

San Francisco Department of the Environment Regulation #SFE-16-01-SDDSO
Proposed Regulations Implementing the Safe Drug Disposal Stewardship Ordinance
(Ordinance No. 31-15)

Regulation Effective Date: Upon Director's Signature

A. Authorization.

The Safe Drug Disposal Stewardship Ordinance (Ordinance) was signed by Mayor Lee on March 26, 2015 and became effective on April 25, 2016. The Ordinance requires any person who produces a covered drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources, as codified in the Municipal Code: Environment Code Chapter 22, Division I, Sections 2200 through 2219.

The Director of the Department of the Environment promulgates these regulations pursuant to her authority to adopt rules necessary to implement and administer Division I of Chapter 22 under Section 2214(a).

B. Scope.

These regulations apply to any producer participating in a Stewardship Plan, as defined in Chapter 22, or the operator of a Plan acting on behalf of the producer, which has been approved by the Director of the Department of the Environment as required in Section 2211 of the Ordinance. These regulations detail the minimum requirements for the design, effectiveness, and coordination of the outreach activities specified in Section 2206 of the Ordinance in order to promote an approved Stewardship Plan to San Francisco residents.

These regulations do not duplicate the Ordinance and must be read together with the Ordinance.

C. Definitions:

“Combined target reach percent” means the percentage of the target audience who are exposed to at least one outreach message across all media used.

“Frequency” means the number of times a member of the target audience has an opportunity to be exposed to an outreach activity within a specified time period.

“3+ Frequency” indicates the amount of reach obtained among audiences exposed to three or more advertising messages.

“Medium (plural, media)” means a communication vehicle that may or may not contain advertising, such as the internet, radio, magazines, mail, newspapers, out of home media, television, telephone directories, etc.

"Outreach Program" means a series of activities undertaken to meet the requirements of Section 2206, Stewardship Plans – Promotion, of the Ordinance, including but not limited to commercials or advertisements, grass roots marketing, and community based social marketing.

“Proof of Performance” means documentation verifying that outreach described within the approved Outreach Program did in fact run. Examples of proof of performance include a photograph of a billboard, a copy of a published newspaper advertisement, reports of Internet usage, or other appropriate documentation.

“Plan Operator” means the entity designated by participating producers to operate the activities described in an approved Stewardship Plan.

"Rating" means the percentage of a given population group consuming a medium at a particular moment. A Rating can apply to a specific demographic group or a specific geographic area. The accumulation of multiple ratings results in target rating points, which in turn leads to calculations of reach and frequency.

“Reach” refers to the number or percentage of a population group exposed to the Outreach Program within a given period of time.

"Refuse" has the meaning set forth in the Refuse Collection and Disposal Ordinance adopted November 8, 1932, as amended, and includes recyclables, compostables, and trash.

“Target audience” means persons who are 18 years old or older and live in San Francisco.

“Target Rating Points” means the sum of all ratings delivered by any given medium or list of media vehicles.

D. Requirements

1.0 **Outreach Program Design.** Each Plan Operator shall utilize the following design parameters in meeting the requirements of Section 2206 of the Ordinance.

1.1 All written outreach materials, including bin signage, shall be available in English, Spanish, Chinese, Russian, and Filipino, and shall be designed to be readily understandable by all residents, including individuals with limited literacy.

1.2 The messages used in outreach activities shall be designed and implemented to achieve the following goals:

- 1.2.1 Promote safe storage of all drugs, wanted or unwanted, by residents in their home;
- 1.2.2 Discourage stockpiling and storage in the home of Unwanted Covered Drugs, as defined in Chapter 22;
- 1.2.3 Describe where and how to return Unwanted Covered Drugs under the approved Stewardship Plan;
- 1.2.4 Discourage the disposal of Unwanted Covered Drugs in any refuse collection container, including a collection cart, receptacle, bin, or debris box.
- 1.2.5 Discourage the disposal of Unwanted Covered Drugs through an indoor plumbing or on-site septic system.
- 1.2.6 Identify all locations and collection events in San Francisco which are authorized by the Federal Drug Enforcement Administration and at which Unwanted Covered Drugs can be disposed, whether operated by an approved Stewardship Plan or not.

1.3 Outreach activities shall, when considered together, achieve a combined target reach percent of 75% at a 3+ frequency for the duration of one month, at least three times per year over the first 12 months of Plan operation and a combined target reach percent of 50% at a 2+ frequency for the duration of one month, at least three times per year for following years.

1.4 For every fifth year of program operation, outreach activities shall achieve a combined target reach percent of 75% at a 3+ frequency for the duration of one month, at least three times per year for that year.

1.5 The reach and frequency requirements in Sections 1.3 and 1.4 of these regulations must be achieved within the City and County of San Francisco, however, outreach activities may utilize media that runs outside of the City boundaries.

2.0 Outreach Program Reporting. Each Plan Operator shall include the following information on outreach activities in the Annual Report, as required in Section 2209(a)(9) of the Ordinance:

2.1 A discussion of whether and how the outreach activities undertaken during the reporting year achieved the reach and frequency requirements in Sections 1.3 and 1.4 of these regulations.

2.2 The identity of all media used to promote the collection program in the reporting year.

2.3 Target Rating Points by medium as a demonstration that the outreach activities undertaken during the reporting period were sufficient to meet the combined target reach percent and frequency requirements in Sections 1.3 and 1.4 of these regulations.

2.4 Proof of Performance for each medium utilized in the outreach activities undertaken during the reporting year.

2.4 A discussion of outreach effectiveness as described in Section 3.0 of these regulations and a description of additional future outreach activities required by Section 3.5, if any.

3.0 Outreach Effectiveness. The effectiveness of outreach activities shall be measured by target audience awareness of the collection program as demonstrated by the biennial survey of City residents required in Section 2206(a)(4) of the Ordinance.

3.1 Within one year of the first approval of any Stewardship Plan, the Director or her/his designee, shall convene a meeting of operators of all Stewardship Plans approved as of that date to discuss coordination of the biennial survey of City residents.

3.2 The initial residential biennial survey shall include all questions utilized in any baseline survey completed prior to or within the first six months of operation of any Stewardship Plan, unless any individual question is waived by the Director.

3.3 Final draft survey questions and methodology shall be submitted to the Director for review and comment at least 30 days prior to the initiation of the survey.

3.4 The initial biennial survey shall be completed within four months of the completion of the first year of collection program operation.

3.5 If the results of any biennial survey show that less than 50% of the target audience are aware of the collection program, future outreach activities must be undertaken to increase reach, frequency, and duration until awareness of at least 50% is achieved, as demonstrated in subsequent biennial residential surveys.

4.0 Outreach Coordination. All Plan Operators shall utilize a single system of outreach and promotion as described in Section 2206 of the Ordinance and these regulations.

4.1 In the event that multiple Stewardship Plans are submitted, and within 15 days of the first approval of any Stewardship Plan, the Director or her/his designee, shall convene a meeting of the Plan Operators of all Stewardship Plans proposed as of that date. The purpose of the meeting shall be to review the similarities and differences among each Stewardship Plan's promotional elements and to develop the Outreach Program required in Section 1.0 of these regulations.

4.2 In the event that agreement cannot be achieved within 60 days of the first approval of a Stewardship Plan, the Director or her/his designee shall develop a final Outreach Program Design and single system of promotion which meets the requirements of Section 2206 of the Ordinance and these regulations.

4.3 All costs of implementing the single system of promotion required in Section 2206 of the Ordinance including, but not limited to, the design and implementation of the Outreach Program and its administration, shall be divided among all plan operators of approved Stewardship Plans, according to a formula which shall be included in the Annual Report required of all operators of an approved Stewardship Plan in Section 2209 of the Ordinance.

4.4 The single system of promotion shall be coordinated with the requirements of Chapter 22, Division II of the Environment Code, entitled "Safe Drug Disposal Information Ordinance.

The Director of the Department of the Environment hereby adopts these regulations as of the date specified below.

Deborah O. Raphael
Director Department of the Environment

Approved:
Date: