

County of Santa Clara

Consumer and Environmental Protection Agency
Recycling and Waste Reduction Division
1555 Berger Drive, Bldg 2, Suite 300
San Jose, CA 95112
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www.reducewaste.org



5/20/21 FINAL NOTICE OF DETERMINATION

Safe Drug Disposal Ordinance

Ordinance No. NS-517.91, Ordinance Code Division B11, Chapter XX

DATE: May 20, 2021

To: Plan Operator - Inmar Intelligence
Nick Massaro, Manager, Consumer Drug Take Back Solutions
635 Vine Street
Winston Salem, NC 27101
336-770-1992
Nicholas.Massaro@inmar.com

FROM: Jo Zientek
Director – Consumer and Environmental Protection Agency
County Santa Clara
1553 Berger Drive
San Jose, CA 95112

SUBJECT: Notice of Determination – Conditional Approval of Inmar Intelligence proposed Stewardship Plan submitted February 16, 2021

DETERMINATION:

Pursuant to Division B11, Chapter XX of the County of Santa Clara (“County”) Ordinance Code (Ordinance No. NS-517.91) (“Ordinance”), and regulations adopted by the Director pursuant to Section B11-552(a) of the Ordinance (“Regulations”), the Director of the County of Santa Clara Consumer and Environmental Protection Agency (“Director”) approves the Stewardship Plan (“Plan”) originally submitted February 5, 2021 by Inmar Intelligence (“Inmar”), as revised and resubmitted on February 16, 2021, subject to the following conditions of approval (“Conditions”):

1. In accordance with the conditions of Ordinance Section B11-547, Inmar shall coordinate with the approved Stewardship Plan operated by MED-Project, LLC (“MED-Project”), and any subsequently approved Stewardship Plans, to provide a single system of promotion. This system shall include “readily-recognizable” collection kiosks at all drop off sites within Santa Clara County with messaging and kiosk design and color (blue) consistent with that in use under the approved MED-Project Stewardship Plan. Pursuant to Section B11-547(e), Inmar shall comply with any additional guidance provided by the Director on the development of a single system of promotion for all Stewardship Plans.

2. Inmar must provide all Collectors with information describing how to comply with DEA and California State Board of Pharmacy regulations, as well as with a template or binder for maintaining inner liner records in compliance with all applicable regulations.
3. Inmar must include the County Recycling and Waste Reduction Division's San Jose Household Hazardous Waste facility (located at 1608 Las Plumas Avenue, San Jose CA) and San Martin Household Hazardous Waste Facility (located at 13055 Murphy Avenue, San Martin CA) as two of its Mail-Back Distribution Sites. For clarity, these sites count toward the minimum number of Mail-Back Distribution Sites that Inmar is required to establish in each Supervisorial District pursuant to Ordinance Section B11-545(b)(1). Upon request by the County to ensure provision of reasonably convenient and equitable access to collection options for County residents, Inmar shall provide up to 5,000 of each of the following prepaid, preaddressed mailers for distribution by the County Recycling and Waste Reduction Division in units of 200 of each type of mailer: Standard Mailback envelopes, Auto-Injector Mailback packages, and Inhaler Mailback envelopes. The County retains the right to request additional mailers beyond these initial 5,000 entitlements in units of 200 of each type of mailer based on service needs and following consultation between Inmar and the Safe Drug Disposal Liaison.
4. Inmar must remove its existing Inmar kiosks at Drop-Off Sites operated under Inmar's private program (green kiosks) concurrent with the installation of new Plan kiosks (approved kiosks). To avoid consumer confusion and support the single system of promotion required by Ordinance Section B11-547, existing private program kiosks must be either replaced by new approved Plan kiosks in the same location or removed from service. For any private program kiosks that are not replaced by approved kiosks at the same site, Inmar shall post information at the former private program kiosk site identifying the nearest available approved kiosk locations and maintain those postings for a period of six months. The Director may impose additional requirements as needed to ensure a smooth transition from the existing kiosks to the kiosks approved pursuant to this Plan.
5. As required by Section B11-545(b)(2)(B), Inmar must adjust initial pickup frequency from kiosk drop-off sites based on demand to minimize disruption in the site's ability to collect Unwanted Covered Drugs and minimize the potential for full and locked collection bins.
6. The Plan's "Self Service Returns" proposal, identified in Section III.A. of the Plan as one of three Pick Up and Disposal Coordination Options, is not approved.
7. There shall be no limit on the number or frequency of unique requests for Standard Mailback Envelopes, Auto-Injector Mailback Packages, or Inhaler Mailback Envelopes that may be made by County residents. Inmar may limit the number of mailers provided in response to each request as proposed in the Plan and as follows: Standard Mailback

envelopes (3 per request), Auto-injector Mailback packages (1 per request) and Inhaler Mailback envelopes (3 per request).

8. The rollout and effective operation of the mobile-optimized kiosk location software described in Section VII (iii) (“Website”) of the Plan, at pages 23-24, is added as a Program Promotional Goal to accomplish within six months of Plan approval and incorporated into the “6 Months” column of Table 2 (Program Promotional Goals) on page 28 of the Plan.
9. Kiosk signage and Promotional Material shall be coordinated with other approved Stewardship Plans in accordance with Ordinance Section B11-547 and shall be approved by the Director prior to use. The proposed Kiosk signage and Promotional Material included in Appendices D and E are not approved at this time.
10. In the event that any Standard Mail-Back Envelope Distribution Site participating in the Plan ceases distribution as a result of the addition of Kiosk Drop-Off Sites, the Producers represented by Inmar shall ensure, through their Plan Operator, that written information on all Kiosk Drop-Off Sites and Standard Mail-Back Envelope Distribution Sites in the County is available at the former Distribution Site for a minimum of one year to maintain service continuity and convenience for County residents.
11. The Producers represented by Inmar shall, through their Plan Operator, minimize disruption to established kiosk drop-off sites operating under any other approved Plan.
12. The Producers represented by Inmar shall ensure that signage excluding sharps or auto injectors from kiosk disposal and providing direction to the public on how to obtain an Auto-Injector Mail-Back Package is available at or near each kiosk.
13. The Producers represented by Inmar shall ensure that information regarding how to obtain Mail-Back Service for auto injectors and inhalers is readily available at all Standard Mail-Back Envelope Distribution Sites.
14. Within 10 business days of the end of each calendar quarter, the Producers represented by Inmar shall report, through their Plan Operator and in writing, to the Director a summary of Help Desk requests by type made by Kiosk Drop-Off Sites in the previous quarter, including the number of each type, average days to close the request, and the range (min/max days) in length of time to close the requests; Kiosk Maintenance service logs; and mail back envelope weight and quantities.
15. Within 10 business days after the first six months of Plan approval and within 10 business days of each six month interval thereafter, the Producers represented by Inmar shall report through their Plan Operator and in writing to the Director the number of kiosk hosts who utilized each of the two approved Pick-Up and Disposal Coordination

Options (Full Service Returns and Technician Assisted Returns) offered under Section III(A) of the Plan in the preceding six-month reporting period.


16. Inmar shall notify the Safe Drug Disposal Liaison of any known security or safety incidents at Drop-Off Sites, Take-Back Events, and Mail-back Distribution Sites, or during transportation or disposal of Unwanted Covered Drugs as soon as reasonably practicable and no later than ten business days after the incident, as required by Section 4.C. of the Regulations, in addition to identifying all known security or safety incidents in its annual reports pursuant to Section X of the Plan and Section 8.A of the Regulations.
17. Pursuant to Section B11-543(d), Inmar shall submit a revised Stewardship Plan conforming to the required changes in this Notice within 60 days of receipt of this conditional approval Notice.

Failure to operate the Plan as Conditionally Approved in compliance with the Ordinance, Regulations, and all conditions set forth in this Notice of Determination within three months of issuance of this Notice of Determination, unless an extension has been approved by the Director, shall cause Producers represented by the Inmar Plan to be out of compliance with the Ordinance and subject to the Ordinance's enforcement provisions.

Please address all communications to:

Safe Drug Disposal Liaison
County of Santa Clara
1555 Berger Drive Suite 300
San Jose, CA 95112
sccsafemeds@cep.sccgov.org
(408) 918-1967

Sincerely,

DocuSigned by:

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Jo Zientek
Director
Consumer and Environmental Protection Agency