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President David Chiu Proposes San Francisco Safe Medicine Disposal Ordinance

*Ordinance would make drug manufacturers responsible for keeping
harmful, unused drugs out of waterways and away from unintended users*

San Francisco, CA – Board of Supervisors President David Chiu today joined City leaders, local pharmacies and environmental advocates in announcing legislation that would require pharmaceutical manufacturers who sell and distribute drugs in San Francisco to fund and administer a comprehensive drug take-back program for the City. The ordinance expands upon the City’s existing medicine disposal pilot program and takes a producer responsibility approach to address the problem of what to do with unused or leftover medication -- pharmaceuticals that often end up in the City’s waterways or in the hands of unintended users. The effort comes after a recent Ninth Circuit Court ruling on a similar ordinance in Alameda that upheld the right of local governments to require medicine manufacturers to provide for the collection and disposal of home-generated medicine.

“There has been great demand for a permanent solution to this environmental, public health and public safety issue. We all have unused and leftover drugs in our homes, but not all of us have a reasonable means to properly discard them,” said Supervisor David Chiu. “Our City, community and industry all have a role in ensuring these harmful drugs aren’t accidentally ingested or wind up in our Bay waters.”

“We thank pharmaceutical manufacturers for funding our current pilot take-back program, which has exceeded our expectations by collecting 18.5 tons of medicine in the first 26 months of operation,” said Debbie Raphael, Director of the San Francisco Department of the Environment. “Their support has made this pilot program successful and proved that pharmacy collection works for both residents and pharmacies. It is now time for the industry to make the program permanent.”

Finding a Permanent Solution

In 2010, San Francisco introduced the first take-back ordinance in the country. Soon afterwards, Alameda County passed a similar take-back ordinance, but the pharmaceutical industry sued to overturn that ordinance.

In light of Alameda’s legal challenge, San Francisco put its own ordinance on hold, and instead, with financial support from the pharmaceutical industry, implemented a pilot medicine take-back program with the voluntary participation of 13 independent pharmacies serving as collection sites.

In 2012, the San Francisco Department of the Environment launched this pilot program in collaboration with the San Francisco Public Utilities Commission and San Francisco Police Department. After 2 ½ years, the program has been successful; within its first 26 months, the program has collected 37,163 pounds (equaling 18.5 tons) of unwanted and unused drugs and continues to collect approximately 1,429 pounds per month.

However, all stakeholders have acknowledged that the pilot has been a temporary solution. In an effort to find a permanent statewide solution that would require drug manufacturers to create, finance, and manage a statewide system for collecting and safely disposing of unwanted prescription drugs, the City and County of San Francisco co-sponsored Senate Bill 1014. Unfortunately, SB 1014 was not passed.

On September 30, 2014, the Ninth Circuit Court of Appeals upheld Alameda County's ordinance, affirming the ability of local governments to require drug manufacturers to provide for the collection and disposal of medicine—giving San Francisco the green light to move forward with its own drug take-back ordinance.

The proposed Safe Medicine Disposal ordinance expands San Francisco's current pilot program by establishing a permanent program that would require drug companies to pay for the collection and disposal of leftover drugs.

Key Provisions of Ordinance:

- Requires drug producers to participate in a product stewardship program that collects, handles and disposes of unwanted drugs.
- Requires drug producers to pay all administrative and operational costs and fees associated with their stewardship plan.
- Requires producers to adequately promote their stewardship plan and outreach to stakeholders, including residents, pharmacists and retailers.
- Drugs collected under the stewardship plan must be disposed at a permitted hazardous waste disposal facility as defined by the EPA.

"I am proud that San Francisco is leveraging Alameda County's success in finding a sustainable policy solution for medicine disposal," said Supervisor Nate Miley of the Alameda County Board of Supervisors, who authored the Alameda County ordinance. "There is a growing demand for more permanent and convenient medication disposal sites in communities across the nation, and we are showing that action at the local level can have a widespread impact."

Why San Francisco Needs a Safe Medicine Disposal Program

Unused medicine is a threat to public health and safety, as well as to the environment. Since 2003, more drug overdoses have occurred annually from prescription medicines than from cocaine and heroin combined. According to the Center for Disease Control, prescription drug abuse is the fastest growing drug problem in the nation. Accidental poisonings from medicines stored in the home are also a concern for young children, seniors, and pets.

"We are happy to partner with Supervisor Chiu to find a permanent solution for safe medicine disposal to keep controlled substances off our streets, and help prevent accidental overdosing" said San Francisco Police Chief Greg Suhr. "Safe disposal of unused medicine is not just a benefit to our environment, it is a benefit to the health and well-being of our communities. The more we are able to dispose of medicine properly, the less we have to worry about it getting into the wrong hands."

In addition, while wastewater treatment facilities are very effective at removing many environmental contaminants, they are not designed to filter pharmaceutical chemicals. Medicines are often flushed down toilets or drains, and the chemicals that leach from landfills eventually end up in public waterways. Even very tiny amounts of medicine can harm aquatic life; for example, antidepressants have been shown to disrupt fish reproductive cycles.

"Keeping expired and unwanted medicines out of landfills and sewers provides significant environmental and economic benefits," said Harlan Kelly, General Manager of the San Francisco Public Utilities Commission. "The actions we take now will help keep our bay and ocean ecosystems healthy for the future."

"We support any county that is working on getting the same producer operated and funded take back program for medicines like those proposed by San Francisco, Alameda County and King County in Washington," said Heidi Sanborn, Executive Director of the California Product Stewardship Council. "These types of programs are provided conveniently at pharmacies in Canada and Europe and are working well. Our hope is that the government and the pharmaceutical industry can work constructively together to expand the safe medication collection program across the border into U.S. Pharmacies like the one that has been successfully working in British Columbia for the past 15 years."

More information

Safe Medicine Disposal in San Francisco: <http://www.sfenvironment.org/article/toxic-products-recycling/disposal-for-residents-toxics-health-safer-practices/safe-medicine-disposal>

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