

Home Generated
Med/Sharps Management:
Options and Opportunities
SCAP San Diego 8/13/15

Agenda



- Who is CPSC
- What is EPR
- Public support for EPR
- History of EPR for Meds
- Options for Local Government
 - Ordinance for pharma EPR
 - Retail Take-Back
 - Combo



Pharmaceuticals & Sharps Perfect Storm Issues



- Prescription Drug Abuse Epidemic
- Broad Stakeholder Group Support
- Environmental & Public Health, Issue
- Child, Senior & Pet Poisonings
- Cost of Healthcare Debate
- Needle Sticks of Solid Waste Workers,
 Wastewater Plant Operators
- Drought/Water Quality





April 2015 Edition

EPR: The Next Tsunami to Hit North America's Solid Waste Management?

The demise of local recycling with the implementation of EPR programs may be overstated. The real issue is to develop EPR programs that balance the needs of all the stakeholders in the overall recycling program to improve success.

Marc J. Rogoff, Ph.D.

http://wasteadvantagemag.com/april-2015-digital-issue/

Epidemic: Responding to America's Prescription Drug Abuse Crisis

2014 National Drug Control Strategy:

- 1. Education of health providers and the public.
- 2. Expand prescription monitoring programs.
- 3. Safe drug disposal increase return/take-back and disposal programs.
- 4. Effective enforcement to address "pill mills" and "doctor shopping."



CPSC Board and Organization



- 14 Member Board:
 - 5 of 14 are private sector members
 - San Francisco and Los Angeles County representation
 - We would love City of LA representation on Board!



CPSC Mission



To shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

Strategic Directive 5 February 2007





CalRecycle will ...

- "Seek statutory authority to foster <u>cradle-to-cradle</u> producer responsibility."
- "Develop relationships with stakeholders that result in <u>producer-financed</u> and <u>producer-managed</u> systems"

^{*} Formerly the California Integrated Waste Management Board

What Is the Goal for EPR Programs?



- Cost-effective programs that work (each product is different)
- Performance based programs
- Fair sharing of responsibility and costs
- Producers/others to collaborate on solutions
- Drive products redesign producers are the "source"



Business Language Spoken





Data Collection: Making the Case for EPR

Objective 1



Assess public attitude, consumer motivation and consumer knowledge level

Telephone Survey

Existing Mercury Lamp and Household Battery Take-Back Programs in the San Gabriel Valley **Project Summary** San Gabriel Valley Council of Governments

Focus Groups





Who Should Pay? Question Asked of Focus Group Retailers & Consumers

- Don't make general taxpayers and ratepayers pay
- Consumers and retailers say producers should be responsible
- Add cost to purchase price
- Want producers to make less toxic products

"If they're going to be manufacturing these things, they need to be responsible." – Retail Focus Group Participant



City of Roseville Survey of Residents





2014 Residential Customer Telephone Tracking Survey For

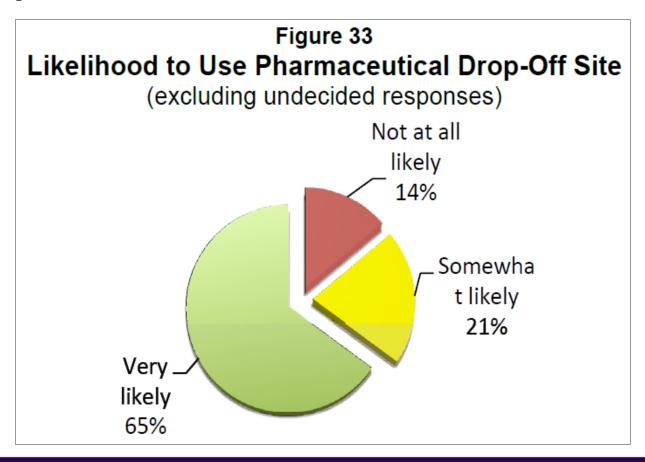
Environmental Utilities

Prepared by: Dawn Morley
January 2014



Key Survey Findings Meds (cont.)

The vast majority of respondents support the concept of a take-back program, with a total **86% of respondents saying they would be likely to use it**.



Key Survey Findings Meds (cont.)



Respondents were asked "If a medication take-back program were to be established, how do you think it should be funded?" Responses were categorized into the following:

Table 9

HOW SHOULD A TAKE BACK PROGRAM BE FUNDED?	PERCENT
Drug manufacturing companies	32%
Shared cost by all parties	32%
Local pharmacies and hospitals	8%
Users via surcharge added to monthly bill	5%
Other – it should be free	1%
Other – charge the user (at the time)	2%
Other – unable to categorize	2%
Don't know	18%





Option 1: Federal or State Legislation



A look at state EPR laws for multiple products around the nation

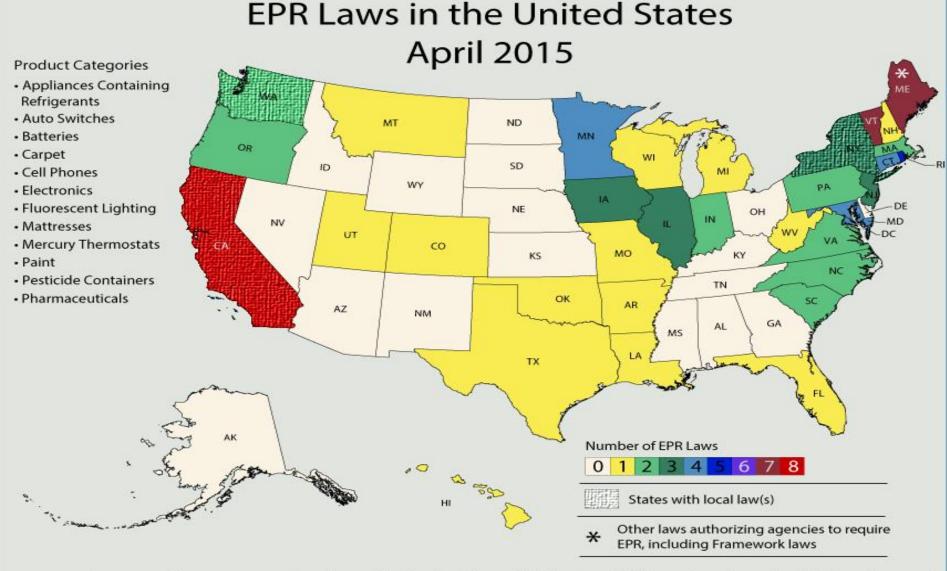
24





72 EPR laws
in 32 states
(including carpet, cell
phones, and agricultural
pesticide containers)

...plus one "Framework" law



Source: Product Stewardship Institute, Inc. (2015)



The Product Stewardship Institute (PSI) is a national, membership-based nonprofit committed to reducing the health, safety, and environmental impacts of consumer products across their lifecycle with a strong focus on sustainable end-of-life management.

Questions? Contact us at suzy@productstewardship.us www.productstewardship.us



AB 1893 – Needle Management Members Mark Stone & Susan Eggman





SB 1014 EPR for Medications

- Mirrors Alameda Ordinance, added OTCs
- Stakeholder negotiation meetings
- Held in Senate Environmental Quality Committee

Senator Jackson Letter to Locals



CAPITOL OFFICE STATE CAPITOL, ROOM 2032 SACRAMENTO, CA 958;4 TEL 918 651-4019 FAX 916 651-4919

SANTA BARBARA COUNTY OFFICE 222 E. CARRILLO STREET SUITE 309 SANTA BARBARA, CA 93101 TEL 805-965-0862 FAX 805-965-0701

VENTURA COUNTY OFFICE 300 E, ESPLANADE DRIVE SUITE 430 OXNARD, CA 93036 TEL 603-988-1940 FAX 605-988-1945

California State Legislature

SENATOR
HANNAH-BETH JACKSON
NINETEENTH SENATE DISTRICT



CHAIR
SENATE JUDICIARY
JOINT LEGISLATIVE COMMITTEE
ON EMERGENCY MANAGEMENT
VICE CHAIR
CALIFORNIA LEGISLATIVE
WOMEN'S CAUCUS

COMMITTEES
BUDGET & FISCAL REVIEW
ENVIRONMENTAL QUALITY
ELECTIONS & CONSTITUTIONAL
AMENDMENTS

NATURAL RESOURCES & WATER

JOINT COMMITTEES
FAIRS, ALLOCATION
& CLASSIFICATION
LEGISLATIVE AUDIT

October 30, 2014

80.SUP, 14NOV SAM11:27

Santa Clara County Board of Supervisors 70 W Hedding St San Jose CA 95110-1705 B/S Chair ______BD of Supv. ________Clerk ______

Dear Board Members:

Over the last two years, I have worked with numerous stakeholders to develop legislation that would create a convenient and environmentally responsible home-generated prescription drug disposal program. These efforts included my hosting several large stakeholder meetings, working with legislative consultants, and meeting with hundreds of individuals with an interest in the safe handling and disposal of unused medications. During that time, I introduced two bills, SB 727 (2013) and SB 1014 (2014) in response to the feedback I received to help decrease the supply of unused prescription drugs in homes across California. Due to the current legislative climate, moving forward with these programs was unsuccessful.

I am now respectfully requesting your participation and help to move this critical issue forward in our state. Adopting a county ordinance similar to Alameda County's Safe Drug Disposal ordinance will help California residents prevent prescription drug abuse, address their disposal needs now, and increase support for a statewide solution.

The Alameda County Board of Supervisors unanimously adopted the first Safe Medication Disposal Ordinance in the country in July 2012. Pharmaceutical manufacturers with medications being sold or distributed in Alameda County must participate in and fund a program to collect and dispose of unwanted drugs. The ordinance was challenged by Pharmaceutical Research and Manufacturers of America, Generic Pharmaceutical Association, and Biotechnology Industry Organization on the basis that the ordinance violates the dormant Commerce Clause for interstate commerce and discriminates against out-of-county producers. In August 2013, the U.S. District Court upheld the ordinance, as did the Ninth U.S. Circuit Court of Appeals in September 2014.

Alameda County's ordinance may be found here: http://www.acgov.org/aceh/safedisposal/documents/SDD Ordinance.pdf.

CC: la Supervisor, Colsec, Colonsel, R. Santiago

Letter sent October 31, 2014 asks for local governments to consider ordinances to move the issue forward in California.



CA 2015 State Legislation

AB 45- Mullin

Requires jurisdictions to increase collection of HHW by unspecified percentage; authorize the department to adopt a model ordinance for door to door collection and diversion program to facilitate compliance and require annual report to the department.

Passed out of two committees with 6-3 and 4-2 votes and then held in Appropriations Committee

2 Year Bill which can be taken up again in January 2016

AB 1159 – Gordon, Stone, Williams

Establish product stewardship pilot program requiring producers and product stewardship organization of covered products (home generated sharps or household batteries) develop and implement a product stewardship plan.

Passed out of two committees with unanimous votes and the held in Appropriations Committee

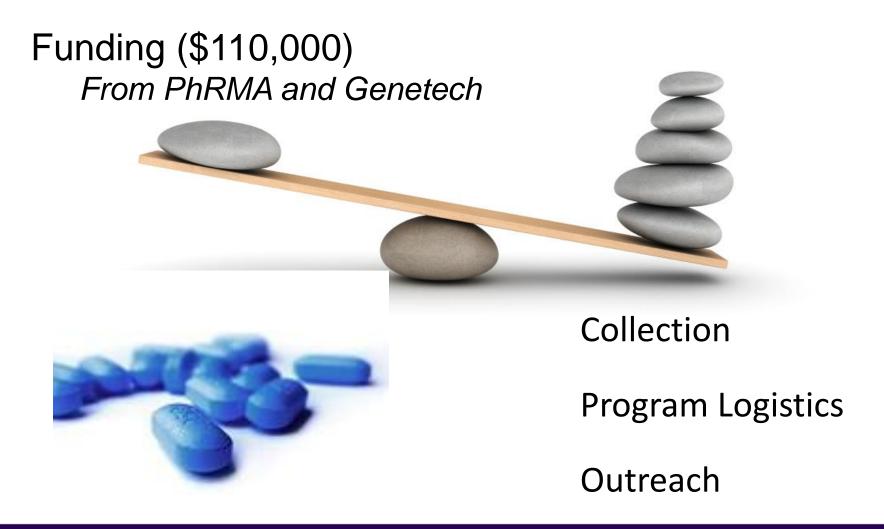


2 Year Bill which can be taken up again in January 2016



Option 2: Local Legislation

San Francisco – Introduced EPR© Ordinance, Ended-Up With Voluntary Collaborative Pilot



CPSC California Product Stewardship Council

San Fran Pilot: Weight collected



23,304 pounds collected in 16 months



San Francisco Drug Disposal Information Ordinance

- All pharmacies conduct outreach
- "...posted in an area visible to the public & adjacent to the area where prescription drugs are dispensed"







San Francisco Program: Lessons Learned – Data!



- Convenience: pharmacies
 - (93% vs. police stations 7%)
- Completeness: police depts. for controlled's
- Permanence: manufacturer involvement
- Metrics, Outreach, Oversight: Govt?
- Costs: Forecast for this gov't run program is future operating costs \$250K/year to maintain 15 collection locations with outreach campaign.
- Waste Characterization Study: http://www.sfenvironment.org/download/san-francisco-medicine-waste-characterization-study



CPSC California Product Stewardship Council

San Francisco finds funding to extend drug disposal program

By: Joshua Sabatini | 08/09/13 SF Examiner



- San Francisco will continue to operate medicine disposal program for at least another year after negotiating a \$125,000 donation from a leading drug manufacturing group to pay for half the costs.
- Read more at the San Francisco Examiner:
 http://www.sfexaminer.com/sanfrancisco/san-francisco-finds-funding-to-extend-drug-disposal-program/Content?oid=2540240



Existing Disposal Infrastructure

- Funded by Public Money reflecting multiple concerns
 - Wastewater Agencies Environmental concerns
 - Social Service & Senior Groups- Adult use/misuse issues
 - Teen and Young adult advocacy groups
 Abuse among Teens issues
- Relies on voluntary hosts chain pharmacies have not shown interest

11/2010-Legal Controlled Substances site (stablished at Alameda County Sherriff's dept





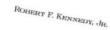
Two Hearings Led to the Adoption of the Ordinance





Supporters





The Alameda County Board of Supervisors RE: Support for Alameda County Safe Medication Dispusal Ordinan 1221 Oak Street, Suite 536 Oakland, CA 94612 Staff Contact: kanning duning according

Honorable Members of the Alameda County Board of Supervisors: PRDC (Natural Resources Defense Connects), which has 1 Receiveds, 150,000 of whom see Californians, we are write and so with the second proposal Ordinance and encourage some second proposal ordinance and encourage second

Reducing the Waste Stream for Alameda County

CALIFORNIA RETAILERS ASSOCIA

or - District 4, Alameda County Board of Supervisors

reda County Safe Medication Disposal Ordinance

f Alameda Administration Building

BBQ NEITH BITTEET, BUTT 210Q - BACRAMENTO, (916) 442-1975 - FAX (916) 441-421

STOPWASTE ORG

ort for Alameda County Pharmaceutical Producer Responsibility Ordinance at express my strong support for the Alameda County Safe Medication Disposal Ordinance use its passage by the Alameda County Board of Supervisors.

meda County Board of Supervisors

amey for the Natural Resources Defense Council (NRDC) and board chairman for the in a policy approach that can reduce waste and improve water quality while protecting public and extensive and the can reduce waste and improve water quality while protecting public an excel that will provide safe and convenient opions for disposal Ordinance is built on an EPR assume that the control of the case of the control of the case o sings for the Natural Resources Defense Council (NRIX) and tourt charman for me intaction Recycling Reinsteined, Lant a firm supporter of extended producer responsibility and produced that are noticed under model to the production or public while resolution produce and produced and produced produced to the production or public and produced produced to the produced pro

I believe this ordinance is setting a national precedent. When companies and state and federal I before this ordinance is setting a national proceded. When companies and state and receive processing in our on environmental issues, it is important that local governments are allowed to action to context robble, books, and the environment Alamords Conney enligence are sub-income. governments fail to act on environmental issues, it is imperative that local governments are allowed take action to protect public health and the environment. Altereda County citizens are asking the accompanional inclusive to the accompanional inclusive to the accompanional inclusive to the accompanional inclusive to the accompanion of the accompanion o take section to protect public health and the environment. Alameda County citizens are asking the plasmaccutical industry to share in the responsibility to safely manage waste medications, which the local avvenuent can no Sunose bear along.

Residential stockpiling of unused household medications leads to easy access and drug abuse by children and teens, and flushing and throwing away medication can harm the environment, including the water we As with packaging, safe disposal of pharmaceuticals should be a shared responsibility, the costs of which should not full solete on local prosperments and furnamental pharmaceutical resources when exofit he

As with puckaging, safe disposal of pharmaceuticals abould be a shared responsibility, the costs of we should not full solely, on local governments and mapplyers. Pharmaceutical companies who profit by selling drugs should also share in the end of life cost stud work with Almocks Cost and cost of the cost setling drugs should also share in the end of life cost and work with Alameda County and its many continuous easier to support a collection program. I applied Alameda County's leadership and encourage the county to proceed and adopt the ordinance and I hope that this leads to action nationally to provide after and convenient unused medication stewardship programs. Funded and operated by the encourage the county to proceed and utopt the ordinance and I hope that this leads to action nations provide safe and convenient unused medication stewardship programs funded and operated by the

the and demand rate and secure options to manage unused integroportal as the form are as conceptions as the opportunities to buy them. that are as convenient as the opportunities to buy them Inappropriational and a section of the convenient and the convenient an mager's minimal sourcey and environmental beautiful feedback and source and source beautiful from the feedback for each streethed and the early access and drug district by district and the source are source and the feedback for Removed household medications leads to easy access and draft about by medications and throwing and throwing a yeary medications can have the including the water use draft. While pharmacentrical take-back is not the to the recolern, it is a major see towards a solution.

to the protein, it is a major step towards a solution. of planmaconicals is a shared societal burden, the coors of which should of planmacesticals is a shared societal burden, the cows of which should be set a sometime of the set of the s

Retailers Association (CRA) supports the establish posal ordinance for Alameda County. We share the appropriate and lawful means for consumers to ted entities for destruction. Recognizing the cor ion drug take-back, we wish to outline what o ate in as well as some potential concerns that we hope to ... the ordinance moves forward.

e california Retailers Association is the only statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, supermarkets, fast food restaurants, ch drug and convenience stores, as

WORKSAFE safety, health, and justice for workers

CALIFORNIA **NURSES ASSOCIATION**



secure facility and are incinerate

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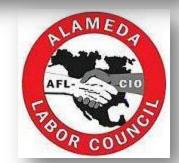
orable Nate Milev

Street, #536

A 94612

In addition to offering "drug ma also participate in law enforcen





Alameda County, CA Ordinance EPR Salifornia Professional Stewardship of California Professiona P



- 30 disposal locations currently
 - Located at convenient designated sites, including unincorporated areas
 - \$40,000 per year disposal costs
 - Significant use of volunteers
 - Real cost est. over \$300K/yr
- Ordinance Pure EPR Approach
 - Only covers prescription not OTC
 - Passed 5-0 vote knowing they would be sued

https://www.youtube.com/watch?v=-6eUT8K0akc

The New York Times



Article in New York Times 12/7/12 quotes complaint:

"The household trash can is a better and safer alternative, the drug makers say"

- Pharmaceutical Research and Manufacturers of America (PhRMA), General Pharmaceutical Association & Biotechnology Industry Association
- Filed in Federal Court claiming violation of the Commerce Clause of the Constitution

Alameda County Prevailed in 9th Circuit Court 8/29/13! Then PhRMA Appealed 9/12/13 in Federal Court of Appeals













Alameda County Supervisors 5-0 vote Passing Drug Take-Back Ordinance

"When companies and state and federal governments fail to act on environmental issues, it is imperative that local governments are allowed to take action to protect public health and the environment.."

- Robert F. Kennedy, Jr.





King County Board of Health

Legislative body that sets county-wide policies to promote the health of King County residents.



Board Chair Councilmember Joe McDermott



Boardmember Mayor David Baker

Subcommittee on Secure Medicine Return

- July 2013, collected input from stakeholders through fall of 2012.
- Policy discussions October 2012 through April 2013.
- Public hearing held May 16th on draft legislation.
- Public hearing & adoption on June 20, 2013

http://www.kingcounty.gov/healthservices/health/BOH/Medicin eTakeback.aspx



National News Attention

National Public Radio, January 2014



California County Pushes
Drugmakers To Pay For Pill
Waste

CPSC's Heidi Sanborn, Supervisor Nate Miley, and PhRMA are interviewed





National News Attention

Wall Street Journal, April 2014



Who Foots the Bill For Expired Medicine?
One Proposal: Drug Makers

CPSC's Heidi Sanborn, Senator Hannah-Beth Jackson and a PhRMA representative are quoted

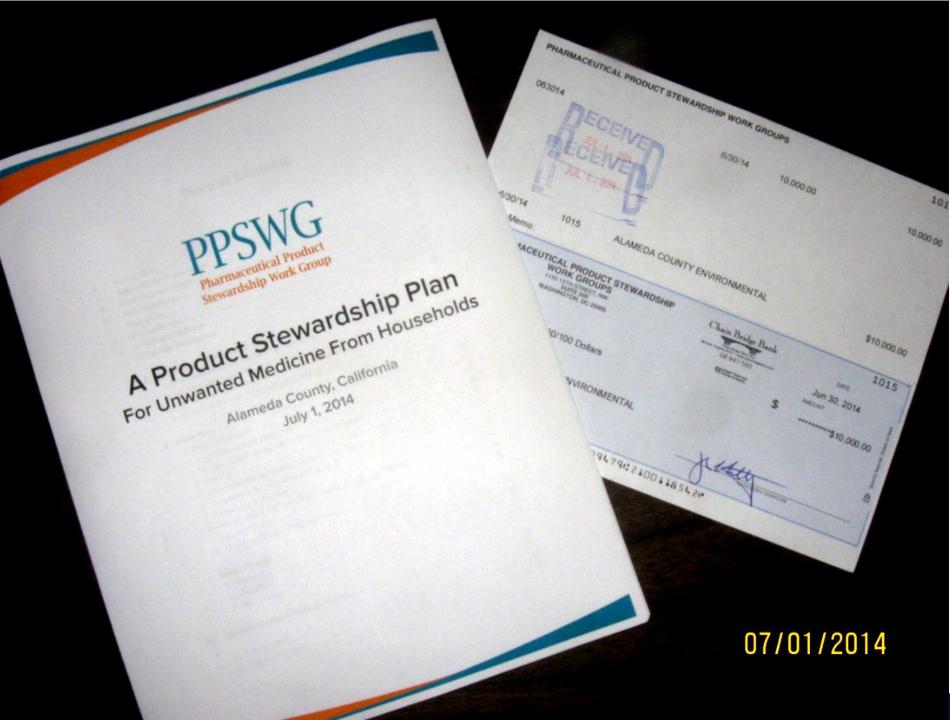


Appealed to Federal 9th Circuit





- 9th Circuit Court of Appeals 3 judge panel 7/11/14
- No new facts only interpretation of law
- Judge "I have a feeling this may not be the last word on this"
- Court sides with Alameda County, upholds ruling 9/30/14



San Francisco Reintroduces Meds EPR Ordinance 10/21/14





Appeal to Supreme Court





12/29/14: PhRMA and other plaintiff organizations file a Petition For Writ of Certiorari asking the U.S. Supreme Court to consider the case – Petition text 5/26/15: Denied! National Impact!





San Francisco Public Hearing on Drug Disposal Ordinance



Watch the Video Here

Ordinance introduced at May 19 Board of Supervisors Meeting and **passed with a 10-0 vote**, with one Supervisor excused and signed by Mayor Edwin Lee 3/26/15.



County of San Mateo Medicine EPR Ordinance 4/28/2015



https://www.youtube.com/watch?v=gq7-zIoOYzk

Ordinance introduced and heard at April 14th Board of Supervisors Meeting and **passed with a 5-0 vote**. Waymond Wong, Program Manager, Environmental Health and Heather Forshey, Director of Environmental Health

County of Santa Clara Medicine EPR Ordinance 5/19/15





Ordinance introduced at May 19 Board of Supervisors Meeting and **passed with a 3-0 vote**, with two Supervisors recusing themselves from vote due to pharmaceutical investments. **June 9**th **it passed on consent agenda!**

County of Santa Barbara Medicine Stakeholder Process Begins 5/19/15





Public Health Department authorized to conduct stakeholder outreach and return in **October 2015** with recommendations for sustainable & convenient medicine disposal program



Marin Says Yes!

EPR Ordinance for Meds Receives 4-0 Vote to Approve; Next Hearing - 8/11/15

WATCH HERE



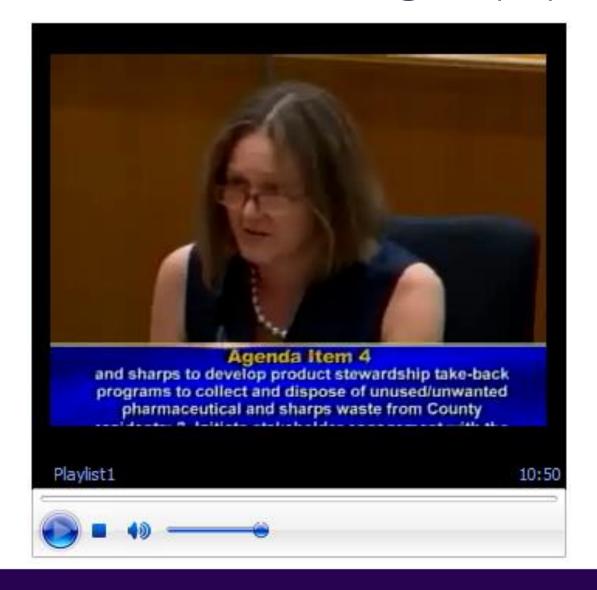




County of Los Angeles



Medicine Stakeholder Process Begins 8/12/15







Supreme Court Could Weigh Local Mandates on Drug Makers - March 27, 2015

"Why is it fair to privatize 100 percent of the profits and socialize 100 percent of the costs?'

'These are the same companies that don't like taxes, don't want fees, don't like big government, and we're offering them a program where they get to write their own regulations."

- Heidi Sanborn

http://www.washingtonexaminer.com/supreme-court-could-weigh-local-mandates-on-drug-makers/article/2562121





"These statutes are taking off, we see there's a movement in California to expand beyond the pharmaceutical industry,'

'This is the first time where a county or local government has reached out and forced companies in another state to provide a service to their local residents,' Spears said."

Mit Spears, general counsel for Pharmaceutical Research and Manufacturers of America (PhRMA)

MED EPR – Portugal



- Program SIGREM
- Organizing body <u>Valormed</u> (est. 1999)
- Organized/funded by:
 - Association of Portuguese Pharmaceutical Industries (APIFARMA)
 - Pharmaceutical Distributors (Groquifar)
 - National Pharmacies Association (ANF)
- Payments are collected through a fee placed on packaging. (Fee was \$.006 USD or €0.005 in 2011)
- Retail participation voluntary; 99%
 pharmacy participation rate in 2011





Meds EPR - Mexico



- Program Name/Organizing body <u>SINGREM</u>
- Organized/funded by:
 - National Chamber of the Pharmaceutical Industry
 - Mexican Association of Pharmaceutical Research Industries
 - National Association of Pharmaceutical Manufacturers
- Contributions based on individual member company's proceeds
- 2009 Program approved for nation-wide permanent implementation by 2015
- 3,739 pharmacies hosting bins





Meds EPR - Colombia



- Program Punto Azul
- Organizing body National Association of Colombian Entrepreneurs (ANDI)
- Organized/funded entirely by pharmaceutical manufacturers and importers via a membership fee program, independent of the quantity of products marketed
- Manufacturers & importers required by law to establish program by 2010.
 - 2014: 43% coverage achieved
 - 2017: 70% coverage required





Facts and Outcomes Ontario, Canada EPR Program



- Ontario Regs. EPR for meds/sharps 10/12
 - ->90% Voluntary pharmacy participation <u>met</u>
 regulated goal year 1 3,400 pharmacies!
 - Provided 200,000 free sharps containers
 - Collected 407 T medications and 259 T sharps
 - Did not increase costs to consumers!
- www.healthsteward.ca



Option 3: Local EPR **Transitional Programs**

Sharing Costs

Transitional EPR





www.DontRushToFlush.org

www.facebook.com/DontRushToFlush www.twitter.com/DontRushToFlush

Live Television





Good Day Sacramento – Jefferson Pharmacy



Prescription for Change: News & Review Inserts

- March 2014 Meds and Sharps (Sacramento)
- December 2014 Meds and Sharps (Marin)
- June 2015 Meds (San Mateo)



Statewide & National Recognition





2014 Distinguished Individual Achievement Award (First time ever awarded)

from the Solid Waste Association of North America (SWANA)
Gold Rush Chapter.

Pictured (L to R): Heidi Sanborn, CPSC Executive Director and Doug Kobold, SWANA Board of Directors.

2013 Best Public/Private Partnership Award from the California Department of Resources Recycling and Recovery (CalRecycle) for DTRF Program.

Pictured (L to R): Cheryl Williams, CalRecycle, CPSC Program Manager Kimbra Andrews and Shirley Wild-Wagner.



2014 Pollution Prevention Award for Don't Rush To Flush, Meds in the



PaintCare.org



PARTNERS

Find a paint drop-off site near you:

October 19 California

Drop-off Site Downloadable List

Paint Calculator



ABOUT OREGON CALIFORNIA CONNECTICUT RHODE ISLAND

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Carpet

U.S. Ninth Circuit Court of Appeals

Rules for Alameda County in EPR Ordinance Case



























California Product Stewardship Council January 28 at 8:30am

Join CPSC



Heidi Sanborn
Executive Director
Heidi@CalPSC.org
916-706-3420

www.CalPSC.org

Connect!







