnings of a take back mechanism already in place for take-back. There was additional discussion as to the appropriateness of primary batteries as a choice. Other items were suggested such as MAP cylinders, pharmaceuticals and whatever the most common item(s) found in post-processing residue is.

5. RWRC Update

Elizabeth Constantino gave the brief update in Lisa Rose's absence. Elizabeth reported that the next RWRC meeting will be June 27, 2012 at 5:15 PM in the Isaac Newton Senter Auditorium located at 70 W. Hedding St. in San Jose on the ground floor. She stated that you will be receiving your packets by June 20, 2012 and that the only item on the agenda at this time was the Organizational Study Ad Hoc RWRC Subcommittee meeting.

6. Division Manager's Report and Updates on Countywide Programs

A. Disposal Reporting System – in the TAC packet.

B. Green Business – in the TAC packet.

C. Home Composting Education Program – in the TAC packet.

D. Recycling Hotline – report in the follow up email.

E. Other – Elizabeth said that Home Composting Education Program workshops are filling up and the registration for the two June classes has been closed as they are full. Elizabeth also stated that the date for the FY 2012 Green Business Recognition had been selected and a "save the date" would be sent out soon. Elizabeth encouraged TAC members to plan to attend.

7. Subcommittee Reports and Updates on Countywide Programs

A. Enforcement – no report.

B. Household Hazardous Waste – Walter Lin gave a brief update. He also stated that City of San Jose requested an extra HHW event which took place on June 9, 2012 and that they had 600+ reservations for that event.

Rob D'Arcy went on to explain that he very recently found out that the City of Cupertino had not yet approved the AB 939 Agency Agreement even though it had been to two City Council meetings. It will return to the Cupertino City Council on June 19, 2012 and Rob has taken the opportunity to provide more information and education to Cupertino staff and had assisted in re-writing the staff report to be more informative and more compelling. Rob will attend the City Council meeting to address the item.

C. Implementation Subcommittee – no report.

D. Legislation – Mark Bowers discussed several of the bills in the matrix.

E. Operations – no report.

F. Public Education – Cynthia Palacio reported that Lori will be calling a meeting soon.

G. Source Reduction and Recycling – Karen reported that they had not met and that she would contact

Lisa about the necessity of a June meeting. It was suggested that perhaps the plastic bag item could be dealt with in a conference call.

H. Ad Hoc Eco Gardener – Dave Staub said the May 31, 2012 Eco-Gardner meeting went very well. He said that the first order of business would be to develop an RFP for website design, housing, maintenance that would be a Santa Clara County Eco-Gardner website with workshop/class schedules and details about each of the programs that operates in the County. He stated that there was diverse representation at the meeting. The next meeting is June 27 from 12 – 2:00 PM at 1555 Berger Drive (Building #2) in the Auditorium.

I. Ad Hoc Organizational Study – Mark Bowers gave a brief report on the RWRC Ad Hoc subcommittee meeting.

J. Ad Hoc School Recycling – Emy Mendoza said that the June 4, 2012 meeting discussed school gardens throughout the County. The next meeting is scheduled for August 13, 2012 at San Jose City Hall.

K. Ad Hoc Zero Waste – no report.

8. Future Agenda Items / Guest Speakers

- Elizabeth Constantino stated that the Manager of the County Office of Sustainability would like to attend the July 12, 2012 TAC meeting to discuss Plasma Arc Gasification/polymerization.

9. Informational Updates and Announcements

- Mark Bowers said that Jennifer Garnett, formally PIO for San Jose ESD has moved to the Sunnyvale to fill their vacant PIO position. He also reported that Sunnyvale's bag ban begins Wednesday June 20 and there is an upcoming conference call with the counties of LA, Alameda and SF along with Sunnyvale regarding reusable bag definitions.
- Emy Mendoza said that a major redesign of San Jose commercial services was starting July 1, 2012.
- Matthew Krupp shared that Brad Eggleston was recently promoted and Ron Arp is now the acting director.
- Cynthia Palacio said that a study session meeting on June 19, 2012 will be held in Mountain View to review Recology's proposal of services with a vote on a new contract slated for June 26, 2012.
- Tony Eulo said that no bag bans were in the works for the South County
- Wendy Hediger said that Palo Alto is looking to expand its bag ban and revamp definitions in the ordinance. They will conduct an EIR per the city's court settlement. Palo Alto is also aiming for more transparency of what garbage service costs with a new breakout of charges on its bills.
- Julie Muir shared that Stanford Medical Center and its operating room have recently won an award on its innovative efforts and a YouTube video is available highlighting the changes.
- Skip Lacaze said there is a press release in the works regarding Lawrence Berkeley National Laboratory partnering with a clean tech company at City of San Jose's Environmental Innovation Center. He also said they will be a rent paying tenant in the development, along with County HHW program.

10. Adjournment

The meeting adjourned at 3:32 p.m.

THE NEXT SCHEDULED TAC MEETING: **July 12, 2012**