



SAN FRANCISCO PUBLIC UTILITIES COMMISSION

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August 20, 2010

Mr. Burke Lucy
CalRecycle

Emailed to: PharmaSharps@CalRecycle.ca.gov

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RE: San Francisco Public Utilities Commission Comments on "Evaluation of Home-Generate Pharmaceutical Programs in California: CalRecycle Background Paper for July 20, 2010 Workshop"

Dear Mr. Lucy:

The San Francisco Public Utilities Commission (SFPUC) has reviewed the background paper Evaluation of Home-Generate Pharmaceutical Programs in California ("Background Paper"), prepared by CalRecycle pursuant to SB 966, and is respectfully submitting this comment letter for consideration. While the SFPUC appreciates the effort made by CalRecycle to prepare this Background Paper on options for proper management of home-generated pharmaceutical waste, we do not find that the paper accurately represents our experience with the issue, nor does it adequately identify a clear recommendation for action by the State. Specifically, the SFPUC has the following comments:

1) Results of Ranking of Program Types (Section II.3: Program Evaluations for Safety, Accessibility, Cost Effectiveness and Efficacy, pp. 10-23)

The City questions the accuracy of the Program Evaluation process presented in the Background Paper. The evaluation process resulted in an average ranking of the five main program options and concluded that Continuous Collection by Law Enforcement was best overall in satisfying the four evaluation factors (Safety, Accessibility, Cost Effectiveness and Efficacy). The ranking of this program as the second-most cost effective, based on the survey responses received, suggests that the surveys and ranking process did not take into account certain factors – namely the true costs to law enforcement and the public of having police officers diverted from high-priority, public safety-related work.

A related issue is the fact that the Controlled Substances Act is a significant regulatory barrier for all of the other program types, because the Act requires that a sworn law enforcement officer be on site if controlled substances are being collected. While the Background Paper mentions this, the evaluation and ranking process is inherently biased toward the Continuous Collection by Law Enforcement program option because it assumes that the Act has not been modified to remove this barrier. Discussions and efforts are currently underway which may result in this Act being modified by the U.S Drug Enforcement Administration or the U.S. Congress. If the Act were modified to remove this barrier to collection of unwanted controlled substances, the program ranking

results would most likely be significantly altered from those currently presented in the Background Paper.

2) No Clear Guidance Provided for Further State Action

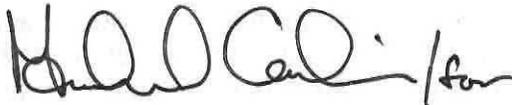
The Background Paper concludes that "CalRecycle has no clear choice or recommendation for program type to implement statewide" (p. 24) and Section V (Potential Options for Further State Action (pp. 33-39) presents four options for possible consideration by the State. Also, in Parting Comments (p. 39), the report states that some options could be combined and that multiple collection options could co-exist. The City does agree that multiple collection options could coexist in a municipality, depending on factors such as budgets, resources, and local needs.

There is, however, one option -- Option 3: Implement Product Stewardship -- which could be implemented statewide and which would most directly address the challenges and barriers identified by the surveying done by CalRecycle of current programs. Also Product Stewardship: a) "appropriately places the primary responsibility for pharmaceuticals management with the pharmaceutical manufacturer and the consumers who use them" (p. 36); b) requires less government funding and resources; and c) allows "producers or manufacturers the flexibility to design and implement their own programs" (p. 36). As the Background Report states: "Product stewardship programs are working successfully in the United States, Canada, Europe, and elsewhere for products ranging from computers to paint to pharmaceuticals" (p. 36).

The SFPUC strongly encourages CalRecycle to consider these comments and to revise the Background Paper. Specifically, the program evaluation process does not result in accurate rankings and the Background Paper should recommend that the State pursue implementation of Product Stewardship legislation for pharmaceutical waste.

Thank you for the opportunity to comment on the Background Paper.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Harrington" with a stylized flourish at the end.

Ed Harrington
General Manager