

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.

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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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