

## Pharmaceutical Drugs and Sharps Take-Back Program Frequently Asked Questions (FAQ)

1. What is the objective of this ordinance?

**Response:** The primary objective of this ordinance is to ensure that all County residents have access to safe, convenient, and sustainably financed collection and take-back options for properly disposing unwanted pharmaceutical and sharps waste. The safe disposal of pharmaceuticals and sharps waste helps protect public health and safety and the environment.

2. Why is a take-back program necessary for pharmaceuticals and sharps?

**Response:** Currently, there are limited options for the proper disposal of unwanted or expired pharmaceuticals and supplies. It is estimated that each year in the United States, 200 million pounds of pharmaceutical waste is generated, and that much of that waste ends up in medicine cabinets in homes or disposed of through sewer or waste systems<sup>1</sup>. In addition, the lack of convenient options to discard sharps waste such as needles, syringes, and lancets can pose a health risk to residents, particularly children and sanitation workers.

3. Does this draft ordinance apply to the entire County, or only the unincorporated areas?

**Response:** The ordinance will only apply to the County Unincorporated areas. However, all 85 cities for which Public Health is the Health Officer may adopt the Ordinance upon approval by their respective City Councils. Thus far, almost 30 cities have provided support letters to the County and have expressed interest in joining the program. The three cities that have their own Public Health Department, (Long Beach, Pasadena, and Vernon), would have to pass their own ordinances, if interested.

4. Are other take-back ordinances, such as in Alameda County, successful?

**Response:** It is too early to determine the success of these other ordinances as implementation of Extended Producer Responsibility (EPR) programs has not yet begun for most Counties in California that have adopted similar EPR ordinances. This is in part due to litigation, specifically “*Pharmaceutical Research and Manufacturers of America v. County of Alameda*”. However, EPR programs for pharmaceuticals have been very successful in other countries such as Canada, Mexico, Belgium, France, Hungary, Portugal, Spain, Brazil, and Columbia. Alameda, Marin, Santa Clara, Santa Cruz, San Luis Obispo, and San Mateo Counties and the City and County of San Francisco, and King County, Washington, have approved ordinances; and Alameda County and King County have Stewardship Plans developed by industry which are anticipated to be successful.

5. Will pharmacies be required to host collection bins?

**Response:** The preliminary draft ordinance does not mandate pharmacies or any other entities to serve as a collector (host a collection bin for either pharmaceutical or sharps waste). Throughout the stakeholder process County staff representatives have stressed that hosting a bin is voluntary,

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<sup>1</sup> DisposeMyMeds.org (National Community Pharmacists Association, downloaded November 24, 2015)

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since the pharmacy and retailer associations, including, the California Retailers Association, California Pharmacists Association, and California Grocers Association have indicated that some locations may have constraints that prevent them from being able to serve as a collector. However, it should be noted that there is already voluntary participation at many pharmacies, clinics, hospitals, and other locations throughout the country, including 1,600 independent pharmacies as reported by the National Community Pharmacists Association Foundation, Walgreens pharmacies that have a sharps take-back program in San Francisco, among others. Additionally, Walgreens announced on February 9, 2016, that they will be adding collection bins for pharmaceuticals at 500 locations in 39 states and that California will be the first state to have collection bins.

6. *Can the program be successful if pharmacies choose not to host collection bins?*

**Response:** As stated above, pharmacies and hospitals are already hosting collection bins and indicated an interest in participating in a Stewardship Program in the County. In addition, Stewardship Plans are intended to be flexible, offering a range of collection options. Responsible Stewards can host their own locations, host monthly collection events, and provide mail-back services. The Federal Drug Enforcement Agency (DEA) regulations specify five categories of take-back options for pharmaceutical waste, including mail-back programs, pharmacies, hospitals with pharmacies, long-term health care facilities, and law enforcement. There are no regulations pertaining to hosting a sharps collection bin so these could potentially be located in a broader area of locations.

7. *What will the role of pharmacies be?*

**Response:** Each pharmacy will have an integral role in this program, even if they choose not to serve as a collector and host a bin. At a minimum, pharmacies and any business selling drugs to the public will display educational materials approved by the County, explaining how and where residents may conveniently, safely and lawfully dispose of unwanted drugs and sharps.

8. *What drugs are included in the draft ordinance?*

**Response:** The Draft Ordinance defines “Covered Drugs” which includes prescription, non-prescription, brand name, generic drugs, and controlled substances. It does not include vitamins or supplements, herbal-based remedies and homeopathic drugs, products, or remedies.

9. *Why can't residents simply dispose unwanted pharmaceuticals and sharps in the trash or flush them down the drain?*

**Response:**

- Although pharmaceuticals are not prohibited from being flushed down the toilet or drain, Waste Water Treatment Plants (WWTPs) are not designed to manage or remove all of the complex compounds found in pharmaceutical waste. As a result, flushing medications

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contributes to an increase in concentrations of medications in surface, ground, and drinking water. The long-term effects of these pollutants are unknown; therefore it is prudent to encourage other methods of collection and disposal.

- Similarly, disposing of pharmaceuticals in the trash is currently not prohibited; however, medications that end up in landfills may leach into the groundwater or the landfill's leachate, which is treated via WWTPs not designed to treat pharmaceuticals, as discussed above. Additionally, medications thrown in the trash are susceptible to improper diversion or accidental poisonings.
- The disposal of sharps in the trash or flushing is prohibited by state law ([California Health and Safety Code 118286](#)). This is because there is a serious health risk to children, workers who collect and sort waste, and the general public from improper disposal of sharps. Unfortunately, some people flush sharps down the drain which is hazardous for the WWTPs. Recently, local beaches were temporarily closed due to sharps washing ashore following discharges from WWTPs. Therefore the Federal Environmental Protection Agency and the Federal Food and Drug Administration have both identified local take-back programs as the "first choice" or "best option" for safely and conveniently collecting these products.

### 10. Since pharmaceuticals enter the environment through excreted human waste, how will this ordinance prevent pharmaceuticals from entering the environment?

**Response:** There are many factors that influence the amount of pharmaceuticals in the environment. This ordinance is intended to decrease the amount of unwanted and unused pharmaceuticals and sharps waste that enter the environment by substantially increasing the collection and proper disposal. The fact that there are other sources of pollution beyond the scope of this Draft Ordinance does not mean we should not attempt to reduce pollution from sources that can be affected by this Ordinance.

### 11. Do the DEA regulations or Draft California Board of Pharmacy (BoP) regulations preclude retail pharmacies from serving as collection sites?

**Response: No.** The purpose of the DEA regulations, which were promulgated following the passage of the Secure and Responsible Drug Disposal Act of 2010, was to *facilitate* additional options for the collection of all pharmaceuticals, including controlled substances, through take-back events, mail-back programs, and collection receptacle locations, including pharmacies. The regulations serve to reduce the potential for returned pharmaceuticals to be improperly diverted. The Draft BoP Regulations are not yet finalized, but the current draft closely mirrors the DEA pharmaceutical take-back regulations.

### 12. Is outreach and education the best way to deal with proper disposal?

**Response:** Education and outreach are very important components of any successful effort, but cannot solve the problem alone. Once safe and convenient disposal options are available,

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education and outreach to residents on where and how they may safely and lawfully dispose of unwanted drugs and sharps will be critical to the success of a comprehensive multifaceted EPR program. Along with the three disposal options (collection sites, mail-back services, and collection events), the draft Ordinance also includes a requirement that the Responsible Steward(s) or Stewardship Organization(s) conduct outreach and provide education materials to pharmacies, health care facilities, veterinary facilities, and other prescribers for their own education and for dissemination to residents.

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