



CPSC

**California Product
Stewardship Council** SM

The Greatest Show On Earth: EPR in the USA

Canadian Stewardship Conference 10/2/15

Agenda

- Who is CPSC
- US transitioning to EPR
- Legislative process
- Corporate Response
- Meds – perfect storm
- Options for Local Government
- Hope and Perspectives on EPR in the US



CPSC Board and Organization




- 14 Member Board:
 - 5 of 14 are private sector members
 - San Francisco and Los Angeles County representation



EPR Resolutions (10/22/14)

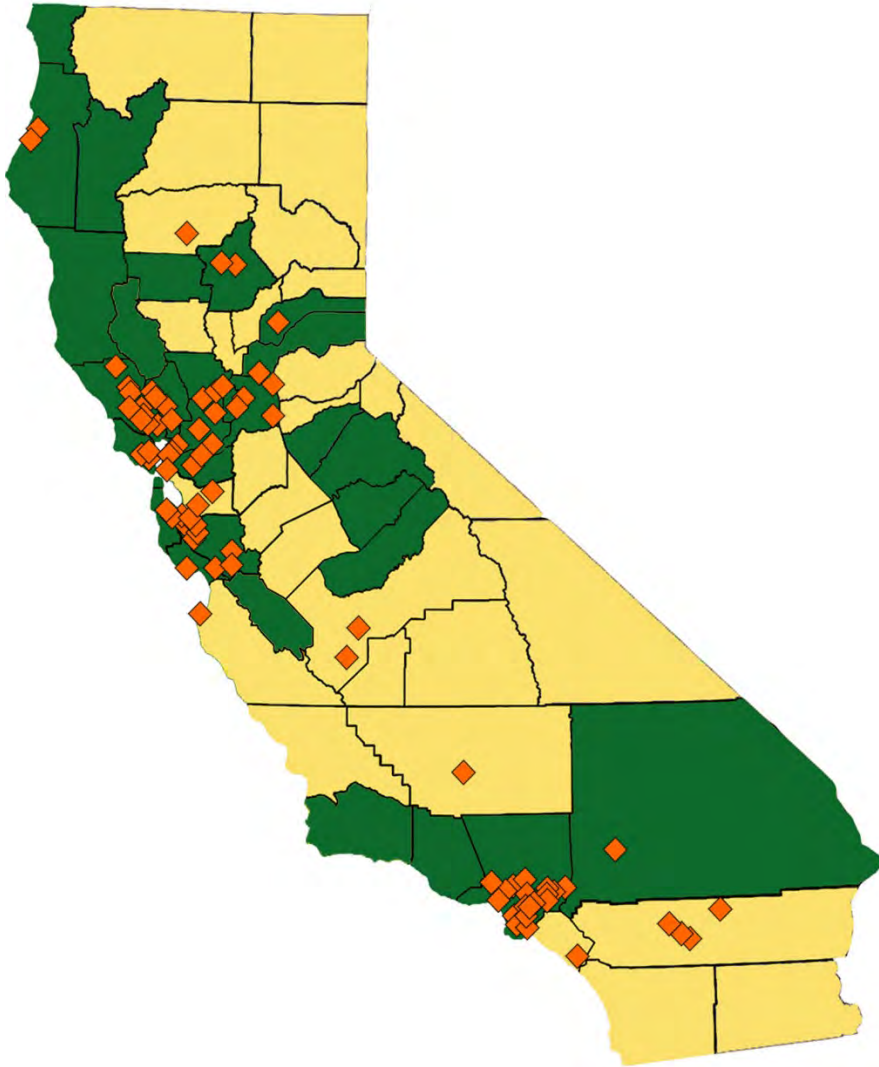
**138 EPR resolutions have
been passed by
supporting product
stewardship! 67% Pop.**

Key to City & County Resolutions:

-  County is a member of an association¹ that has passed an EPR resolution or policy statement, but has not individually passed an EPR resolution
-  County has individually passed an EPR resolution
-  City has passed an EPR resolution

**Three major local government associations have
all adopted resolutions in support of EPR:**

- California State Association of Counties
- League of Cities
- Regional Council of Rural Counties



~ Local Government Product Stewardship Councils

March 2012

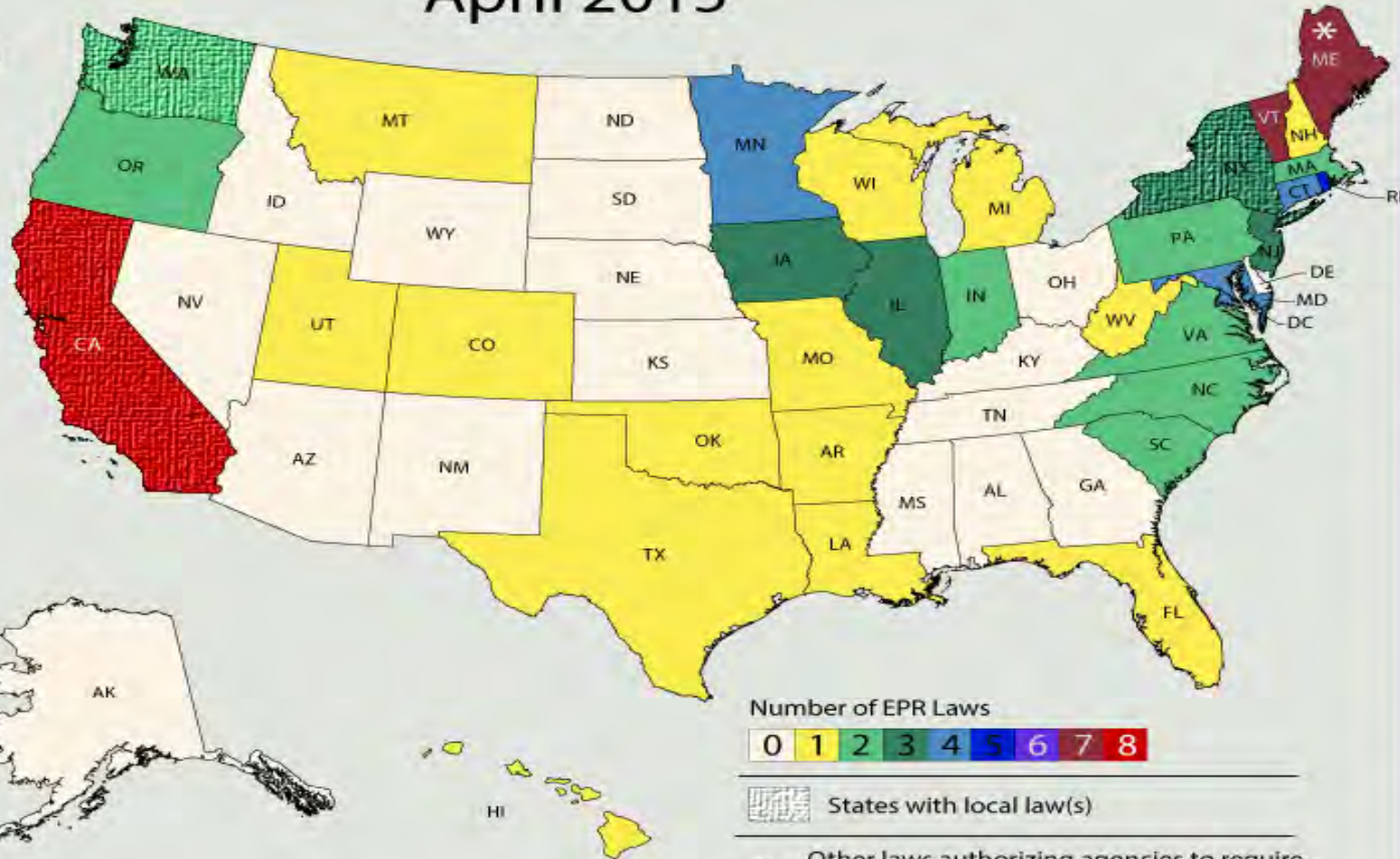


EPR Laws in the United States

April 2015

Product Categories

- Appliances Containing Refrigerants
- Auto Switches
- Batteries
- Carpet
- Cell Phones
- Electronics
- Fluorescent Lighting
- Mattresses
- Mercury Thermostats
- Paint
- Pesticide Containers
- Pharmaceuticals



Source: Product Stewardship Institute, Inc. (2015)



The Product Stewardship Institute (PSI) is a national, membership-based nonprofit committed to reducing the health, safety, and environmental impacts of consumer products across their lifecycle with a strong focus on sustainable end-of-life management.

Questions? Contact us at suzu@productstewardship.us
www.productstewardship.us

EPR Evolution in U.S.

1. EPR legislation started bottle bills 80' s
2. EPR discussions started with NEPSI and failed due to industry walking away
3. 24 states have 4 types of EPR and one ADF
4. Maine and CA introduce EPR Framework – Maine passed, CA died
5. States start passing product EPR bills like carpet, paint, mercury thermostats
6. Companies respond by voluntary and weak efforts to ward off EPR legislation, counter legislation to embed local governments paying

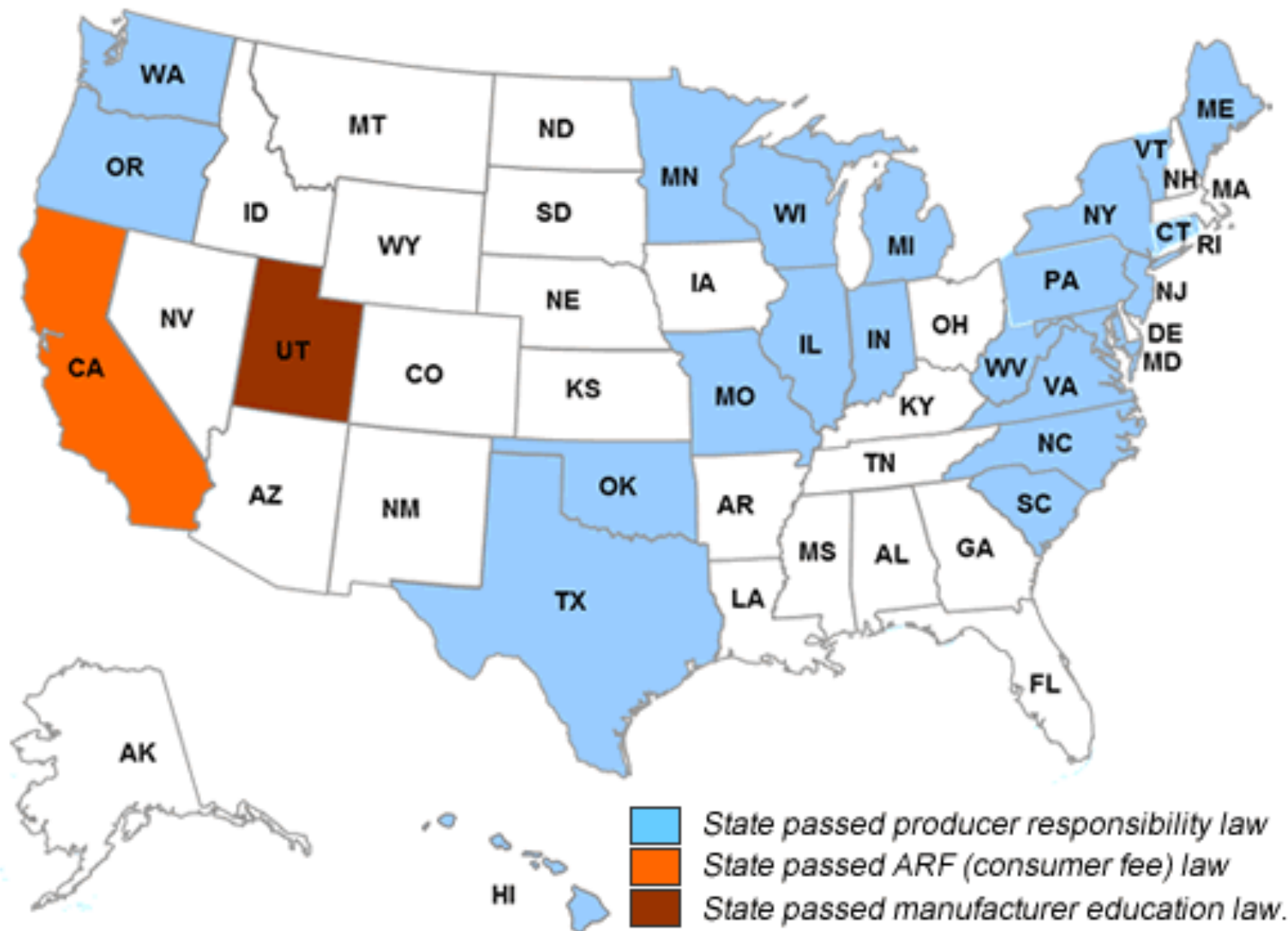


CLOSED
LOOP *fund*

 **THE RECYCLING
PARTNERSHIP**

Voluntary is Great, but...

- Needs to be done voluntarily
- Needs to be effective and work!
- Often want a level playing field and need legislation to do it....
- That is the only time we have had harmonized EPR in the US – when industry leads and wants to transition from voluntary to harmonized state rules





CALIFORNIA LEGISLATION

California EPR Legislation 2008-2013

APPROVED

1. Ag Pesticide Containers
2. Recalled Products Take-Back
3. Mercury Thermostat
4. Green Chemistry
5. Paint
6. Carpet
7. Brake Pads
8. Mattresses (Gov. Brown)



Governor Schwarzenegger called AB 1879 “*the most comprehensive Green Chemistry program ever established*” and added that it “*puts an end to the less effective chemical-by-chemical ban of the past.*”

Carpet Stewardship – 1st in World!



Find a paint drop-off
site near you:

Starting
October 19
California

[Drop-off Site Downloadable List](#)

Paint Calculator



ABOUT

OREGON

CALIFORNIA

CONNECTICUT

RHODE ISLAND

PARTNERS

Enter your city or zip code in the search box below, or simply zoom into the area you're located in:



STARTING OCT 19th -Please call ahead for store hours and space limitations. Please limit 5 gallons per visit per customer.

SB 254 – Mattresses Advisory Committee Added to Program



Introduced Legislation CA

1. Marine Debris (plastic packaging, bags, etc)
2. Sharps (needles)
3. Pharmaceuticals
4. Batteries
5. Solar Panels

EPR State Legislation is Hard!

- Producer associations have organized against it
- National Chamber of Commerce submitted an Amicus Brief opposing Alameda's pharma ordinance claiming EPR is a **economic evil**
- In the final stages of the denial phase of the grieving process by producers that they can externalize all the costs -
- We will move into acceptance soon and legal rules of the road will be laid making the path forward clearer and easier
- **Failure to lead leads to disharmonized rules!**

AB 1893 – Needle Management

Members Mark Stone & Susan Eggman





Hannah-Beth Jackson
REPRESENTING SENATE DISTRICT 19



SB 1014 EPR for Medications

- Mirrors Alameda Ordinance, added OTCs
- Stakeholder negotiation meetings
- **Held in Senate Environmental Quality Committee**

Meds & Sharps: The **Perfect Storm**

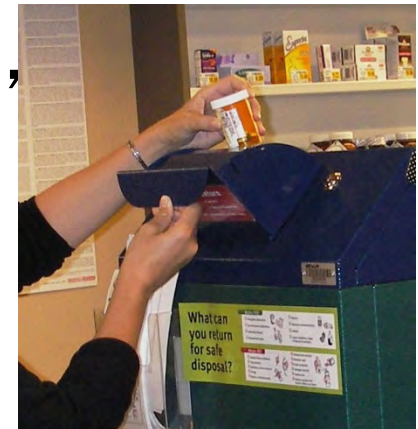


- Many Supporters
- Environmental & Public Health, Issue
- Prescription Drug Abuse – Epidemic
- Child, Senior & Pet Poisonings
- Cost of Healthcare Debate
- Needle Sticks of Solid Waste & Wastewater Plant workers, needles on beach!

Epidemic: Responding to America's Prescription Drug Abuse Crisis

2014 National Drug Control Strategy:

1. Education of health providers and the public.
2. Expand prescription monitoring programs.
3. Safe drug disposal – increase return/take-back and disposal programs.
4. Effective enforcement to address “pill mills” and “doctor shopping.”




Business Language Spoken



Resolution: 4000 x 3200 px - free download - www.psdgraphics.com

Option 1: Federal or State Legislation

Senator Jackson Letter to Locals

<p>CAPITOL OFFICE STATE CAPITOL, ROOM 5012 SACRAMENTO, CA 95814 TEL 916 651-4019 FAX 916 651-4919</p> <p>SANTA BARBARA COUNTY OFFICE 222 E. CARRILLO STREET SUITE 309 SANTA BARBARA, CA 93101 TEL 805-965-0862 FAX 805-965-0771</p> <p>VENTURA COUNTY OFFICE 300 E. ESPLANADE DRIVE SUITE 430 OXFORD, CA 95056 TEL 805-988-1940 FAX 805-988-1945</p>	<p>California State Legislature</p> <p>SENATOR HANNAH-BETH JACKSON NINETEENTH SENATE DISTRICT</p> 	<p>CHAIR SENATE JUDICIARY JOINT LEGISLATIVE COMMITTEE ON EMERGENCY MANAGEMENT</p> <p>VICE CHAIR CALIFORNIA LEGISLATIVE WOMEN'S CAUCUS</p> <p>COMMITTEES BUDGET & FISCAL REVIEW ENVIRONMENTAL QUALITY ELECTIONS & CONSTITUTIONAL AMENDMENTS NATURAL RESOURCES & WATER</p> <p>JOINT COMMITTEES FAIRS, ALLOCATION & CLASSIFICATION LEGISLATIVE AUDIT</p>
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October 30, 2014

BD. SUP. 14400 6441127

Santa Clara County Board of Supervisors
70 W Hedding St
San Jose CA 95110-1705

B/S Chair _____
BD of Supv. X
Clerk _____

Dear Board Members:

Over the last two years, I have worked with numerous stakeholders to develop legislation that would create a convenient and environmentally responsible home-generated prescription drug disposal program. These efforts included my hosting several large stakeholder meetings, working with legislative consultants, and meeting with hundreds of individuals with an interest in the safe handling and disposal of unused medications. During that time, I introduced two bills, SB 727 (2013) and SB 1014 (2014) in response to the feedback I received to help decrease the supply of unused prescription drugs in homes across California. Due to the current legislative climate, moving forward with these programs was unsuccessful.

I am now respectfully requesting your participation and help to move this critical issue forward in our state. Adopting a county ordinance similar to Alameda County's Safe Drug Disposal ordinance will help California residents prevent prescription drug abuse, address their disposal needs now, and increase support for a statewide solution.

The Alameda County Board of Supervisors unanimously adopted the first Safe Medication Disposal Ordinance in the country in July 2012. Pharmaceutical manufacturers with medications being sold or distributed in Alameda County must participate in and fund a program to collect and dispose of unwanted drugs. The ordinance was challenged by Pharmaceutical Research and Manufacturers of America, Generic Pharmaceutical Association, and Biotechnology Industry Organization on the basis that the ordinance violates the dormant Commerce Clause for interstate commerce and discriminates against out-of-county producers. In August 2013, the U.S. District Court upheld the ordinance, as did the Ninth U.S. Circuit Court of Appeals in September 2014.

Alameda County's ordinance may be found here:
http://www.acgov.org/aceh/safedisposal/documents/SDD_Ordinance.pdf

cc: ea Supervisor, Colrec, CoCounsel, R. Santiago

Letter sent October 31, 2014 asks for local governments to consider ordinances to move the issue forward in California.

CA Legislation 2015 – AB 1159

Authors – Assembly members Rich Gordon & Das Williams



Bill Text

*“AB 1159 would establish the Product Stewardship Pilot Program, which would require producers and product stewardship organizations of covered products- either home generated **sharps** waste or **household batteries**, to develop and implement a product stewardship plan.”*

CA Legislation 2015 – AB 45

Author – Assembly member Kevin Mullin

Bill Text

*“This bill would **require each jurisdiction that provides for the residential collection and disposal of solid waste to increase the collection of HHW by an unspecified percentage.** The bill would authorize the department to adopt a model ordinance for a door to door collection and diversion program to facilitate compliance and require each jurisdiction to annually report to the Department”*

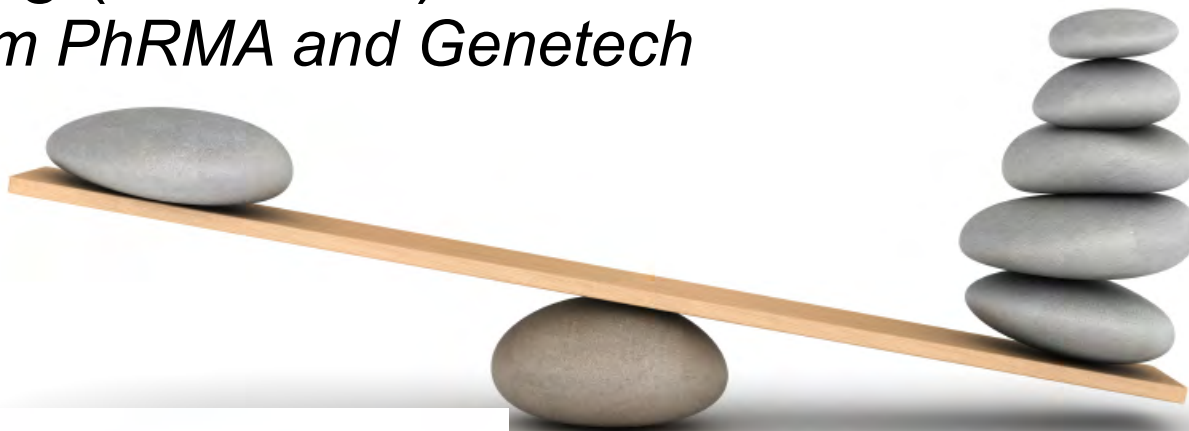


Option 2: Local Legislation

San Francisco – Introduced EPR Ordinance, Ended-Up With Voluntary Collaborative Pilot

Funding (\$110,000)

From PhRMA and Genetech



Collection

Program Logistics

Outreach

San Fran Pilot: Weight collected



23,304 pounds collected in 16 months

San Francisco Drug Disposal Information Ordinance

- All pharmacies conduct outreach
- “...posted in an area visible to the public & adjacent to the area where prescription drugs are dispensed”



Producer Responsibility for Pharmaceuticals

San Francisco finds funding to extend drug disposal program

By: [Joshua Sabatini](#) | 08/09/13 *SF Examiner*



- San Francisco will continue to operate medicine disposal program for at least another year after negotiating a **\$125,000 donation from a leading drug manufacturing group to pay for half the costs.**
- Read more at the San Francisco Examiner:
<http://www.sfexaminer.com/sanfrancisco/san-francisco-finds-funding-to-extend-drug-disposal-program/Content?oid=2540240>

11/2010-Legal Controlled Substances site established at Alameda County Sherriff' s dept



Two Hearings Led to the Adoption of the EPR Meds Ordinance 6/24/15



Safe Medication Disposal Ordinance

Sponsored by The MEDS (Medication Education Disposal Safety) Coalition and Alameda County Supervisor Nate Miley

Join us in protecting our families and environment

1st Reading of the Proposed Ordinance

Tuesday, July 10, 2012
Alameda County Board of Supervisors

1221 Oak Street, 5th Floor Board Chambers
Oakland, CA 94612

Come show your support for the proposed ordinance of Supervisors to pass the Safe Medication Disposal Ordinance

Go to <http://www.change.org/petitions/pass-the-safe-medication-disposal-ordinance-to-protect-our-families-and-environment> to sign the petition and learn what you can do to help!

Follow us on  [@AlCoSafeMeds](#)  [Like us on Facebook](#)

If you cannot attend, contact the Clerk of the Board, 1221 Oak Street, Suite 536 Oakland, CA 94612
For questions, contact Kamika Dunlap at kamika.dunlap@acgov.org or (510) 272-3691





Safe Medication Disposal Ordinance

Sponsored by the MEDS (Medication Education Disposal Safety) Coalition and Alameda County Supervisor Nate Miley

Join us in protecting our families and environment

Alameda County Board of Supervisors

2nd Reading & Final Vote on the Proposed Ordinance
Tuesday, July 24, 2012 11:00 AM

1221 Oak Street, 5th Floor Board Chambers
Oakland, CA 94612





Go to <http://www.change.org/petitions/pass-the-safe-medication-disposal-ordinance-to-protect-our-families-and-environment> to sign the petition and learn what you can do to help!

Follow us on  [@AlCoSafeMeds](#)  [Like us on Facebook](#)

Alameda County Safe Meds



Supporters



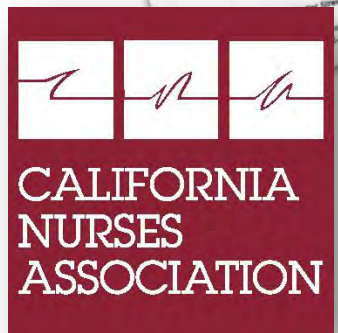
STOPWASTE.ORG
Reducing the Waste Stream for Alameda County

NRDC
May 14, 2012
The Alameda County Board of Supervisors
1221 Oak Street, Suite 536
Oakland, CA 94612
Staff Contact: kamika.dunlap@acgov.org
RE: Support for Alameda County Safe Medication Disposal Ordinance
Honorable Members of the Alameda County Board of Supervisors:
The Natural Resources Defense Council (NRDC) is pleased to support the County Board of Supervisors' recent passage of the County Safe Medication Disposal Ordinance, which has been the subject of our ongoing advocacy efforts. NRDC (Natural Resources Defense Council), which has over 250,000 members nationwide, is a leading environmental organization. We are writing to you today to express our support for the County Board of Supervisors' decision to take this important step towards protecting public health and the environment.



Respectfully,

Darby Hoover
Senior Resource Specialist



CALIFORNIA RETAILERS ASSOCIATION
1010 443 1975 FAX 1010 441 481
Honorable Nate Miley
District 4, Alameda County Board of Supervisors
Alameda Administration Building
Street, #536
CA 94612
Alameda County Safe Medication Disposal Ordinance
For Miley:
The California Retailers Association (CRA) supports the establishment of a safe medication disposal ordinance for Alameda County. We share the County's commitment to protecting public health and the environment, and we believe that a safe and convenient means for consumers to dispose of unused medications is a critical component of any comprehensive medication management program. Recognizing the County's commitment to this goal, we wish to outline what we believe to be the most appropriate and effective means for achieving this goal, as well as some potential concerns that we hope to address as the ordinance moves forward.

July 27, 2012
Robert F. Kennedy, Jr.
Alameda County Board of Supervisors
1221 Oak Street
Oakland, CA 94612
Staff Contact: kamika.dunlap@acgov.org
Support for Alameda County Pharmaceutical Producer Responsibility Ordinance
Members of the Alameda County Board of Supervisors:
I am writing to express my strong support for the Alameda County Safe Medication Disposal Ordinance, which was recently passed by the County Board of Supervisors. I am a firm supporter of extended producer responsibility (EPR) as a policy approach that can reduce waste and improve water quality while protecting public and environmental health. The Alameda County Safe Medication Disposal Ordinance is built on an EPR model that will provide safe and convenient options for disposal of unused drugs to protect the public and aquatic life from pharmaceuticals flushed directly into the water system. I believe this ordinance is setting a national precedent. When companies and state and federal governments fail to act on environmental issues, it is imperative that local governments are allowed to take action to protect public health and the environment. Alameda County citizens are asking the pharmaceutical industry to share in the responsibility to safely manage waste medications, which the local government can no longer bear alone. Residential stockpiling of unused household medications leads to easy access and drug abuse by children and teens, and flushing and throwing away medication can harm the environment, including the water we drink. As with packaging, safe disposal of pharmaceuticals should be a shared responsibility, the costs of which should not fall solely on local governments and taxpayers. Pharmaceutical companies who profit by selling drugs should also share in the end of life cost and work with Alameda County and its many constituents eager to support a collection program. I applaud Alameda County's leadership and encourage the county to proceed and adopt the ordinance and I hope that this leads to action nationally to provide safe and convenient unused medication stewardship programs funded and operated by the pharmaceutical companies.

WORKSAFE
safety, health, and justice for workers



Article in New York Times 12/7/12 quotes complaint:

**“The household trash can is a better and safer
alternative, the drug makers say”**

- Pharmaceutical Research and Manufacturers of America (PhRMA), General Pharmaceutical Association & Biotechnology Industry Association
- Filed in Federal Court claiming violation of the Commerce Clause of the Constitution

Alameda County Prevailed in 9th Circuit Court 8/29/13!

Then PhRMA Appealed 9/12/13 in Federal Court of Appeals

Product Stewardship Champions Award



Alameda County Supervisors 5-0 vote Passing Drug Take-Back Ordinance

“When companies and state and federal governments fail to act on environmental issues, it is imperative that local governments are allowed to take action to protect public health and the environment..”

– Robert F. Kennedy, Jr.

Secure Medicine Return for King County, WA



Margaret Shield
Local Hazardous Waste Management Program in King County

King County Board of Health

Legislative body that sets county-wide policies to promote the health of King County residents.



Board Chair
Councilmember Joe
McDermott



Boardmember
Mayor David
Baker

Subcommittee on Secure Medicine Return

- July 2013, collected input from stakeholders through fall of 2012.
- Policy discussions October 2012 through April 2013.
- Public hearing held May 16th on draft legislation.
- Public hearing & **adoption on June 20, 2013**

[http://www.kingcounty.gov/healthservices/health/BOH/
MedicineTakeback.aspx](http://www.kingcounty.gov/healthservices/health/BOH/MedicineTakeback.aspx)

National News Attention

National Public Radio, January 2014



**California County Pushes
Drugmakers To Pay For Pill
Waste**

**CPSC's Heidi Sanborn, Supervisor Nate
Miley, and PhRMA are interviewed**



National News Attention

Wall Street Journal, April 2014



Who Foots the Bill For Expired Medicine? One Proposal: Drug Makers



CPSC's Heidi Sanborn, Senator
Hannah-Beth Jackson and a PhRMA
representative are quoted

Appealed to Federal 9th Circuit



- 9th Circuit Court of Appeals - 3 judge panel – 7/11/14
- No new facts – only interpretation of law
- Judge “I have a feeling this may not be the last word on this”
- Court sides with Alameda County, upholds ruling – 9/30/14

Appeal to Supreme Court



12/29/14: PhRMA and other plaintiff organizations file a Petition For Writ of Certiorari asking the U.S. Supreme Court to consider the case – [Petition text](#)
5/26/15: Denied! National Impact!

PPSWG
Pharmaceutical Product
Stewardship Work Group

A Product Stewardship Plan For Unwanted Medicine From Households

Alameda County, California
July 1, 2014

PHARMACEUTICAL PRODUCT STEWARDSHIP WORK GROUPS

063014

6/30/14

10,000.00

6/30/14

Memo:

1015

ALAMEDA COUNTY ENVIRONMENTAL

PHARMACEUTICAL PRODUCT STEWARDSHIP
WORK GROUPS
1155 15TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

10/100 Dollars

ENVIRONMENTAL

Chain Bridge Bank
1155 15TH STREET, NW
SUITE 500
WASHINGTON, DC 20005
(202) 947-5600

DATE
Jun 30, 2014
AMOUNT
\$10,000.00

\$10,000.00

1015

07/01/2014

San Francisco Reintroduces Meds EPR Ordinance 10/21/14



City/County of San Francisco

Medicine EPR Ordinance March 2015

San Francisco Public Hearing on Drug Disposal Ordinance



Watch the Video Here

Ordinance introduced at May 19 Board of Supervisors Meeting and **passed with a 10-0 vote**, with one Supervisor excused and signed by Mayor Edwin Lee 3/26/15.

County of San Mateo

Medicine EPR Ordinance 4/28/2015



- <https://www.youtube.com/watch?v=gq7-zIoOYzk>

Ordinance introduced and heard at April 14th Board of Supervisors Meeting and **passed with a 5-0 vote**. Waymond Wong, Program Manager, Environmental Health and Heather Forshey, Director of Environmental Health

County of Santa Clara

Medicine EPR Ordinance 5/19/15



Ordinance introduced at May 19 Board of Supervisors Meeting and **passed with a 3-0 vote**, with two Supervisors recusing themselves from vote due to pharmaceutical investments. **June 9th it passed on consent agenda!**

Marin Says Yes!

***EPR Ordinance for Meds
Receives 4-0 Vote to Approve;
Next Hearing - 8/11/15***

WATCH HERE



County of Santa Barbara

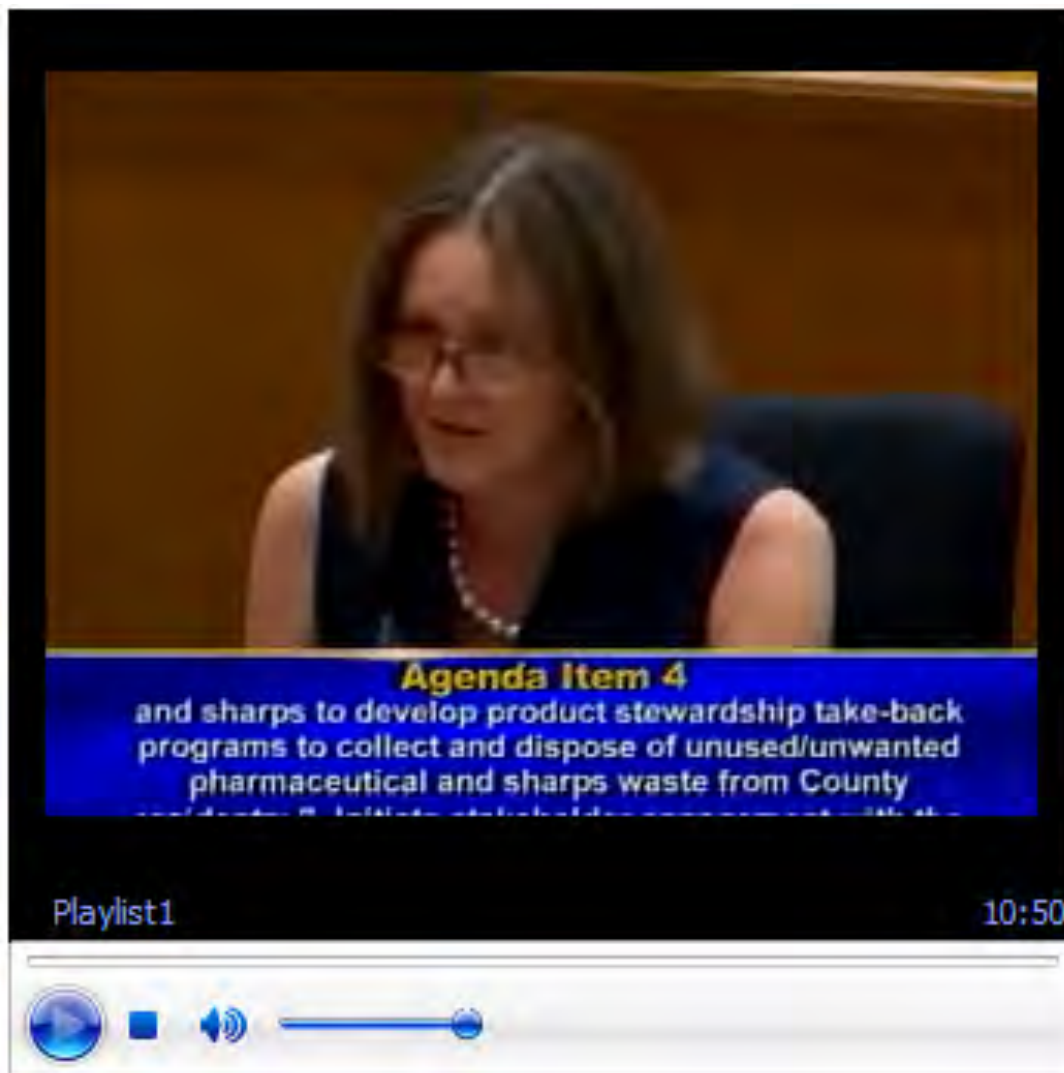
Medicine Stakeholder Process Begins 5/19/15



Public Health Department authorized to conduct stakeholder outreach and return in **October 2015** with recommendations for sustainable & convenient medicine disposal program

County of Los Angeles

Medicine Stakeholder Process Begins 8/12/15





Supreme Court Could Weigh Local Mandates on Drug Makers - March 27, 2015

“ ‘Why is it fair to privatize 100 percent of the profits and socialize 100 percent of the costs?’

‘These are the same companies that don't like taxes, don't want fees, don't like big government, and we're offering them a program where they get to write their own regulations.’ ”

- Heidi Sanborn

<http://www.washingtonexaminer.com/supreme-court-could-weigh-local-mandates-on-drug-makers/article/2562121>



“These statutes are taking off, we see there's a movement in California to expand beyond the pharmaceutical industry,’

‘This is the first time where a county or local government has reached out and forced companies in another state to provide a service to their local residents,’ Spears said.”

Mit Spears, general counsel for Pharmaceutical Research and Manufacturers of America (PhRMA)

MED EPR – Portugal

- Program – SIGREM
- Organizing body – Valormed (est. 1999)
- Organized/funded by:
 - Association of Portuguese Pharmaceutical Industries (APIFARMA)
 - Pharmaceutical Distributors (Groquifar)
 - National Pharmacies Association (ANF)
- Payments are collected through a fee placed on packaging. (Fee was \$.006 USD or €0.005 in 2011)
- Retail participation voluntary; **99%**
pharmacy participation rate in 2011



Meds EPR – Mexico

- Program Name/Organizing body – SINGREM
- Organized/funded by:
 - National Chamber of the Pharmaceutical Industry
 - Mexican Association of Pharmaceutical Research Industries
 - National Association of Pharmaceutical Manufacturers
- Contributions based on individual member company's proceeds
- 2009 – Program approved for nation-wide permanent implementation by 2015
- **3,739 pharmacies hosting bins**



Meds EPR – Colombia

- Program – Punto Azul
- Organizing body – National Association of Colombian Entrepreneurs (ANDI)
- Organized/funded entirely by pharmaceutical manufacturers and importers via a membership fee program, independent of the quantity of products marketed
- Manufacturers & importers required by law to establish program by 2010.
 - 2014: 43% coverage achieved
 - **2017: 70% coverage required**



Option 3: Local EPR Transitional Programs Sharing Costs

Transitional EPR



www.DontRushToFlush.org

www.facebook.com/DontRushToFlush

www.twitter.com/DontRushToFlush

Live Television



Good Day Sacramento – Jefferson Pharmacy

Prescription for Change: News & Review Inserts

- March 2014 – Meds and Sharps (Sacramento)
- December 2014 – Meds and Sharps (Marin)
- June 2015 – Meds (San Mateo)



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California Product
Stewardship Council

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Thank You Partners!



Paint



Lamps



Thermostats



Batteries



Sharps



Meds



Carpet

U.S. Ninth Circuit Court of Appeals Rules for Alameda County in EPR Ordinance Case



6



California Product Stewardship Council

Like



California Product Stewardship Council
January 28 at 8:30am





NATIONAL STEWARDSHIP ACTION COUNCIL

ADVOCATING FOR A CIRCULAR ECONOMY

NSAC'S VISION

Be a catalyst to effect accountable, nation-wide, producer responsibility.

www.nsaction.us



Looking Ahead Themes and Trends

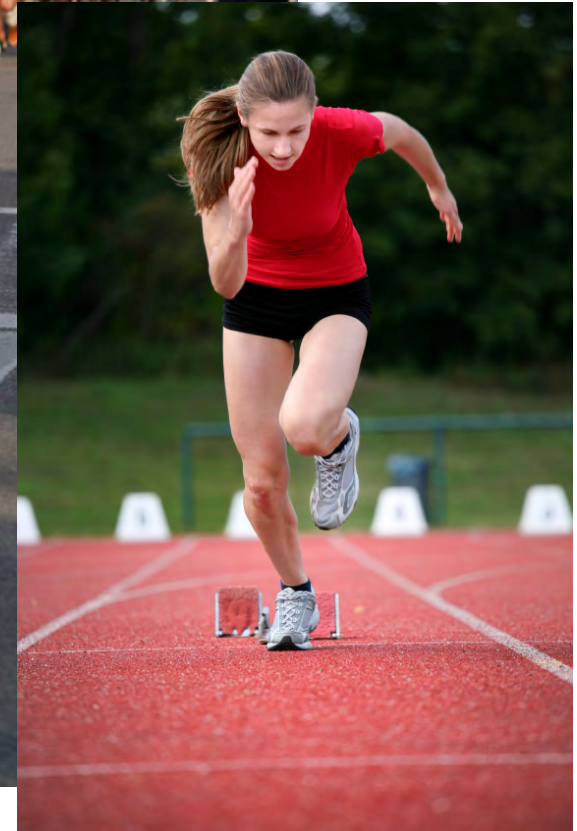
- Local EPR legislation on many products
- State EPR – solar panels, tires, sharps
- Attempts at local pre-emption state/fed
- Attempts at Externalized costs made permanent under guise of “convenience & comprehensive solutions” and voluntary programs

My Hope for the U.S.



- Industry leads with voluntary programs that are significant and work
- Fairly review all policy approaches
- Apply EPR approaches where appropriate
- Work together to ensure the bills are structured properly to work
- Don't turn the keys over to industry without proper controls and goals balancing needs of all stakeholders

Shift to EPR is a Marathon Not a Sprint...



Join CPSC



Heidi Sanborn
Executive Director
Heidi@CalPSC.org
916-706-3420

www.CalPSC.org

Connect!

