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Drug Manufacturers Responsible for Waste Management

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Pharmaceutical manufacturers in San Francisco are now required to dispose of unused post-consumer medicine as the city and county of San Francisco becomes the third municipality in the US to introduce extended producer responsibility (EPR) legislation for pharmaceuticals.

Alameda County, California (2012) and King County, Washington (2013) are the other two.

San Francisco's pharmaceutical waste law comes just weeks after a panel of federal judges from the Ninth Circuit Court of Appeals rejected the pharmaceutical industry's appeal of a district judge's ruling in 2013 that upheld Alameda County's EPR ordinance. The pharmaceutical industry originally sued Alameda County in December 2012 after county leaders voted to enact a drug take-back law requiring manufacturers to fund and manage the secure collection and disposal of unused medicine.

Although San Francisco was the first local government in the nation to introduce a drug take-back ordinance in 2010, municipal leaders put consideration of the legislation on hold when PhRMA and Genentech agreed to provide grant funds to partially fund a voluntary, temporary, county-wide pilot program. The new EPR legislation — dubbed the San Francisco Safe Drug Disposal Stewardship Ordinance — is intended to create a permanent solution for both prescription and over-the-counter medication.

The ordinance requires any pharmaceuticals manufacturer that sells and distributes drugs in San Francisco to:

- Participate in a product stewardship program that collects, handles and disposes of unwanted drugs.
- Pay all administrative and operational costs and fees associated with their stewardship plan.
- Adequately promote their stewardship plan and outreach to stakeholders, including residents, pharmacists and retailers.

Dispose of all drugs collected through the stewardship program at a permitted hazardous waste disposal facility as defined by the EPA, unless an alternate facility is approved.

The Product Stewardship Institute has been advocating for EPR for pharmaceuticals at the state and local level since 2007.



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