

February 3, 2022

**SENT VIA ELECTRONIC MAIL**

Safe Medicine Disposal Stewardship Ordinance  
San Francisco Environment Department  
1155 Market Street, 3rd Floor  
San Francisco, CA 94103  
[SafeMeds@sfgov.org](mailto:SafeMeds@sfgov.org)

**Re: Pharmaceutical Product Stewardship Work Group Comments on Inmar  
Intelligence Safe Drug Disposal Stewardship Plan Proposal, dated November 23,  
2022**

San Francisco Environment Department:

The Pharmaceutical Product Stewardship Work Group (“PPSWG”) is a membership association with over seven hundred members and affiliated companies that produce a broad spectrum of pharmaceutical products. PPSWG submits these comments to the San Francisco Environment Department (the “Department”) on the City and County of San Francisco Department of the Environment Safe Drug Disposal Stewardship Plan Proposal, dated November 23, 2022 (the “Proposed Inmar Plan”), that was recently submitted by Inmar Intelligence (“Inmar”). PPSWG also supports the comments MED-Project LLC (“MED-Project”) submitted on the Proposed Inmar Plan.

**1. The Department Should Apply the Same Legal Standards to All Stewardship Plans**

PPSWG strongly believes that stewardship plans submitted under the San Francisco Safe Drug Disposal Stewardship Ordinance (the “Ordinance”) and its implementing regulation, #SFE-16-01-SDDSO (the “Regulation”) must be treated equitably, with the Department applying the same standards and interpretations to each stewardship plan. Consistent with the Ordinance and Regulation, the Department should not approve a proposed stewardship plan, like the Proposed Inmar Plan, that does not satisfy Ordinance requirements and provides a level of services far below the approved MED-Project Product Stewardship Plan for Unwanted Medicine from Households dated November 1, 2018. Such approval would be unreasonable and arbitrary and capricious, and would deprive San Francisco residents of services they are owed by Inmar under the Ordinance.

Approval of the Proposed Inmar Plan would also be inequitable for MED-Project and MED-Project’s participating “Producers” (as defined in Ordinance § 2202). If the Department does not require all stewardship programs to provide a comparable level of comprehensive and compliant services to San Francisco residents, Producers are likely to seek cost savings by joining a less comprehensive stewardship plan. Over time, this will create a “race to the bottom” among stewardship plans, reducing the level of product stewardship services available to San Francisco residents. If the Department approves the Proposed Inmar Plan in its current or a similar form, it

must be willing to quickly take the necessary steps to remedy the inequities between the approved stewardship plans.

## **2. The Proposed Inmar Plan Does Not Meet the Ordinance’s Service Convenience Goal**

To be approved, stewardship plans must describe their proposed systems to provide collection services in compliance with Ordinance requirements. *See* Ordinance § 2204(b). The Ordinance provides that each stewardship plan’s collection system must:

Provide reasonably convenient and equitable access for all City residents in all Supervisorial Districts. The system of drop-off sites shall provide at least five drop-off sites in every Supervisorial District, geographically distributed to provide reasonably convenient and equitable access. If the service convenience goal in this subsection [] cannot be achieved due to a lack of drop-off sites... then those areas shall be served through periodic collection events and/or mail back services.

Ordinance Section 2205(b)(1).

The Proposed Inmar Plan fails to satisfy this core stewardship plan requirement. Even though the Department approved Inmar’s 2020 stewardship plan over two years ago, the Proposed Inmar Plan lists only one location that has “agreed to become” an Authorized Collection Site: CBHS Pharmacy Services, which was provided to Inmar from MED-Project’s existing drop-off site network upon launch of the Inmar stewardship program. *See* Proposed Inmar Plan Appendix A; *see also* Proposed Inmar Plan § V.A. It goes without saying that a stewardship plan providing one drop-off site does not satisfy the Ordinance requirement to provide at least five drop-off sites in every Supervisorial District.

Not only is this track record concerning, the Proposed Inmar Plan does not inspire confidence it will achieve the service convenience goal in the future. While Inmar “maintains the goal of establishing at least five Authorized Collection Sites in each Supervisorial District,” there is little within the Proposed Inmar Plan outlining how Inmar intends to reach that goal beyond “continu[ing] to have discussions with its existing ... client network seeking pharmacies interested in becoming Authorized Collectors.” *See* Proposed Inmar Plan § V.A; *see also* Proposed Inmar Plan at 41. This language, which does not commit Inmar to securing the necessary additional drop-off sites, at least in the short term, is nearly identical to that used in Inmar’s Approved 2020 Plan. *See* Inmar Intelligence City and County of San Francisco Department of the Environment Safe Drug Disposal Stewardship Plan (Oct. 13, 2020) at § V.a (“Inmar *will* establish a minimum of five Authorized Collection Sites in every Supervisorial District . . . . Inmar is actively in discussions with its existing . . . client network seeking pharmacies interested in becoming Authorized Collectors.”) (emphasis added). Indeed, the Proposed Inmar Plan lists only six potential authorized collection sites and fails to commit to future notification of the opportunity to participate as a drop-off site for any nonparticipating or new retail pharmacies in San Francisco as required under Ordinance § 2203(e)(2). *See* Proposed Inmar Plan Appendix B. As such, it is unclear how the Department could reasonably conclude that the Proposed Inmar Plan will provide for the dramatic improvement in drop-off site participation necessary to meet the service convenience goal and provide San Francisco residents the number of drop-off sites they should receive under the Ordinance.

Of course, PPSWG acknowledges that the Ordinance does not require stewardship plans to provide at least five drop-off sites in every Supervisorial District if this “cannot be achieved due to a lack of drop-off sites . . . .” *See* Ordinance Section 2205(b)(1). However, the Proposed Inmar Plan does not demonstrate any lack of drop-off sites that would relieve it from the drop-off site service convenience goal. Quite the opposite, in fact: the Proposed Inmar Plan’s list of mail-back locations suggests there are numerous medical centers, pharmacies, or other locations that may be eligible drop-off sites. *See* Proposed Inmar Plan, Appendix C. Accordingly, consistent with Ordinance requirements, which express a clear preference for drop-off sites over mail-back services, the Department should require the Proposed Inmar Plan to describe how Inmar will comply with the drop-off site service convenience goal. For the reasons described above, the Proposed Inmar Plan falls well short of this requirement.

### **3. The Proposed Inmar Plan’s Outreach Program Provides Ambiguous Commitments for Traditional Media**

The Proposed Inmar Plan fails throughout the Outreach Program and Design section to clearly commit to sufficient outreach and education. Specifically, the Proposed Inmar Plan is unclear regarding its commitments to perform additional traditional media outreach, such as mailers or radio advertisements. Inmar’s language throughout the Outreach Program and Design section is often non-committal about its use of traditional media outreach, for example indicating that it “plans to” or “aims” to provide direct mailing. Proposed Inmar Plan § VI.E. This qualified language is in contrast to its firmer commitments regarding “Programmatic Media” and “Influencer Marketing.” Furthermore, the Proposed Inmar Plan is not clear if these traditional media will be used if the 50% target audience awareness is reached. *See* Inmar Proposed Plan § VI.E (“Below are details broken out by medium that cover recommended placements to reach the required 50% target audience awareness.”). This language, coupled with Inmar’s focus and firmer commitments regarding “Programmatic Media” and “Influencer Marketing,” is concerning and raises questions about whether Inmar will use traditional media if 50% of the target audience awareness is reached.

### **4. The Department Should Apply Reach and Frequency Requirements Equally to All Stewardship Programs**

PPSWG understands it is often difficult to derive reach calculations from social influencer promotions given challenges identifying where followers are located and potential audience overlap across influencer channels. However, consistent with the Regulation, the Department must impose these reach and frequency requirements on all stewardship plans equally. If the Department waives or otherwise lowers its expectation for one stewardship plan to satisfy these requirements, it should provide all plan operators that same flexibility.

### **5. The Proposed Inmar Plan Does Not Provide Required Language Services**

The Ordinance requires that “[a]ll surveys, outreach, education, promotion, websites, and toll-free phone numbers required by this Section 2206 shall be in English, Spanish, Chinese, Russian, and Tagalog.” Ordinance § 2206(b). The Proposed Inmar Plan does not meet this requirement because it fails to commit to ensuring outreach done via Influencer Marketing is in all languages required by the Ordinance. *See* Inmar Proposed Plan § VI.F (“Inmar can recruit Spanish and Chinese speaking influencers . . . .”). Additionally, while the Proposed Inmar Plan notes that brochures are available in the Ordinance’s required languages, it only provides an example brochure in English. *See* Proposed Inmar Plan Appendix D.

## **6. The Proposed Inmar Plan Does Not Satisfy Established Department Reporting Requirements**

The Department's November 25, 2020 Notice of Determination ("NOD") approving Inmar's 2020 stewardship plan established a number of reporting requirements that do not appear to be addressed in the Proposed Inmar Plan. These requirements include to provide:

- quarterly reports to the Department summarizing help desk requests by type by drop off-sites in the previous quarter, including the number of each type, the average length of time and the range in length of time to close the requests;
- in the annual report, numerical results of the stewardship plan's stated goals;
- the Department with an outline of the training provided to drop-off site hosts by Inmar;
- quarterly reports to the Department of the number of drop-off site hosts using each of the different pick-up and disposal options offered; and
- copies of trifold brochures promoting safe storage and return of medicine to facilities listed by SFE.

The Department should ensure these requirements are addressed in the Proposed Inmar Plan.

\*\*\*\*\*

Thank you for considering PPSWG's comments on the Proposed Inmar Plan.

Respectfully submitted,



Anne Vogel-Marr  
Executive Director