

# Alameda County's Safe Drug Disposal Ordinance

PROGRESS REPORT

BILL POLLOCK  
PROGRAM MANAGER  
ALAMEDA COUNTY HHW PROGRAM  
[BILL.POLLOCK@ACGOV.ORG](mailto:BILL.POLLOCK@ACGOV.ORG)

# Brief History

- ▶ July 2012 Ordinance Passes Alameda County BOS unanimously
- ▶ December 2012 Industry Responds – with Lawsuit in Federal Court
- ▶ Alleged dormant Commerce Clause issue – novel interpretation
- ▶ Sept 2013 – We win
- ▶ Dec 2013 – Lawsuit Redux – the appeal
- ▶ August 2014 – We win again 3 Judge panel unanimous decision
- ▶ Dec 2014 Industry files writ of certiorari with US Supreme Court
- ▶ Petition Denied!!! – no more lawsuits – for now

# In the meantime

- ▶ County Sends out 5000+ contact letters to potential producers
- ▶ 2013 Industry forms Pharmaceutical Product Stewardship Working Group PPSWG



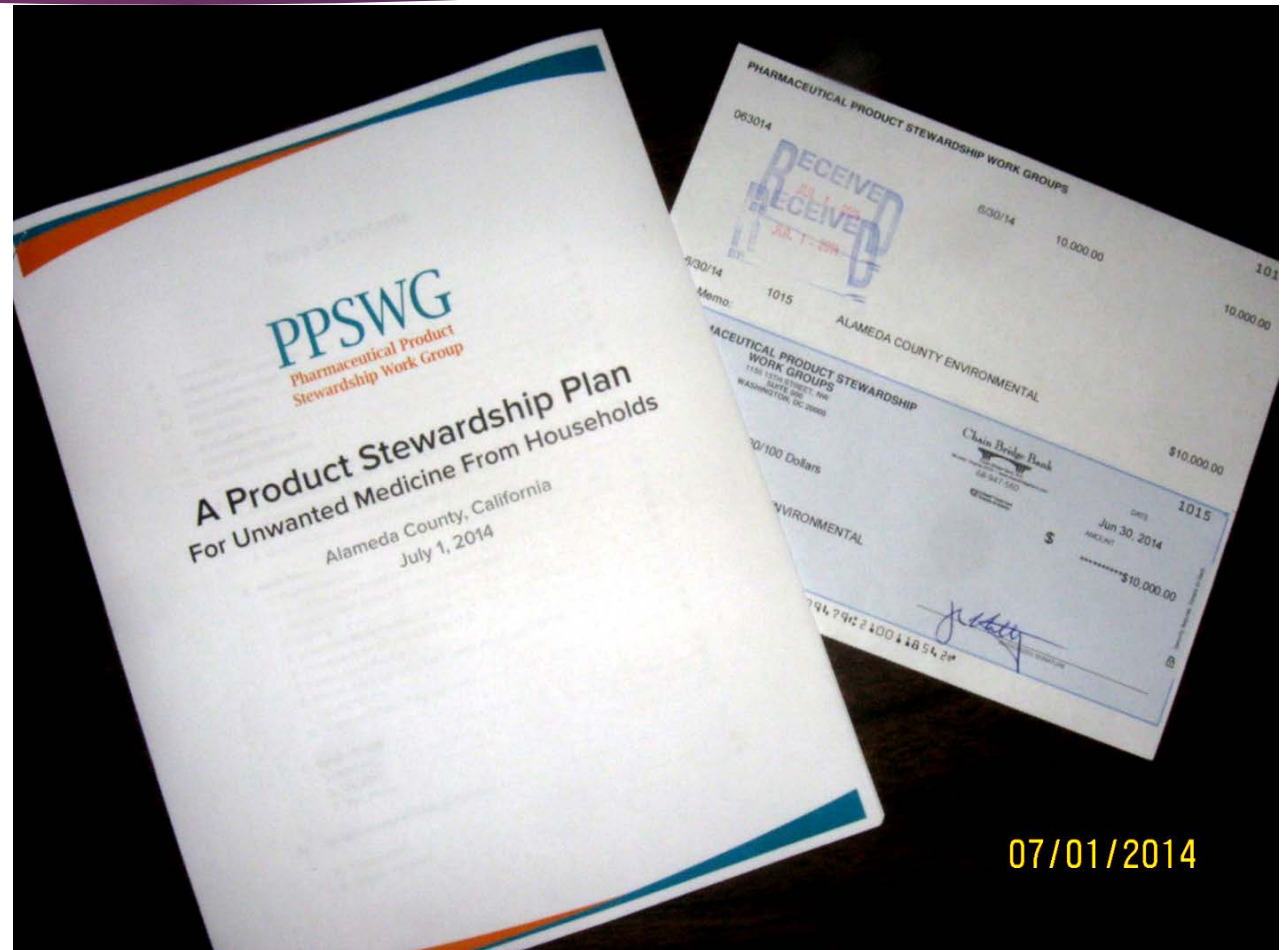
## **Pharmaceutical Product Stewardship Work Group**

The Pharmaceutical Product Stewardship Work Group (PPSWG) is a membership association for drug manufacturers and marketers. The group was formed to address the complexities and uncertainties of new laws that govern the disposal of unused and unwanted pharmaceutical products. PPSWG provides members with a platform to organize and present science-based data about safe pharmaceutical disposal practices. PPSWG also coordinates the industry's efforts to raise awareness about appropriate disposal methods, and to respond to disposal laws.

- ▶ Currently ~ 350 members >90% of the market by volume
- ▶ County identified 457 producers as selling drugs into Alameda County

# Product Stewardship plan

- ▶ PPSWG files Plan By July 1 2014 submission deadline
- ▶ County Reviews plan and provides comments
- ▶ Sept 2014 DEA Regulations published
- ▶ Plan goes back for redrafting
- ▶ PPSWG resubmits plan
- ▶ Feb 25<sup>th</sup> Public Hearing Plan Approved



07/01/2014

# Implementation/Performance

- ▶ Plan Goals 1<sup>st</sup> year 12 one day takeback events – up to 20 Kiosks at LEA
- ▶ 1<sup>st</sup> event within 30 days
- ▶ 100 kiosk sites at Hospitals LEA's and Pharmacies over 3 years
- ▶ 1<sup>st</sup> event @ HHW one day collection event 3/28/15
- ▶ 2 days before event
  - demanded contract w/LEA
- ▶ EVENT FAIL!

---

## Pollock, Bill, Env. Health

**From:** Victoria  
**Sent:** Thursday, March 12, 2015 12:45 PM  
**To:** Pollock, Bill, Env. Health  
**Subject:** Re: Support for Alameda County one day events

Bill,

We are good to go on these two events! Let me know a good time to chat and we can work through some of the details.

Thanks for all of your help.

Victoria

# Takeback Contract with LEA

- ▶ One day event template contract negotiated with Sheriff's dept.
- ▶ BOS approved July 2015
- ▶ Pays for 2 LEA officers to supervise takeback
- ▶ Next Event – HHW collection August 8<sup>th</sup>
- ▶ Partial Success –
- ▶ OTC issue (original ordinance did not include OTC's)
  - ▶ Stewardship refused to collect OTC's and required sorting
  - ▶ Sheriff's contract forbade sorting
  - ▶ Issue resolved November 2015
- ▶ January 2016 County amends ordinance to include OTC's

# One day events 2016

Event #	Event Type	Event Date	Location	Persons/Cars	Volume (gallons)	Weight (pounds)	Lbs/Hr	Lbs/Car
1	Fair/Festival/Event	03/03/2016	Oakland		55	50.5	7.8	N/A
2	Fair/Festival/Event	03/12/2016	San Leandro		85	123.5	30.9	N/A
3	Fair/Festival/Event	04/23/2016	San Lorenzo		150	299.9	50.0	N/A
4	HHW	05/01/2016	Pleasanton		150	278.65	69.7	N/A
5	HHW	05/15/2016	San Leandro		120	212.2	53.1	N/A
6	HHW	06/19/2016	Albany		180	337	84.3	N/A
7	Fair/Festival/Event	06/21/2016	Pleasanton		15	31	10.3	N/A
8	Fair/Festival/Event	06/22/2016	Pleasanton		15	26.5	8.8	N/A
9	Fair/Festival/Event	06/23/2016	Pleasanton		15	25	8.3	N/A
10	Fair/Festival/Event	06/24/2016	Pleasanton		15	28	9.3	N/A
11	Fair/Festival/Event	06/25/2016	Pleasanton		15	27.5	6.9	N/A
12	Fair/Festival/Event	06/26/2016	Pleasanton		15	19	4.8	N/A
13	HHW	07/17/2016	Alameda	68	90	159	39.8	2.3
14	Fair/Festival/Event	07/23/2016	Castro Valley		125	265.5	88.5	N/A
15	HHW	07/31/2016	Emeryville	54	90	187.5	46.9	3.5
16	HHW	08/13/2016	Castro Valley	250	850	1298	216.3	5.2
17	HHW	08/28/2016	Oakland	49	90	196	49.0	4.0
18	Fair/Festival/Event	09/15/2016	Oakland	33	60	131	21.8	4.0
19	HHW	09/24/2016	Union City	71	150	317.5	79.4	4.5
20	HHW	10/02/2016	Albany	135	270	572.5	143.1	4.2



SAFELY  
DISPOSE OF  
UNWANTED & EXPIRED  
MEDICINES

**MED-Project**  
Medication Education & Disposal

**Stericycle**  
Environmental Solutions

www.StericycleEnvironmental.com

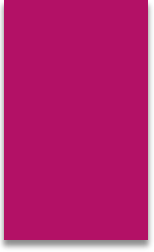
**USOAC**  
United Seniors of Oakland and Alameda County  
Empowering Seniors • Enriching Youth • Enhancing Community

**Medication  
Disposal**

**Stericycle**  
Environmental Solutions

SAFELY  
DISPOSE OF  
UNWANTED & EXPIRED  
MEDICINES

**MED-Project**  
Medication Education & Disposal









The story goes on...

But you'll have to come to  
the next session to hear it

# Now is a great time to pass ordinances

- ▶ 9 West Coast Counties have Producer pays Ordinances
  - ▶ Alameda, Marin, San Francisco, San Mateo, Santa Clara, Santa Cruz, Santa Barbara - King & Snohomish in WA - More on the way
  - ▶ Marin, San Francisco San Mateo, Santa Clara as a group
  - ▶ San Luis Obispo county – Preexisting Ordinance mandates participation - retailers pay includes sharps.
  - ▶ Santa Cruz County -Mandatory ordinance producer pays – includes sharps
  - ▶ Alameda County – Passed separate sharps ordinance in 2015
- ▶ Good model ordinances exist
- ▶ Compliance work is largely done
- ▶ Consider a Joint sharps/drugs ordinance

# Remaining issues

- ▶ California Board of Pharmacy rulemaking
  - ▶ Additional level of recordkeeping beyond DEA
  - ▶ May give pharmacists an “out” to escape mandatory ordinances
- ▶ Prefilled syringes/Sharps, Aerosols, Inhalers
  - ▶ Can't go in Kiosk but are still covered drugs
  - ▶ Sharps can be captured by sharps ordinance
- ▶ Biggest remaining issue - Retail Chain/HMO pharmacy participation