



NOTICE OF DETERMINATION

San Mateo County Ordinance No. 04736, Safe Medicine Disposal Ordinance

Date: July 11, 2023

Plan Operator: Inmar Intelligence
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Determination:

After reviewing Inmar Intelligence's ("Inmar") "San Mateo County Environmental Health Division, Safe Drug Disposal, Stewardship Plan" submitted on January 19, 2023 ("Revised Plan") and pursuant to County Ordinance No. 04736 for Safe Medicine Disposal ("Ordinance"), the Director of San Mateo County Environmental Health Division ("Department") maintains the status as approved, subject to conditions.

Background:

On October 21, 2022, the Division issued a Notice of Determination letter and approved Inmar's Plan submitted on September 09, 2022, subject to thirteen conditions.

On November 10, 2022, Inmar Intelligence provided a letter to the Division committing to revise and resubmit the Plan to meet all conditions. On January 19, 2023, Inmar resubmitted a revised Plan for the Division's review.

On May 31, 2023, the Director of the Division issued the "Guidance for the Implementation of a Single System of Promotion and Program Goals" ("Guidance Document") as authorized in sections 4.116.060(c) and 4.116.140 (b) of the Ordinance.



Analysis:

The Revised Plan was evaluated to determine compliance with the conditions listed in the Notice of Determination (October 21, 2022) and the guidance provided by the Division.

Condition #1: Inmar must revise the language in Section I of the Plan and delete the reference to Ordinance No. 4302.

Result: Condition #1 met.

The Revised Plan references the correct Ordinance number.

Condition #2:

Inmar must revise the language and confirm that Section 4.116.030 (e)(6) and 4.116.050 (b)(1) of the Ordinance will be executed.

Result: Condition #2 met.

Section X of the Revised Plan references that "Retail Pharmacies are not expected to incur any costs for participation."

Condition #3:

Inmar must revise the Plan to include the following:

- a) A description of how any periodic collection events will be scheduled and located,
- b) A description of procedures to contact retail pharmacies and LEAs to offer the opportunity to participate as collectors,
- c) A list of retail pharmacies and LEAs contacted by the Plan and a list of all collectors who offered to participate.

Result: Condition #3 met.

Section IV. D of the Revised Plan describes collection events' location and schedule. "Appendix B-3: Potential Drop-off Sites Contacted by Inmar" includes the method to contact the potential sites by "phone." The Revised Plan includes the list of potential drop-off and mail-back distribution sites contacted by Inmar in Appendix B-3 and B-4, respectively.

Condition #4:

Inmar must revise the Plan to include the following:

- a) The correct DEA registration number of 123 Compliant Logistics, LLC., and the spelling of Veolia Port Arthur,
- b) Copies of the DEA registration certificate for Indianapolis Resource Recovery Facility and Covanta Manheim.

Result: Condition #4 met.

Section V of the Revised Plan includes the correct DEA registration number of 123 Compliant Logistics, LLC. Appendix F contains copies of the DEA registrations for the Indianapolis Resource Recovery Facility and Covanta Manheim.

Condition #5:

Inmar must revise the Plan to include the following:

- a) A description of the role of the Indianapolis Resource Recovery Facility and Covanta Manheim,
- b) A statement that all collectors, transporters, and waste disposal facilities will operate under and comply with all applicable federal and state laws, rules, and guidelines,
- c) Procedures in case of emergencies,
- d) Procedures to resolve maintenance requests within three business days,

- e) Inmar will track requests received through the public or drop-off sites, indicating the nature of the request and the response resolution time. These records will be included in the Annual Report as part of the records of safety and security problems and outreach activities.

Result: Condition #5 met.

Section V. of the Revised Plan includes all information required in Condition #5.

Condition #6:

Inmar must revise the Plan to include the following:

- a) Provide the source of the "County of San Mateo 2017-2019 Profile from the City Manager's Office",
- b) Describe the efforts to contact and enroll collectors before the County considers any proposed drop-off sites or collection events for approval,
- c) Inmar will not approach sites already serviced by MED-Project until they meet their minimum convenience goals,
- d) Inmar will prioritize drop-off sites in areas not served by Med-Project.
- e) Delete the statement, "The quantity of drop-off sites required will be evaluated and adjusted as Inmar consults with the Department for more detailed information on population centers and areas of need."

Result: Condition #6 met.

Section IV. A of the Revised Plan includes all information required in Condition #6.

Condition #7:

Inmar must revise the Plan to describe how the stewardship plans will jointly operate a drop-off site at the County-owned pharmacy.

Result: Condition #7 met.

Section IV. G of the Revised Plan includes all information required in Condition #7.

Condition #8:

Inmar must revise the Plan to include the following:

- a) Inmar will not approach sites already serviced by MED-Project until they meet their minimum convenience goals.
- b) All Covered Drugs will be accepted at drop-off sites operated by more than one Stewardship Plan.

Result: Condition #8 met.

Section IV. A of the Revised Plan includes all information required in Condition #8.

Condition #9:

Inmar must revise the Plan to include the following:

- a) Provide details on the elements of the proposed promotion system, including but not limited to the type of media (i.e., radio, email, social media, community events, etc.), audience, or promotion frequency) for each type of promotion element,
- a) Eliminate the proposed timeframe for compliance with the requirements of this section.

Result: Condition #9 not met.

Section VII. E of the Revised Plan includes Inmar's approach to outreach, which includes signage, social media content kits, press release templates, and scripts for pharmacy staff. This approach fails to provide equitable access to promotional information since it does not include a variety of outreach tactics to target different demographics.

Inmar's Plan must follow Section IV. 1 of the Guidance Document to outline its public outreach.

Condition #10:

Inmar must revise the Plan to describe that they will coordinate with MED-Project to either adopt the current instructions and design of the collection bins or to develop a new single promotion system.

Result: Condition #10 not met.

The Ordinance requires Stewardship Plans to work with Collectors participating in Stewardship Plans to develop clear, standardized instructions for County residents on the use of collection bins and a readily recognizable, consistent design of the collection bins.

Although section VII. A of the Revised Plan states that "As required in the Ordinance 04736 Section 4.116.060(a)(2), Inmar will coordinate with the existing approved Program Operator to develop a single system of promotion to include standardized instructions for County Residents" it fails to acknowledge the requirement that the collection bins need to have a readily recognizable and consistent design. Moreover, it was discovered that a drop-off kiosk at 1071 El Camino Real, Redwood City, CA 94063, needs to follow a consistent design with the kiosks from the other operators.

Condition #11:

Inmar must revise the Plan to include the following:

- a) Correct MED-Project's website,
- b) The single toll-free telephone number and a single website to be used to meet the requirements of Section 4.116.060(a)(3) of the Ordinance,
- c) Educational material will be provided to pharmacies, health care facilities, veterinary facilities, and other interested parties annually and upon request. Inmar must document each stakeholder provided educational material and include this information in their annual report,
- d) Eliminate the proposed timeframe for compliance with the requirements of this section.

Result: Condition #11 not met.

The Revised Plan doesn't include procedures on how the Inmar will promote the Stewardship Plan to offer pharmacists, retailers of covered drugs, and healthcare practitioners, including doctors and other prescribers, veterinarians, and veterinary hospitals.

Inmar's Plan must follow Section IV. 2 of the Guidance Document to implement this requirement of the Ordinance.

Condition #12:

Inmar must revise the Plan to include the following:

- a) Copy of the EPA Part B permits for all incinerator facilities,
- b) Copy of the TSDF Permit for Clean Harbors Aragonite.

Result: Condition #12 met.

Appendix F of the Revised Plan includes all information required in Condition #12.

Condition #13:

Inmar must revise the Plan to include language on how changes to their Plan upon approval will comply with Section 4.116.120 of the Ordinance

Result: Condition #13 met.

Appendix F of the Revised Plan includes all information required in Condition #12.

Summary of Analysis:

Inmar has failed to revise its Stewardship Plan to add all conditions listed on the Notice of Determination. Conditions #9, #10, and #11 were not met.

In addition to the conditions listed above, section VIII's short and long-term goals need to align with the language in section III of the Guidance Document, published after the Revised Plan was submitted to the Division.

The conditional approval of the Plan is contingent upon Inmar providing a letter within ten calendar days of the issuance of this Notice committing to revise and resubmit the Plan to meet conditions #9, #10, and #11 of the October 21, 2022, Notice of Determination, and to include guidance provided by the Director in the Guidance for the Implementation of a Single System of Promotion and Program Goals published on May 31, 2023.

The revised Stewardship Plan must be submitted to the Department within 90 days of the issuance of this Notice.

Failure to comply with all conditions may result in the Department's rejection of the Plan and the Producers represented by Inmar Intelligence being out of compliance with the Ordinance and subject to the Ordinance's enforcement provisions.

If you have any questions, please contact Liliana Mejia, Program Supervisor, at (650) 339-9791, or lmejia@smcgov.org.

Sincerely,

Heather Forshey
Director, Environmental Health Services

Cc: Liliana Mejia, Program Supervisor, San Mateo County Environmental Health Services