



October 5, 2015

Supervisor Janet Wolf
Chair, Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Santa Barbara County unwanted prescription medicine disposal ordinance

Dear Board Chair Wolf:

On behalf of the California Grocers Association (CGA), I write to express our association's concerns with implementing an unwanted prescription medicine disposal ordinance in Santa Barbara County.

The California Grocers Association is a non-profit, statewide trade association representing the food industry since 1898. CGA represents approximately 500 retail member companies operating over 6,000 food stores in California and Nevada, and approximately 300 grocery supplier companies. Retail membership includes chain and independent supermarkets, convenience stores and mass merchandisers.

CGA understands that accessibility to safe and convenient methods of disposal of unused medicines is of utmost importance to Santa Barbara County and a solution is needed. Throughout the state, we have seen a number of counties pass legislation to address the issue. Alameda County was the first jurisdiction in the nation to introduce an ordinance requiring drug manufacturers and producers to be responsible for funding a Product Stewardship Program. Four other jurisdictions have already passed similar ordinances including the Counties of San Francisco, San Mateo, Santa Clara and Marin.

The grocery industry's main concern with adopting any type of safe medicine disposal ordinance is that pharmacies inside grocery stores be exempted for a host of reasons:

Health Concerns: First and foremost, there are major differences between regular retail pharmacies and pharmacies inside grocery stores. Grocery stores with pharmacies have special concerns because our primary purpose is to sell groceries. Our members' main obligation to their customers is to guarantee that the food they sell is safe for consumption. They simply cannot risk food contamination by pharmaceutical products and still be able to guarantee food safety. When customers bring pharmaceutical products back we do not know in what form the drugs will enter the store. We do not know if they will be carried in sealed containers, if a customer will place it in a basket or cart that may also contain food, or if a customer will simply leave pharmaceuticals behind near food. Also, the maintenance of take-back receptacles in close proximity to fresh food is dangerous and not advisable. Having unregulated pharmaceutical medicines stored inside a grocery store creates a potential for hazardous waste, liquid leakage, biological waste, and exposes fresh foods to potential contamination. The primary responsibility of grocery store employees is to sell groceries and provide the best level of service, and for pharmacy staff to focus on safely filling, dispensing, and counseling on medications. To divert their attention to also include the supervision of a take-back receptacle is a distraction from their significant role. These functions are better suited for trained environmental or waste management personnel.

Consistency: Another issue to consider is the matter of consistency, which is critical to business operations. It is extremely important to our members, and to any company in general, to operate under the same law in as many locations as possible. Alameda County in California was the first jurisdiction in the nation to pass an ordinance that addresses the issue of safe medicine disposal. The Extended Producer Responsibility (EPR) ordinance requires drug manufacturers and producers to be responsible for funding a Product Stewardship Program and is the best model to address the issue. There are currently four other jurisdictions in California with similar ordinances that follow the EPR model: the City/County of San Francisco, San Mateo County, Santa Clara County and Marin County. It is imperative for businesses operating across the state to have consistency in the laws that they must adhere to.

Added Costs: Lastly, there are significant costs associated with the ordinance. Requiring that envelopes with paid postage be provided at no charge to each patient significantly increases costs for retail pharmacies and is simply not a sustainable model. Another issue to take into consideration is the fact that mail back envelopes are available for different purposes. The generally available versions for Non-Controlled Substances (NCS) are about 25% (\$2-3) of the cost of those required for returning Controlled Substances (CS) (\$8-10). The pharmacy staff, not knowing what medication(s) the patient may need to dispose of either now or in the future would have to provide the more expensive version. Otherwise, the patient might select the wrong envelope in the future and return a CS in a NCS envelope.

CGA understands the County's need to address this critical the issue of safe medicine disposal and we respectfully urge the board to consider adopting an Extended Responsibility Producer type of ordinance that holds producers and manufacturers of pharmaceutical products responsible for the lifecycle and disposal of their products.

For questions, please contact Laura Peralta, Director of Local Government Relations in Southern California, at (818) 841-8640 or lperalta@cagrocers.com.

Sincerely,



LAURA PERALTA
Director, Local Government Relations

cc: Members, County Board of Supervisors
Susan Klein-Rothschild, Deputy Director Community Health, Public Health Department
Mary O'Gorman, Chief of Staff, Office of District Supervisor Janet Wolf
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