



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Public Health  
**Department No.:** 041  
**For Agenda Of:** May 17, 2016  
**Placement:** Set Hearing (5/17/16)  
Departmental (6/7/16:  
First Reading)  
Administrative (6/21/16:  
Second Reading)  
**Estimated Time:** 45 minutes on 6/7/16  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Takashi Wada, MD, MPH  
Director(s) 805-681-5105  
Contact Info: Susan Klein-Rothschild, MSW  
805-681-5435  
**SUBJECT: Ordinance Establishing Extended Producer Responsibility Stewardship for Safe Drug Disposal**

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors consider the following recommendations:

On May 17, 2016, set a public hearing on the Departmental Agenda of June 7, 2016 to consider recommendations regarding amendments to Chapter 18C – Environmental Health Services of the Santa Barbara County Code.

On June 7, 2016:

- a) Receive and file a presentation regarding proposed amendments to Chapter 18C – Environmental Health Services;
- b) Approve the Introduction (first reading) of an Ordinance amending Chapter 18C – Environmental Health Services of the Santa Barbara County Code that adds Article II extending producer responsibility for the collection and disposal of unwanted pharmaceuticals.

**Auditor-Controller Concurrence**

As to form: Yes

- c) Read the title of the Ordinance into the record and waive full reading of the Ordinance; and
- d) Continue the hearing to the Administrative Agenda of June 21, 2016 to consider recommendations.

On June 21, 2016:

- i. Consider and approve the adoption (second reading) of an Ordinance amending Chapter 18C – Environmental Health Services of the Santa Barbara County Code; and
- ii. Approve a Notice of Exemption and determine that adoption of an Ordinance amending Chapter 18C – Environmental Health Services of the Santa Barbara County Code is exempt from California Environmental Quality Act (CEQA) review per CEQA Guideline Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity may have a significant impact on the environment, and direct staff to file the Notice of Exemption.

**Summary Text:**

On May 19, 2015, the Board of Supervisors received a report on the harmful impacts of the accumulation of unused pharmaceuticals on residents and the environment and the limitations of the County's current Operation Medicine Cabinet program. As a result of that presentation, the Board directed the Public Health Department to conduct stakeholder outreach meetings soliciting recommendations for the establishment of a permanent and sustainably-funded model to collect and safely dispose of unwanted medications from residents in Santa Barbara County. On October 6, 2015 the Board directed the Public Health Department, with support from the Public Works and Sheriff departments, to draft an Extended Producer Responsibility (EPR) ordinance for a sustainable and convenient program for the safe disposal of unused household medications in Santa Barbara County. The proposed ordinance provides EPR Stewardship for the safe disposal of unwanted medications.

**Background:**

Prescription medication, when used properly, enables us to live healthier and longer lives. The accumulation of unused household medication, however, increases the opportunity for misuse, abuse and diversion.

The Operation Medicine Cabinet program, which was established in 2009 to provide receptacles for residents to dispose of unwanted, unused or expired household medication, does not adequately meet the needs of residents. The public use of the bins has exceeded current program capacity in both resources and locations. Operation Medicine Cabinet and other similar drug collection/take back programs place the cost of collection on the general public rather than the drug producers and there is no public funding to support these programs. In addition to program capacity issues, new Drug Enforcement Administration (DEA) rules promulgated in September of 2014 include requirements that may decrease the number of bins at Sheriff Substations, as some of the stations may no longer meet new regulatory standards. Meanwhile changes in the State Pharmacy Board regulations establish a clear role for pharmacies to voluntarily participate in a take-back system.

In 2015, the Public Health Department conducted community outreach to ascertain the perspectives of our community. Feedback across a broad spectrum of stakeholders consistently indicated the need for a sustainable and convenient drug disposal program in Santa Barbara County.

The proposed ordinance follows a model used in other counties that have implemented an EPR ordinance for the collection, transportation, and disposal of unused medications. Similar to other county models, Santa Barbara's proposed ordinance includes the following key components:

- Covered medications include prescription, nonprescription, brand name, generic drugs, and controlled substances;
- The program is primarily financed and operated by drug producers who collect, transport, and dispose of unwanted covered drugs;
- Drug producers are manufacturers of any covered drug sold or distributed in Santa Barbara County under a brand-name or generic that the manufacturer owns, licenses, or otherwise has rights to;
- Each drug producer develops a stewardship plan, participates jointly in a plan or participates in a third-party plan that will:
  - Provide reasonably convenient and equitable access for all County residents in all Supervisorial Districts to dispose of medications at no charge;
  - Be safe and secure;
  - Include any retail pharmacy or any law enforcement agency willing to serve voluntarily as a drop-off site (Collector);
  - Make mail-back services available, free of charge;
  - Describe systems for handling, disposal and destroying of unused medications that is in conformity with applicable laws and regulations;
  - Provide fiscal support for environmentally sound collection, transport and disposal of all collected covered drugs;
  - Work in coordination with other stewardship plans to develop a single system of promotion and education; and
  - Report annually to the County;
- The County will review and approve stewardship plans developed by drug producers, prior to implementation; and
- The County will oversee the implementation of approved plans, review proposed plan changes and enforce the ordinance.

**Performance Measure:**

N/A

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

<b>Funding Sources</b>	<b>Current FY Cost:</b>	<b>Annualized On-going Cost:</b>	<b>Total One-Time Project Cost</b>
General Fund			
State			
Federal			
Fees		\$ 27,000.00	
Other:			\$ 67,650.00
<b>Total</b>	\$ -	\$ 27,000.00	\$ 67,650.00

**Narrative:**

Section 18C-23(A) of the Ordinance states: “By whichever occurs first, either, twelve months (one year) after the effective date of this article, or twelve months after starting sale of or distributing a Covered Drug in the County, each Producer, either individually or jointly with other Producers, or Stewardship Organization shall submit its proposed Stewardship Plan to the Director for review, accompanied by the applicable fee(s) in accordance with section 18C-26 of this article.”

Thus, it is anticipated that there will be considerable time and start-up costs to develop the foundation of program, including outlining the criteria for plans, finalizing forms and templates, making contacts with drug producers, and defining approaches to monitoring and enforcement actions. These costs are anticipated to be approximately \$67,650 for a 0.50 FTE Departmental Business Specialist for a 12 month period and will not be recoverable prior to the submission of plans by drug producers and the development of program fees. A one-time amount of \$67,650 of designated funds for Environmental Health Services has been identified to cover the startup-up costs. Since the program will not take effect until July of 2016, the department will return with a Budget Revision in Fiscal Year 2016-17 to appropriate the identified funds for the one-time start-up costs.

It is anticipated that after the initial set-up and plan submission (estimated at 12 months), the need for dedicated staffing will reduce to 0.20 FTE Departmental Business Specialist at an annual cost of \$27,000 and will be covered by program fees.

**Key Contract Risks:**

N/A

**Staffing Impacts:**

**Legal Positions:**

0

**FTEs:**

.50

**Special Instructions:**

- A. That the Clerk of the Board publish notice of this hearing pursuant to Section 6066 of the Government Code, per the attached Public Notice, in a newspaper of general circulation in Santa Barbara County 10 days prior to the hearing and again 5 days prior to the hearing.
- B. That the Clerk of the Board publish the ordinance within 15 days of its adoption.
- C. That the Clerk of the Board return one original adopted Ordinance and one Minute Order to Public Health by emailing [PHDcu@sbcpd.org](mailto:PHDcu@sbcpd.org) requesting pick-up.

**Attachments:**

- A. Proposed Ordinance “Extended Producer Responsibility Stewardship for the Collection and Disposal of Unwanted Covered Drugs”
- B. Notice of CEQA Exemption
- C. Public Notice
- D. Extended Producer Responsibility Presentation

**Authored by:**

Susan Klein-Rothschild, MSW