

File No. 230156 Committee Item No. 3
Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date April 3, 2023

Board of Supervisors Meeting Date April 11, 2023

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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OTHER (Use back side if additional space is needed)

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Completed by: Erica Major Date March 30, 2023

Completed by: Erica Major Date April 3, 2023

1 [Environment Code - Safe Drug Disposal]

2

3 **Ordinance amending the Environment Code to eliminate the requirement that certain**
4 **drugs (“covered drugs”) be disposed of at either a permitted hazardous waste disposal**
5 **facility or permitted large municipal waste combustor, as those terms are defined by**
6 **Environmental Protection Agency regulations, or at a facility that provides equivalent**
7 **or superior environment and human health protection to such facilities, and to instead**
8 **require that covered drugs be disposed of at a waste disposal facility operating in**
9 **compliance with all local, state, and federal requirements applicable to that waste**
10 **disposal facility; to require regular reporting of the compliance status of disposal**
11 **facilities used; to change drug wholesalers’ obligation to update the City’s list of**
12 **covered drug producers from an annual update to an update on request of the**
13 **Environment Department’s Director; to remove the requirement that operators of a**
14 **drug stewardship plan receive prior approval of a change in manufacturers, and**
15 **instead add a requirement that such operators receive prior approval of a change in**
16 **disposal facilities used; and affirming the Planning Department’s determination under**
17 **the California Environmental Quality Act.**

18 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
19 **Additions to Codes** are in *single-underline italics Times New Roman font*.
20 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
21 **Board amendment additions** are in double-underlined Arial font.
22 **Board amendment deletions** are in ~~strikethrough Arial font~~.
23 **Asterisks (* * * *)** indicate the omission of unchanged Code
24 subsections or parts of tables.

25

Be it ordained by the People of the City and County of San Francisco:

26

27

1 Section 1. CEQA findings. The Planning Department has determined that the actions
2 contemplated in this ordinance comply with the California Environmental Quality Act
3 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
4 the Clerk of the Board of Supervisors in File No. 230156 and is incorporated herein by
5 reference. The Board affirms this determination.

6
7 Section 2. Chapter 22, Division I, of the Environment Code is hereby amended by
8 revising Sections 2207, 2209, 2210, and 2212, to read as follows:

9 **SEC. 2207. STEWARDSHIP PLANS – DISPOSAL OF COVERED DRUGS.**

10 ~~(a)~~ Covered Drugs collected under a Stewardship Plan must be disposed of at a
11 permitted *hazardous* waste disposal facility ~~as defined by the United States Environmental~~
12 ~~Protection Agency under 40 C.F.R. parts 264 and 265, operating in compliance with all local, state, and~~
13 ~~Federal requirements applicable to that waste disposal facility. For purposes of this Section, the~~
14 ~~Director shall determine that a waste disposal facility is in compliance with all local, state, and federal~~
15 ~~requirements applicable to that waste disposal facility if no local, state, or federal agency with~~
16 ~~jurisdiction over that facility has issued a notice finding a violation by the facility in the preceding 12-~~
17 ~~month period.~~

18 ~~—(b) The Director may grant approval for a Stewardship Plan to dispose of some or all~~
19 ~~collected Covered Drugs at a permitted large municipal waste combustor, as defined by the United~~
20 ~~States Environmental Protection Agency under 40 C.F.R. parts 60 and 62, if the Director deems the use~~
21 ~~of a hazardous waste disposal facility described under subsection (a) of this Section 2207 to be~~
22 ~~infeasible for the Stewardship Plan based on cost, logistics or other considerations.~~

23 ~~—(c) A Stewardship Plan may petition the Director for approval to use final disposal~~
24 ~~technologies that provide superior environmental and human health protection than provided by the~~
25 ~~disposal technologies in subsections (a) and (b) of this Section 2207, or equivalent protection at lesser~~

1 ~~cost. The proposed technology must provide equivalent or superior protection in each of the following~~
2 ~~areas: (1) monitoring of any emissions or waste; (2) worker health and safety; (3) reduction or~~
3 ~~elimination of air, water or land emissions contributing to persistent, bioaccumulative, and toxic~~
4 ~~pollution; and (4) overall impact on the environment and human health.~~

5 **SEC. 2209. STEWARDSHIP PLANS – REPORTING REQUIREMENTS.**

6 (a) Within six months after the end of the first 12-month period of operation, and
7 annually thereafter, the plan operator of a Stewardship Plan shall submit a report to the
8 Director on behalf of participating Producers describing their plan's activities during the
9 previous reporting period. The report must include:

- 10 (1) A list of Producers participating in the Stewardship Plan;
- 11 (2) The amount, by weight, of Covered Drugs collected, including the amount
12 by weight from each collection method and disposal facility used;
- 13 (3) A list of drop-off sites;
- 14 (4) The number of mailers provided for disabled and/or home-bound residents;
- 15 (5) The locations where mailers were provided, if applicable;
- 16 (6) The dates and locations of collection events held, if applicable;
- 17 (7) The transporters used and the disposal facility or facilities used for all
18 Covered drugs and the compliance status of each disposal facility used;
- 19 (8) Whether any safety or security problems occurred during collection,
20 transportation, or disposal of Unwanted Covered Drugs during the reporting period and, if so,
21 what changes have been or will be made to policies, procedures, or tracking mechanisms to
22 alleviate the problem and to improve safety and security in the future;
- 23 (9) A description of the public education, outreach, and evaluation activities
24 implemented during the reporting period;
- 25

1 (10) A description of how collected packaging was recycled to the extent
2 feasible, including the recycling facility or facilities used;

3 (11) A summary of the Stewardship Plan's goals, the degree of success in
4 meeting those goals in the past year, and, if any goals have not been met, what effort will be
5 made to achieve the goals in the next year; and

6 (12) The total expenditures of the Stewardship Plan during the reporting period.
7 * * * *

8 **SEC. 2210. STEWARDSHIP PLANS – LIST OF PRODUCERS OF COVERED**
9 **DRUGS.**

10 Beginning 60 days after the effective date of this Division I, each Drug Wholesaler that
11 sells any Covered Drug in the City must provide a list of the Producers of those Covered
12 Drugs to the Director in a form prescribed by the Director. Wholesalers must update and
13 resubmit the list in response to a request from the Director, within 15 days of receiving such
14 request by January 15 each year.

15 **SEC. 2212. STEWARDSHIP PLANS – PRIOR APPROVAL FOR CHANGE.**

16 (a) Proposed changes to an approved Stewardship Plan that substantively alter plan
17 operations, including, but not limited to, changes to ~~participating Manufacturers~~ disposal facilities,
18 collection methods, achievement of the service convenience goal, policies and procedures for
19 handling Unwanted Covered Drugs, or education and promotion methods or disposal facilities,
20 must be approved in writing by the Director before the changes are implemented.

21 * * * *

22
23 Section 3. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11 Section 5. Undertaking for the General Welfare. In enacting and implementing this
12 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
13 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
14 is liable in money damages to any person who claims that such breach proximately caused
15 injury.

16
17 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
18 of this ordinance, or any application thereof to any person or circumstance, is held to be
19 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
20 shall not affect the validity of the remaining portions or applications of the ordinance. The
21 Board of Supervisors hereby declares that it would have passed this ordinance and each and
22 every section, subsection, sentence, clause, phrase, and word not declared invalid or
23 unconstitutional without regard to whether any other portion of this ordinance or application
24 thereof would be subsequently declared invalid or unconstitutional.

1 Section 7. No Conflict with Federal or State Law. Nothing in this ordinance shall be
2 interpreted or applied so as to create any requirement, power, or duty in conflict with any
3 federal or state law.

4
5 APPROVED AS TO FORM:
6 DAVID CHIU, City Attorney

7 By: /s/ Sarah Crowley
8 SARAH CROWLEY
9 Deputy City Attorney

10 n:\legana\as2023\2300201\01656779.docx

LEGISLATIVE DIGEST

[Environment Code - Safe Drug Disposal]

Ordinance amending the Environment Code to eliminate the requirement that certain drugs (“covered drugs”) be disposed of at either a permitted hazardous waste disposal facility or permitted large municipal waste combustor, as those terms are defined by Environmental Protection Agency regulations, or at a facility that provides equivalent or superior environment and human health protection to such facilities, and to instead require that covered drugs be disposed of at a waste disposal facility operating in compliance with all local, state, and federal requirements applicable to that waste disposal facility; to require regular reporting of the compliance status of disposal facilities used; to change drug wholesalers’ obligation to update the City’s list of covered drug producers from an annual update to an update on request of the Environment Department’s Director; to remove the requirement that operators of a drug stewardship plan receive prior approval of a change in manufacturers, and instead add a requirement that such operators receive prior approval of a change in disposal facilities used; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

Existing law requires that drugs covered by the Safe Drug Disposal Ordinance (Covered Drugs) be disposed of at permitted hazardous waste disposal facility, as defined in Environmental Protection Agency (“EPA”) regulations or, with the Director’s approval, at either a large municipal waste combustor, as defined in EPA regulations, or a facility that provides equivalent or superior environment and human health protection to hazardous waste disposal facilities and large municipal waste combustors.

Existing law requires operators of drug Stewardship Plans to report annually on various aspects of their operations, including the disposal facilities used for Covered Drugs, but does not require reporting on the compliance status of disposal facilities used.

Existing law requires that wholesalers selling Covered Drugs in the City provide an updated list of Covered Drugs sold on an annual basis.

Existing law specifies that changes in drug manufacturers participating in a Stewardship Plan is a substantive change requiring prior approval by the Environment Department Director, but does not specify that changes in disposal facilities used is a substantive change requiring such prior approval.

//

Amendments to Current Law

This ordinance would eliminate the requirement that Covered Drugs be disposed of at a permitted hazardous waste disposal facility, as defined in EPA regulations or, with the Director's approval, at either a large municipal waste combustor, as defined in EPA regulations, or a facility that provides equivalent or superior environment and human health protection to hazardous waste disposal facilities and large municipal waste combustors. The ordinance would instead require that Covered Drugs be disposed of at a disposal facility that is in compliance with all local, state, and federal laws that are applicable to that disposal facility, as reflected by the absence of any notice of violation issued by a local, state, or federal agency with jurisdiction over that facility in the preceding 12-month period.

This ordinance would add a requirement that annual reports submitted by operators of Stewardship Plans include the compliance status of disposal facilities used for Covered Drugs.

This ordinance would eliminate the requirement that wholesalers selling Covered Drugs in the City provide an updated list of Covered Drugs sold on an annual basis, and would instead require such updates only in response to a request from the Environment Department Director, within 15 days of such request.

This ordinance would eliminate the provision specifying that a change in drug manufacturers participating in a Stewardship Plan is a substantive change requiring prior approval by the Environment Department Director, and would add a provision specifying that a change in disposal facilities used for Covered Drugs is a substantive change requiring such prior approval.

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Safe Drug Disposal Stewardship Ordinance

Proposed updates to the Safe Drug Disposal Stewardship Ordinance Environment Code, Chapter 22

SAN FRANCISCO

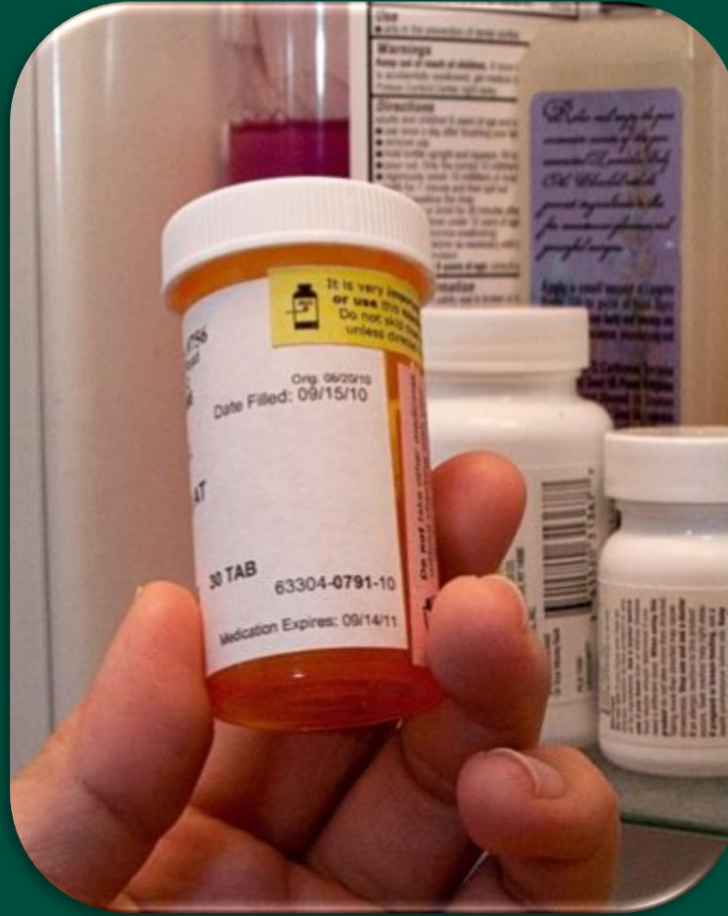
ENVIRONMENT

DEPARTMENT

Environmental Protection



Prescription Drug Misuse



Prevent Accidental Poisonings



Why Safe Medicine Disposal?

Collection & Disposal System



Promotion System



Reporting



Ordinance Requirements

Two Stewardship Program Operators

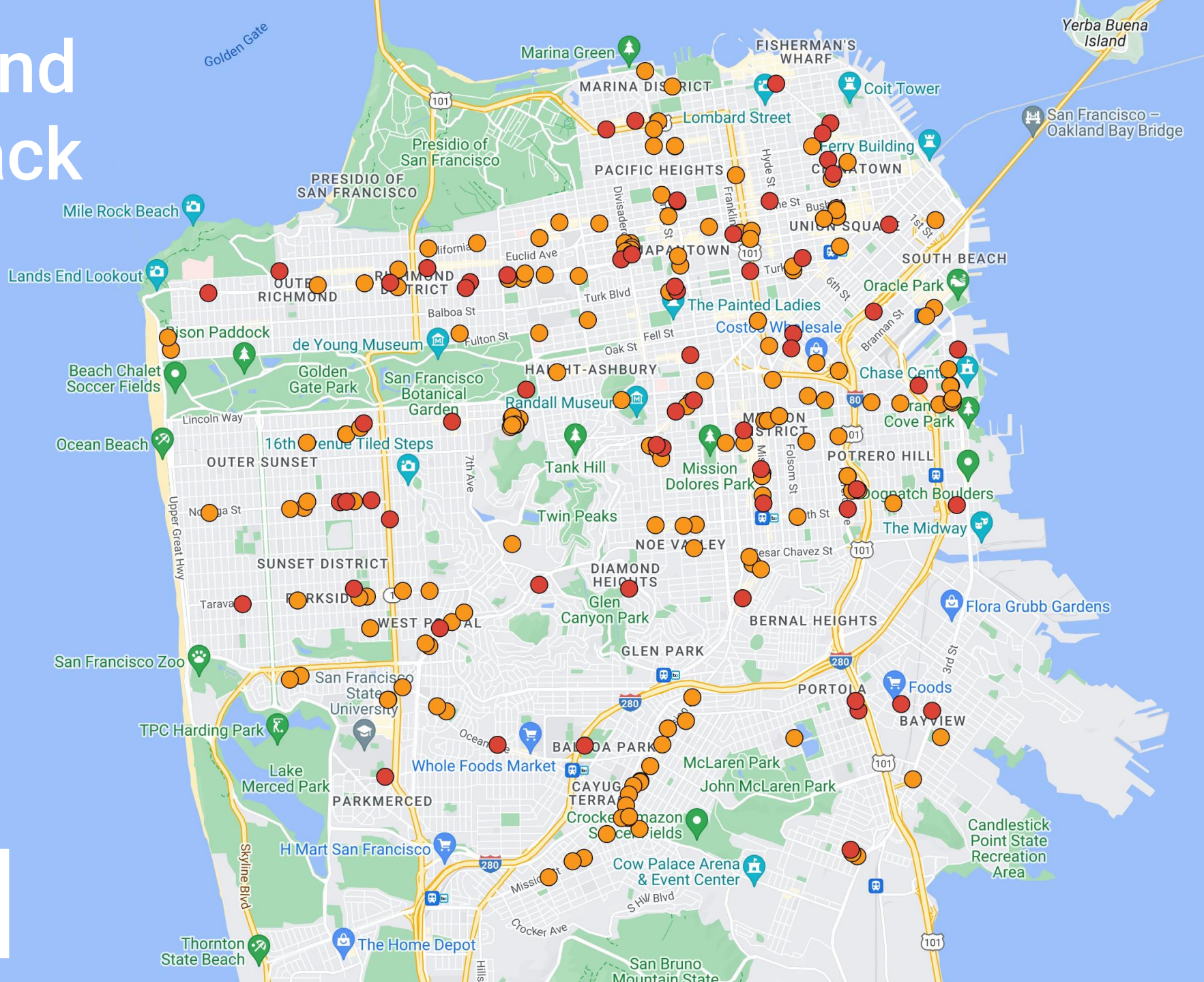


INMAR[®]
intelligence

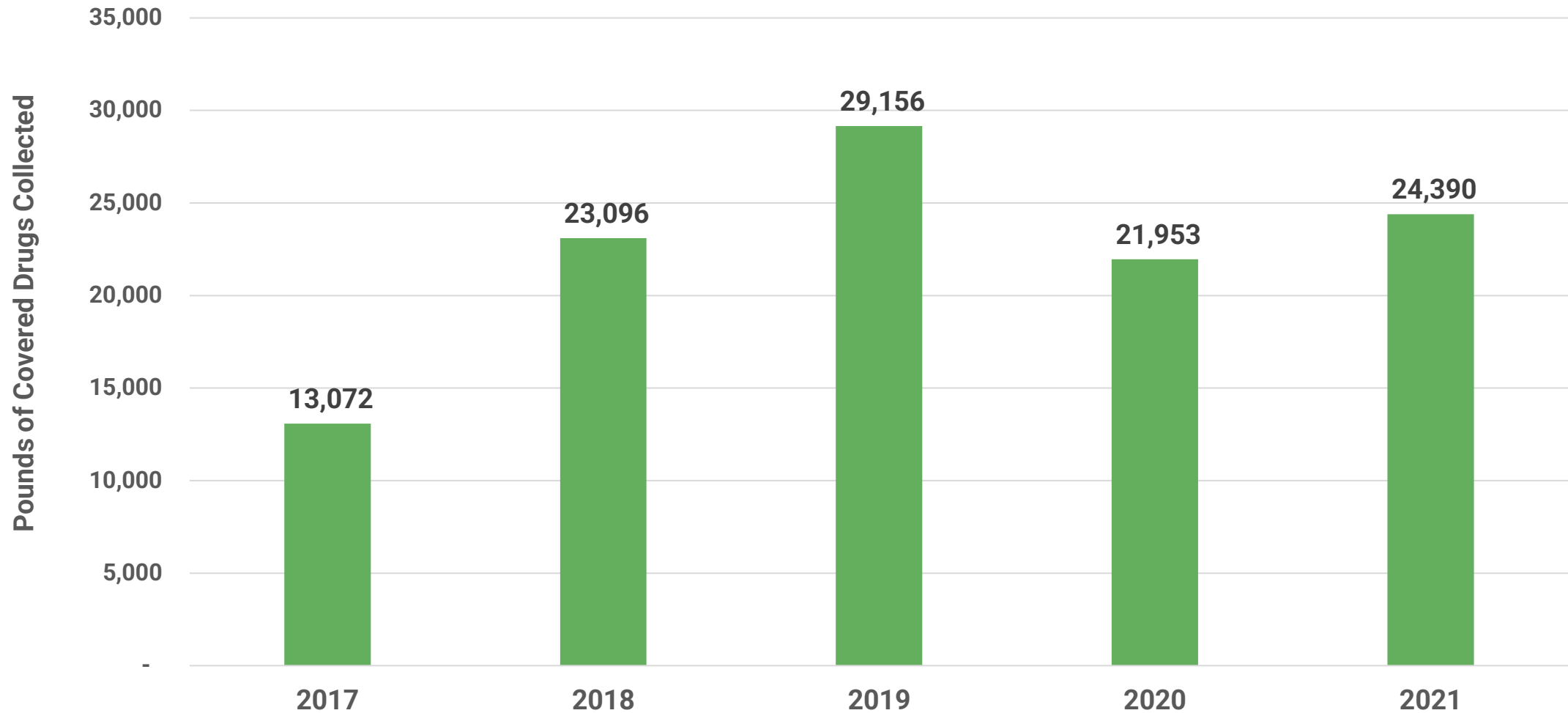
MED-Project[™]

Medication Education & Disposal

Kiosk and Mail-Back Sites



- Drop-Off Kiosk Site
- Mail-Back Site



Total Collection Results (lbs.) – 2017 to 2021

Section 2207: Disposal of Covered Drugs

Proposed Changes

- ***“Covered Drugs collected under a Stewardship Plan must be disposed of at a permitted waste disposal facility operating in compliance with all local, state, and Federal requirements applicable to that waste disposal facility” (§ 2207)***
- **Requires final disposal incinerators to meet all local, state and federal requirements and permit conditions**

Other Changes: Administrative and Reporting

Administrative:

- **Require SFE written approval before changes in disposal facilities can be implemented (§ 2212)**

Reporting:

- **Update Annual Report to require additional disposal facility information (§ 2209)**
- **Revise requirement for Drug Wholesalers to provide SFE a list of Producers whose drugs are sold into San Francisco from annual to upon request (§ 2210)**

Thank you!

Joseph Piasecki
Policy and Public Affairs

Safe Medicine Disposal Team

SafeMeds@sfgov.org

415-355-3705

San Francisco Environment Department

SFEnvironment.org



SAN FRANCISCO
ENVIRONMENT
DEPARTMENT

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: February 21, 2023
To: Planning Department/Commission
From: Erica Major, Clerk of the Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 230156
Environment Code - Safe Drug Disposal

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure
- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan
 - Planning Code, Section 101.1
 - Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

03/02/2023

A handwritten signature in black ink, appearing to be "Erica Major", written over the date.

BOARD of SUPERVISORS



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 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.

BOARD of SUPERVISORS



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San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Tyrone Jue, Interim Director, Department of the Environment

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: February 21, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on February 14, 2023.

File No. 230156

Ordinance amending the Environment Code to eliminate the requirement that certain drugs ("covered drugs") be disposed of at either a permitted hazardous waste disposal facility or permitted large municipal waste combustor, as those terms are defined by Environmental Protection Agency regulations, or at a facility that provides equivalent or superior environment and human health protection to such facilities, and to instead require that covered drugs be disposed of at a waste disposal facility operating in compliance with all local, state, and federal requirements applicable to that waste disposal facility; to require regular reporting of the compliance status of disposal facilities used; to change drug wholesalers' obligation to update the City's list of covered drug producers from an annual update to an update on request of the Environment Department's Director; to remove the requirement that operators of a drug stewardship plan receive prior approval of a change in manufacturers, and instead add a requirement that such operators receive prior approval of a change in disposal facilities used; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: Erica.Major@sfgov.org.

cc: Peter Brastow, Department of the Environment
Charles Sheehan, Department of the Environment

From: [Aldred, Kristin](#)
To: [Major, Erica \(BOS\)](#)
Subject: Comment on 230156, Version 1 - Environment Code - Safe Drug Disposal
Date: Wednesday, March 29, 2023 11:49:39 AM
Attachments: [image001.png](#)
[San Fran pharm incin comment 20230329.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good afternoon Erica,

Stericycle would like to submit the attached comment letter for File #230156, an amendment to the Safe Drug Disposal Ordinance.

Please let me know if you have any questions or if you need additional information to add the comment to the file for consideration.

Thank you very much,
Kristin

Kristin Aldred, PhD (she/her)
Director Government Affairs

M 603.519.1086 | kristin.aldred@stericycle.com

stericycle.com



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virus para así reducir posibles virus. De todas maneras, no garantizamos que los adjuntos estén libres de virus.



We protect what matters.

March 29, 2023

Land Use and Transportation Committee
Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: File No. 230156

Supervisors Melgar, Preston and Peskin:

Stericycle, Inc. (Stericycle) appreciates the opportunity to provide comments on the ordinance amending the Environment Code – Safe Drug Disposal to expand the types of facilities that can treat drugs collected under the program.

Stericycle is a U.S.-based business-to-business services company and a leading provider of compliance-based solutions that protect people and brands, promote health and well-being and safeguard the environment. Among its solutions, Stericycle provides pharmaceutical waste disposal services to healthcare facilities. Stericycle also offers drug disposal options for consumer-generated waste, including MedDrop medication collection kiosks and Seal&Send consumer medication mail back envelopes. In this regard, Stericycle is registered with the U.S. Drug Enforcement Administration as a Reverse Distributor-Collector pursuant to 21 CFR Parts 1301 and 1317.

Stericycle welcomes and supports the Board's proposal to remove the requirement that covered drugs be disposed of at a hazardous waste disposal facility and instead allow the drugs to be treated at waste facilities operating in compliance with applicable regulatory requirements, including Hospital, Medical, and Infectious Waste Incinerators (HMIWI). Stericycle operates a national network of HMIWIs and currently accepts unused or unwanted medications collected from individuals via mail-back programs, take-back events and/or collection receptacles (kiosks) at one of our facilities. HMIWI are subject to stringent emissions standards under Title V of the Clean Air Act and can accept and effectively treat household waste pharmaceuticals, including those collected under drug take back programs throughout the U.S.

We appreciate your consideration of these comments. Please do not hesitate to contact me at (603) 519-1086 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristin Aldred".

Kristin Aldred, PhD
Director Government Affairs
Stericycle, Inc.

From: [Graziotto, Rachael](#)
To: [Major, Erica \(BOS\)](#)
Cc: [Henderson, Scott](#); [Willard, R Scott](#); [McNaughton, Ethan](#)
Subject: File# 230156 V:1 Environment Code- Safe Drug Disposal - Comment
Date: Monday, March 13, 2023 12:33:40 PM
Attachments: [image001.png](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Erica,

Covanta would like to contribute the following comment to the revision to file number: 230156.

“Covanta receives and processes post-consumer pharmaceutical collections from across California and the country. This amended regulation will provide more options for where this material will be properly destroyed. By allowing PROs the freedom to use alternative ultimate destruction such as a Municipal Solid Waste Combustor, it enables consistent, timely destruction via a wider array of assets across the United States.”

Please advise if you need further information in order to have this comment included and considered with the ordinance.

Thank you kindly,

Rachael Graziotto

COVANTA

Email: rgraziotto@covanta.com
<http://covantaes.com>

Our mission is to ensure no waste is ever wasted.

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