



TOWN OF FAIRFAX
STAFF REPORT
April 2, 2014

TO: Mayor and Town Council

FROM: Michele Gardner, Town Clerk *GT*

SUBJECT: Authorize the Mayor to sign a letter of support for Senate Bill 1014 to create a statewide drug take-back program

RECOMMENDATION

Authorize the Mayor to sign the attached letter of support

DISCUSSION

Council Member Goddard has requested this item be brought to the Town Council.

ATTACHMENTS:

Letter of support, fact sheet

April 2, 2014

Senator Hannah-Beth Jackson
State Capitol, Room 5080
Sacramento, CA 95814
Sent by Fax: (916)-651-4919

SUBJECT: SENATE BILL 1014 (JACKSON) – SAFE MEDICATION MANAGEMENT - SUPPORT

Dear Senator Jackson:

The Town of Fairfax strongly supports Senate Bill (SB) 1014 (Jackson), which asks producers of pharmaceuticals, as defined, to create, finance and manage a collection system for California consumers to safely and conveniently dispose of expired and unwanted pharmaceuticals—a system structured after the existing program in Canada which the industry has efficiently operated for 15 years.

The Problem:

Prescription drug abuse has skyrocketed in recent years,¹ as have hospitalizations for drug overdoses.² One of the four top recommendations of the National Strategy on Preventing Prescription Drug Abuse is to have a safe and convenient method of disposal for prescription, over the counter drugs and vet medicines we have in our homes. In addition, the lack of safe and convenient disposal options ensures that consumers choose less than desirable options including home storage, flushing medications down the toilet or throwing them in the garbage.

For too long, municipal governments have cobbled together local collection options that fail to meet public demand for safe disposal, draw resources from other vital government functions, creates a patchwork of regulations and fails to realize the efficiency that would come from a statewide program.

The Solution:

SB 1014 springboards off of the good work already being done by pharmaceutical companies in Canada and Europe. SB 1014 is a free-market approach that allows manufacturers to design the program in whatever way is most cost effective, with minimal oversight from state regulators. We know this program will work because of the public surveys in Canada demonstrating the public awareness and use of the program, the volumes collected, and the fact that 96% of the pharmacies host collection bins.

SB 1014 is the right solution to this pressing problem because it creates a privately managed and financed system to allow consumers to properly and conveniently dispose of their unwanted pharmaceuticals.

For these reasons, the Town Council of the Town of Fairfax supports SB 1014. If you have any questions about our position, please contact Council Member Renee Goddard, at rgoddard@townoffairfax.org.

Sincerely,

cc: Senator Kevin de Leon, fax: (916) 651-4922
Senator Jerry Hill, fax (916) 651-4913
Senator Ted W. Lieu, fax (916) 266-9343
Senator Noreen Evans, fax (415) 479-1146
Assembly Member Marc Levine, fax (415) 479-2123

¹ California State Task Force on Prescription Drug Misuse. (2009, March 30). Summary Report and Recommendations on Prescription Drugs: Misuse, Abuse and Dependency. Retrieved from State of California Alcohol and Drug Programs: www.adp.ca.gov/director/pdf/Prescription_Drug_Task_Force.pdf

² O'Callaghan, T. (2010, April 6). More people hospitalized for prescription drug overdose. Retrieved from Time: <http://healthland.time.com/2010/04/06/more-people-hospitalized-for-prescription-drug-overdose/#ixzz2fkIm3CMT>

Senate Bill 1014

Safe and Convenient Medication Disposal Senator Hannah-Beth Jackson

Bill Summary

In an effort to manage the clear societal and environmental impacts of unused medications, SB 1014 would require producers of pharmaceuticals, as defined, to create, finance and manage a collection system for California consumers to safely and conveniently take-back unwanted pharmaceuticals - a system structured after an existing program in Canada which the industry has efficiently operated for 15 years.

Background

In response to the growing problems of prescription drug abuse, accidental poisonings, and the detection of pharmaceutical products in California waters, local governments throughout the state have struggled to establish safe and convenient medication take-back programs. The public demand and need for such programs has been tremendous - even limited programs have collected hundreds of pounds of drugs. Law enforcement, federal agencies, public health and environmental professionals agree that take-back programs are the safest way to dispose of unused medicines.

Establishing these disposal programs on a city by city (or county) basis is haphazard, inefficient and expensive for local ratepayers. It also means that not all consumers have access to take-back locations, perpetuating a lack of harmonized messaging to the public about safe drug disposal.

To address these issues, Alameda County was the first jurisdiction in the country to pass an ordinance requiring drug manufacturers to develop, implement, and finance a convenient drug take-back program for residents. Despite operating similar programs in Canada and other countries, three pharmaceutical associations responded by suing Alameda County. The County prevailed at the trial court level and the case is now being considered by the Ninth Circuit Court of Appeals. King County Washington adopted a similar ordinance in July 2013 and was then sued by the same associations.

The Problem(s)

The simple truth is that drugs – both prescription and over the counter – present significant problems at the end of their useful life. Consumers do indeed have leftover drugs in their homes which tend to be stockpiled, flushed, or thrown in the garbage. Unfortunately, the lack of an end-of-life management plan results in significant problems for California:

Prescription Drug Abuse – Prescription drug abuse has skyrocketed in recent years,¹ as have hospitalizations and deaths from overdoses.² In fact, opioid pain relievers were involved in more drug poisoning deaths than other drugs, including heroin and cocaine³. One of the four top recommendations of the National Strategy on Preventing Prescription Drug Abuse is to have a safe and convenient method of disposal for prescription drugs, over the counter drugs, and veterinary medicines that we have in our homes. The lack of take-back locations forces consumers to choose less than desirable options according to the EPA's letter dated 9/26/2012⁴, including home storage, flushing medications down the toilet or throwing them in the garbage.

Environmental Impacts – Pharmaceutical products enter our waters by excretion, consumer disposal of unused medications down the toilet or drain, or wastewater siphoned from landfills and discharged into the environment. Numerous studies in California have found detectible levels of pharmaceuticals, including

¹ California State Task Force on Prescription Drug Misuse. (2009, March 30). Summary Report and Recommendations on Prescription Drugs: Misuse, Abuse and Dependency. Retrieved from State of California Alcohol and Drug Programs: www.adp.ca.gov/director/pdf/Prescription_Drug_Task_Force.pdf

² O'Callaghan, T. (2010, April 6). More people hospitalized for prescription drug overdose. Retrieved from Time: <http://healthland.time.com/2010/04/06/more-people-hospitalized-for-prescription-drug-overdose/#ixzz2fkIm3CMT>

³ Centers for Disease Control and Prevention Fact Sheet on Drug Poisoning Deaths: http://www.cdc.gov/nchs/data/factsheets/factsheet_drug_poisoning.htm

⁴ EPA Letter dated 9/26/2012 outlining disposal options and best practices: <http://www.epa.gov/osw/hazard/generation/pharmaceuticals/pharms-take-back-disposal.pdf>

synthetic birth control, antibiotics, mood stabilizers, and analgesics in San Francisco Bay, as well as both surface and groundwater drinking water sources.⁵ The environmental impacts on aquatic species are very real even at trace levels, including reproductive failure, behavioral changes that impair their ability to survive, and bioaccumulation and interference with the food chain.⁶ While the potential impacts on humans exposed through drinking water or by eating contaminated fish are not well studied, scientists are concerned with unknowns such as low dose exposures over long periods of time, effects on vulnerable populations such as infants, and cumulative impacts of drug mixtures. Since wastewater treatment cannot remove these chemicals completely and is cost prohibitive, stopping their entry into our water at the source is one important step in protecting our precious water resources.

Cost to Local Governments – For too long, municipal governments have cobbled together local collection options that fail to meet public demand for safe take-back, draw resources from other vital government functions, create a patchwork of regulations, and fail to realize the efficiency that would come from a statewide program. Some counties don't offer drug take-back sites because they lack the budget - and even those that do have programs are limited. Alameda County, for example, has 28 drop-off locations, but estimates it needs at least 60 locations to meet public demand.

Solution

SB 1014 springboards off of the good work already being done by pharmaceutical companies in Canada and Europe. It is a business-friendly approach that allows manufacturers to design the program in whatever way is most cost effective, with minimal oversight from state regulators. The success of this stewardship model is evidenced by public surveys in Canada demonstrating the strong public awareness and participation in the program⁷, the volumes of collected medications, and the fact that 95% of the pharmacies voluntarily host collection bins.

This bill would require pharmaceutical manufacturers to submit a stewardship plan to CalRecycle for approval on how they will design and operate the take-back program to meet the standards in the legislation. Manufacturers would then implement the program and report to CalRecycle annually on progress. The stewardship plan would be updated every three years.

Co-Sponsors

Alameda County
City and County of San Francisco
California Alliance of Retired Americans (CARA)
California Product Stewardship Council (CPSC)
Clean Water Action (CWA)

Contacts

Linda Barr, Office of Senator Hannah-Beth Jackson 916-651-4019 linda.barr@sen.ca.gov	Jason Schmelzer Shaw/Yoder/Antwih, Inc. 916-446-4656 Jason@shawyoderantwih.com	Nicole Wordelman Platinum Advisors 916-718-8886 naw@platinumadvisors.com
--	--	---

⁵ Kolpin, Dana et al. (2002) Pharmaceuticals, hormones and other organic wastewater contaminants in U.S. Streams, 99-2000: A National Reconnaissance, *Environmental Science and Technology*, v. 36:1202-1211. Donn, Je, Martha Mendoza, Justin Pritchard, AP Investigation: Pharmaceuticals Found in Drinking Water, http://hosted.ap.org/specials/interactives/pharmawater_site/day1_04.html. Fram, Miranda S. and Kenneth Belitz (2011) Occurrence and concentrations of pharmaceutical compounds in groundwater used for public drinking-water supply in California, *Science of the Total Environment*, v. 409: 3409-3417. Guo, Y. Carrie et al. (2010) Source, Fate, and Transport of Endocrine Disruptors, Pharmaceuticals, and Personal Care Products in Drinking Water Sources in California, The National Water Research Institute. Harrold, K.H. et al. (2009). Pharmaceutical Concentrations in Wastewater Treatment Plant Influent and Effluent and Surface Waters of Lower South San Francisco Bay. SFEI Contribution 549, San Francisco Estuary Institute, Oakland, CA.

⁶ Barber, Larry B. et al. (2011) Effects of biologically-active chemical mixtures on fish in a wastewater-impacted urban stream, *Science of the Total Environment*, v. 409: 4720-4728. Brodin T. (2013), Dilute concentrations of a psychiatric drug alter behavior of fish from natural populations, *Science*, v. 339: 814-15.

⁷ British Columbia med program public survey results from 2010:
<http://www.healthsteward.ca/sites/default/files/PCPSA%202010%20Annual%20Report.pdf>

A response to the growing problem of prescription drug abuse, accidental poisonings, and traces of pharmaceuticals found in drinking water, Senate Bill 1014 would require drug manufacturers to create, finance and manage a statewide system for collecting and safely disposing of unwanted prescription drugs that people have in their homes.

The bill is modeled after an Alameda County ordinance that was the first of its kind when it was implemented.

“Every year, billions of dollars in medications is prescribed in California, but as much as 40-50% of those drugs can end up unused,” said Jackson. “These unused drugs create enormous public health and environmental challenges. We need a better solution than putting them in the garbage or flushing them, where they can get into our water, or leaving them in our medicine cabinets, where they can be taken accidentally or be misused and abused.”

For the past 15 years in British Columbia, Canada, in a program paid for by the pharmaceutical industry, consumers have been able to conveniently dispose of unused drugs in bins located at pharmacies, where they are safely destroyed.

While some safe drug disposal sites do exist in California, there are only 300 to 400 such sites in the state to serve 38 million Californians. This patchwork of programs doesn’t meet public demand and are financed by local governments and ultimately, California taxpayers, Jackson said.

“While a number of local governments have admirably stepped up to establish their own drug take-back programs, it’s the taxpayers who end up footing the bill for this, with no assistance from the multi-billion dollar drug industry,” Jackson said. “We are hoping that the industry will join us in recognizing that we have a problem, and helping to share the responsibility for what happens to these unused medications. We need a more cost-effective, systemic and efficient approach, one that I believe will ultimate end up costing us less than the overall costs we’re paying now.”

The bill is sponsored by the California Product Stewardship Council, Clean Water Action, the California Alliance of Retired Americans, the City and County of San Francisco and Alameda County.

Alameda County was the first local government agency in the country to pass an ordinance requiring drug manufacturers to develop, implement and pay for a drug take-back program.

Three pharmaceutical associations responded by suing the county. The county prevailed in trial court and the case is now on appeal to the Ninth Circuit Court of Appeals.

Jackson represents the 19th Senate District, which includes all of Santa Barbara County and western Ventura County.