November 5, 2020

San Francisco Department of the Environment
1455 Market Street, Suite 1200
San Francisco, CA 94103
Email: safemeds@sfgov.org

Re: PPSWG Comments on Inmar Intelligence’s October 13, 2020 Proposed Safe Drug Disposal Stewardship Plan

San Francisco Department of the Environment:

The Pharmaceutical Product Stewardship Work Group (“PPSWG”) is a membership association with over four hundred members and affiliated companies that produce a broad spectrum of pharmaceutical products. PPSWG submits these comments to the San Francisco Department of the Environment (the “Department”) on the proposed Safe Drug Disposal Stewardship Plan, dated October 13, 2020, submitted by Inmar Intelligence (the “October 13, 2020 Proposed Stewardship Plan”). Thank you for considering these comments on the October 13, 2020 Proposed Stewardship Plan.

PPSWG strongly believes that “Stewardship Plans” (as defined under San Francisco Safe Drug Disposal Stewardship Ordinance (“Ordinance”) § 2202) must be treated equitably, with the Department applying the same standards and interpretations to each plan. See, e.g., Ordinance § 2204 (“Each Stewardship Plan, which must be submitted and reviewed according to Section 2211, shall include . . ..”). Furthermore, PPSWG supports MED-Project LLC’s (“MED-Project’s”) comments on the October 13, 2020 Proposed Stewardship Plan.

In particular, PPSWG supports MED-Project’s position that San Francisco cannot approve a plan that does not meet all statutory and regulatory requirements. With regard to the critical issue of satisfying the Ordinance’s convenience standard, the October 13, 2020 Proposed Plan contains an unacceptably minimal amount of content—it identifies only eight (8) kiosk sites that have agreed to be host sites, does not identify any secure Standard Mail-Back Envelope Distribution Sites that have agreed to participate, and does not propose servicing underserved areas through periodic take-back/collection events. Such a plan would, when compared to MED-Project’s program, provide far lower levels of service to San Francisco residents. Any approval of such a plan would violate the intent of the Ordinance: that plan operators must independently meet all requirements of the Ordinance. Such approval would also be arbitrary and capricious, because it would allow some Producers to save money by participating in a less robust plan, while relying on other, equally situated Producers to bear the increased costs of a more robust plan that provides the vast bulk of the product stewardship services to the residents of San Francisco. A corollary effect would be to incentivize Producers to switch to the less robust plan, thereby reducing the level of product stewardship services provided to San Francisco residents.
PPSWG appreciates the Department considering these comments on the October 13, 2020 Proposed Stewardship Plan.

Respectfully submitted,

Anne Vogel-Marr
Executive Director