



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Rod Uyeda, Chief of Police
Julie Dahlgren, Police Management Analyst

DATE: November 18, 2008

SUBJECT: Consideration of the Installation of a Pharmaceutical Drug Drop Box for the Community to Dispose of Unwanted Medications in an Environmentally Preferable Manner.

RECOMMENDATION:

Staff recommends that the City Council **DISCUSS AND PROVIDE DIRECTION** regarding the installation of a Pharmaceutical Drug Drop Box for the community to dispose of Unwanted Medications in an environmentally preferable manner.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

In 2002, the United States Geological Survey (USGS) conducted a study sampling 139 streams across 30 states and found that 80% of the waterways tested contained measurable concentrations of prescription and nonprescription drugs, steroids and reproductive hormones. In March of 2008 articles were reported in the Associated Press which corroborated the findings of USGS, indicating that drinking water supplies in some areas contain pharmaceutical compounds. Pharmaceuticals enter the environment through human and animal waste, landfills and improper disposal of pharmaceuticals down the drain to wastewater treatment plants. Wastewater treatment plants remove some pharmaceuticals, but not all.

In California, Senate Bill (SB) 966 became effective September 1, 2008, mandating the California Integrated Waste Management Board (CIWMB) to create a model pharmaceutical drug take-back program for cities and counties by the end of this year. According to CIWMB staff heading this program, the model program is not complete. However, they have launched a "No Drugs Down the Drain Campaign" encouraging cities to educate residents about no longer flushing drugs down the toilet, and to practice environmentally preferable disposal methods.

Currently for Manhattan Beach and South Bay residents, there are three local options available to dispose of most pharmaceutical waste in an environmentally preferable manner:

- First, residents may take Household Hazardous Waste (HHW), including pharmaceutical waste, to the Los Angeles County Solvents/Automotive/Flammables/Electronics (SAFE) Collection Centers available to all Los Angeles County residents. The closest SAFE Center to Manhattan Beach is the Hyperion Treatment Plant (El Segundo), which is open for HHW drop-off every Saturday and Sunday from 9:00 a.m. to 3:00 p.m.
- Secondly, the Los Angeles County HHW Round-Up Events are held on Saturdays in rotating cities all over Los Angeles County. A HHW Round-Up for Manhattan Beach occurs in March every year. Residents may visit the City website under Environmental Programs for additional information.
- Thirdly, residents are encouraged to ask their pharmacy if they will accept unused pharmaceuticals and dispose of them properly. Several Manhattan Beach pharmacies will accept unused pharmaceuticals from patients who have purchased the medication from them including Hillside Pharmacy, CVS, and Target.

Ideally, all medication would be disposed of in these environmentally preferable ways (through a HHW Collection Program or community pharmacy from which it was purchased), as drugs obtained at these venues are usually incinerated.

Under federal law, the United States Drug Enforcement Administration (DEA) has classified certain medications as “controlled” substances because of the potential for addiction/abuse. DEA controlled substances make up an estimated 10% of prescription drugs. These controlled medications are listed in Title 21 of the United States Federal Register, and include a wide variety of drugs that include pain and cold medication, as well as anti-depressants. Some of the more well known controlled substances include diazepam (Valium) and codeine. Non-controlled medications are any prescription or over-the-counter medication *not* listed in Title 21 of the Federal Register, and make up about 90% of prescription drugs. It is the collection of *controlled* substances that introduces legal complexities into establishing a drug drop box or take-back program.

In order for the City of Manhattan Beach to legally collect and properly dispose of unwanted controlled substances as part of a drug drop box or take-back program, it is necessary that law enforcement officials take physical control and custody of all controlled substances and be responsible for their destruction as required by state and federal law. Advance permission from the local DEA office must be secured before an agency can lawfully proceed with a take-back program involving controlled substances.

Staff research turned up only a small handful of agencies across the country that operate pharmaceutical drop box programs which accept controlled substances (San Mateo County, California; Kendall County, Illinois; Clark County, Washington; Lawrence County, Indiana; Salt Lake County, Utah; St. Albans, Vermont; and Pontiac Illinois). Some of these agencies are having difficulty operating their programs in a manner which will satisfy DEA regulations. Areas of non-compliance generally involved a lack of authorized staff to supervise the collection, transport, or in the destruction process.

DISCUSSION:

In October, the Manhattan Beach Police Department submitted a plan to the local DEA office for a pharmaceutical drop box program (Attachment I). The DEA responded with a temporary and

conditional allowance (Attachment II) to proceed with the drop-box collection program, providing the Police Department agrees to operate our program with additional minor conditions. The DEA is currently in the process of developing regulations that will specify methods by which ultimate users may dispose of unwanted controlled substances, due in part, to more cities and Waste Management Boards researching drug take-back programs for environmental reasons. However, it is uncertain at this time when such regulations will become effective. For this reason, their approval of our program is temporary, and as such, we will be allowed to operate the program until November 3, 2009, at which time we will be required to seek written re-authorization from the DEA. It is possible that new guidelines will result in the revocation of our City's temporary authorization to run this program.

The Police Department's Police Services Officer in charge of property and evidence would be tasked with running the program, in addition to her day-to-day jail and property room responsibilities. Incineration of the collected materials would require escort by up to six sworn police officers to our contract incinerator, located in Long Beach (this is something the Police Department current does periodically). Staff anticipates one-time upfront costs of approximately \$2,000 to start the pharmaceutical drop box program to purchase the drug drop box as well as install it in the Police and Fire Department lobby. This cost can be drawn from the current Police Department general fund operating budget.

The Police Department feels that installation inside the Police and Fire Department lobby is in the interest of public safety so that a storage site for pharmaceutical drugs is not easily targeted by potential thieves and vandals.

While law-enforcement participation is currently required in the event that controlled substances are to be collected, there are alternatives to such a program which still provides residents with environmentally preferable methods to dispose of non-controlled substances (which make up 90% of prescription drugs).

Alternative 1: Continued referral of residents to SAFE Collection Center at the Hyperion Treatment Plant (3.48 mi. from City Hall), Los Angeles County HHW Round Ups and local pharmacies. (No additional cost)

Alternative 2: A new solid waste contract is anticipated for 2010 and there is the potential of adding door-to-door Household Hazardous Waste pick-ups to include unwanted medications. (Cost has yet to be determined)

CONCLUSION:

Staff recommends that the City Council discuss and provide direction regarding the installation of a Pharmaceutical Drug Drop Box for the community to dispose of unwanted medications in an environmentally preferable manner.

Attachment: Letter to the United States Drug Enforcement Agency requesting approval to operate a pharmaceutical drug take-back program in the City of Manhattan Beach

Letter from the United States Drug Enforcement Agency temporarily approving a pharmaceutical drug take-back program in the City of Manhattan Beach.



POLICE DEPARTMENT

City of Manhattan Beach

420 15th Street
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(310) 802-5103 FAX (310) 802-5101

ROD UYEDA
CHIEF OF POLICE

RANDOLPH M. LEAF
CAPTAIN

DERRICK G. ABELL
CAPTAIN

October 17, 2008

Timothy J. Landrum
Special Agent-in-Charge
255 East Temple Street, 17th Floor
Los Angeles, CA 90012

Dear Mr. Landrum,

The Manhattan Beach Police Department requests your approval to implement a pharmaceutical drug take-back program at our police station. The need for this program is prompted by a lack of environmentally-preferable options for disposing of unwanted prescriptions which are categorized as "controlled substances." The pharmaceutical collection program will provide an environmentally safe alternative to disposing of medications in the landfill or sewer systems which may later negatively effect the environment, and it provides a safe disposal location for citizens to properly dispose of unused, controlled prescription medications.

In addition to the benefits associated with our environment, we felt that this program could be used to educate the community about the dangers these medications pose to our youth. This program encourages citizens to remove their unneeded medications from their homes. This reduces access to addictive medications for accidental or intentional misuse by children or other family members in the home. The program also brings people to the police station and promotes positive contact between the community and the Police Department.

We understand the need for law enforcement to maintain supervision over the controlled substances, and we will have the necessary safeguards in place to ensure that the pharmaceuticals collected are supervised from the point of collection to the point of destruction.

Our proposed pharmaceutical collection program is outlined on the attached document. We thank you for your consideration.

Sincerely,

Rod Uyeda
Chief of Police

ATTACHMENT No 1
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"Policing through Partnerships"

Manhattan Beach Police Department
Proposed Pharmaceutical Collection Program

A metal mailbox-style collection box will be provided in which citizens may deposit medications.

- a) Collection boxes shall be clearly marked for this purpose
- b) Collection boxes shall be locked and securely mounted to prohibit removal of the box or retrieval of medications from within the box without a key.
- c) Citizens may place their unused medications/drugs into the collection box anonymously.
- d) Medications can be placed into plastic bags (provided by Front Desk Personnel at the drop location), or the entire prescription bottle can be placed into the drop box. Opened containers of liquid will not be accepted unless they are completely sealed. Illicitly manufactured substances (marijuana, heroin, methamphetamine) should not be placed in the box. Syringes should not be placed in the drop box.

Our full-time Police Services Officer responsible for the custody and control of property, evidence, illicit drugs, etc. will manage the collection of the deposited medications.

- a) The Police Services Officer will be the sole possessor of keys to the collection boxes.
- b) Policy will require an additional full-time employee to be present with the Police Services Officer in order to retrieve, document, and book the retrieved pharmaceuticals into evidence. This creates an extra level of protection for the collecting employees and insures that all retrieved items are properly accounted for.
- c) A case number will be assigned to each collection box annually. The Police Services Officer will document each collection on a supplemental report using this case number.
- d) The Police Services Officer will collect the deposited drugs on a frequency deemed necessary based on usage.
- e) The Police Services Officer will bag the deposited drugs, document a general description of the contents, weigh and photograph the items in bulk, and place them into evidence pending destruction. We chose to document items received in this manner so that this program would not become a time-consuming burden to manage.

The collected pharmaceuticals will be transported for incineration with other illegal drugs/evidence when quantities dictate. We will do this in compliance with our contracted incineration company, the City of Long Beach Southeast Resource Recovery Facility (SERRF). This includes escort by at least two armed Police Officers for quantities of 500 lbs. or less, and at least six armed sworn Police Officers for quantities greater than 500 lbs.



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Drug Enforcement Administration
Los Angeles Field Division
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Los Angeles, CA 90012

www.dea.gov

Chief Rod Uyeda
420 15th Street
Manhattan Beach, CA 90266



OCT 29 2008

Dear Chief Uyeda:

On October 17, 2008, you sent a letter to the Drug Enforcement Administration (DEA) Los Angeles Field Division regarding your proposed method for the collection of unwanted controlled substances from members of the public for the purpose of disposing of such controlled substances.

As set forth in 21 CFR 1307.21, any person in possession of a controlled substance and desiring to dispose of such substance may request from the Special Agent in Charge in the area in which the person is located instructions on how to do so. As this provision of the DEA regulations indicates, the Special Agent in Charge may specify the means of disposal to assure that the controlled substances do not become available to unauthorized persons. Your October 17, 2008 letter will be treated as a request submitted pursuant to section 1307.21, and the request is hereby granted under the conditions enumerated below.

Please note the following general considerations for DEA in responding to this request. First, as you might know, DEA is currently in the process of developing regulations that will specify methods by which ultimate users may dispose of unwanted controlled substances. However, it is uncertain at this time when such regulations will become effective. Accordingly, any allowance made under this letter should be viewed as a temporary, interim accommodation to allow appropriate methods of disposal of controlled substances where members of law enforcement take an active role in the process to prevent the controlled substances from being diverted into illicit channels. For this reason, a time limit is being imposed on the allowances made by this letter, as set forth below. Second, please bear in mind that any activities involving controlled substances, and any DEA regulations or temporary allowances made by the agency, must be consistent with DEA's governing statute, the Controlled Substances Act.

With the foregoing considerations in mind, you may proceed with the method of collection and disposal described in your October 17, 2008 letter, provided the following additional conditions are complied with. To the extent any of the conditions described in your letter are inconsistent with the conditions specified below, the conditions set forth below shall apply in lieu of those set forth in the your letter.

1. In each instance in which a controlled substance is collected, a duly authorized and certified law enforcement officer who is a full-time employee of the Manhattan Beach Police Department shall be responsible for supervising the collection. If necessary, another duly

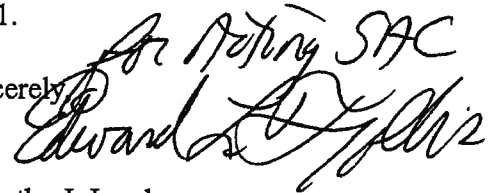
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authorized and certified law enforcement officer may be substituted for the first officer during the course of the event.

2. Starting when any controlled substances are first collected and continuing until the controlled substances are turned over for destruction (as set forth below in paragraph 4), the following shall occur: (a) the law enforcement officer referred to in paragraph 1 shall, at all times have sole control over, and sole possession of, all controlled substances collected and the box in which the collected controlled substances are stored; and (b) at no time shall anyone other than the law enforcement officer referred to in paragraph #1 have access to the box or the collected controlled substances other than for the purpose of depositing controlled substances into the box.
3. Only pharmaceutical drugs may be collected and stored in the box. Illicitly manufactured controlled substances (such as marijuana, heroin, methamphetamine, MIDMA, and LSD) may not be collected as part of this program. In the event a person seeks to turn in an illicitly manufactured controlled substance, the law enforcement officer shall follow the standard procedures implemented by his/her agency for the collection and handling of illegal controlled substances.
4. The law enforcement officer referred to in paragraph #1 shall be responsible for ensuring that the controlled substances are turned over to the appropriate officials within his/her agency for disposal in accordance with standard policies and procedures utilized by the agency for destruction of controlled substances.
5. Any methods utilized by the agency to destroy the collected controlled substances must comply with all applicable federal and state laws and regulations, including, but not limited to, applicable laws and regulations relating to public health and the environment.
6. The allowances made by this letter shall terminate on November 3, 2009 and may not be extended beyond that date without the express, written authorization of the Special Agent in Charge.

Thank you for your interest in this important matter. If you have any questions, please contact Diversion Program Manager Michael J. Lewis at 213-621-6711.

Sincerely,



Timothy J. Landrum
Special Agent in Charge
Los Angeles Field Division

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