

EXHIBIT 4

FY 2018-2019 GRAND JURY FINAL REPORT

RESPONSES TO FINDINGS (FI) AND RECOMMENDATIONS (R)

Report Number Respondents (& Date)	Report Title	(With FI, C and R #)
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REPORT NO. 01 May 2, 2019

Title: **Drugs and Sharps Disposal**

Required Respondent: **Board of Supervisors** (Joint response with Behavioral Health and Animal Services)
(C-01, C-02, C-03, C-04, C-05, C-06, C-07, R-01)

Requested Respondent: **Animal Services** (Joint response with Board of Supervisors)
(R-02)

Behavioral Health (Joint response with Board of Supervisors)
(C-03, C-04, C-05, R-04)

Response to Grand Jury Report Form

Report Title: Drug and Sharps Disposal

Report Date: May 2, 2019

Responding Agency/Depts: Board of Supervisors/Animal Services/Behavioral Health

Response By: Jackie Rose **Title:** Director, Animal Services
Sevet Johnson, PsyD **Title:** Director, Behavioral Health
Mike Pettit **Title:** Assistant County Executive Officer

CONCLUSIONS

- I (we) agree with the findings numbered: C-01, C-06, C-07
- I (we) disagree wholly or partially with the findings numbered: C-02, C-03, C-04, C-05

RECOMMENDATIONS

- Recommendations numbered N/A have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered R-02 have not yet been implemented but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered N/A require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered R-01, R-04 will not be implemented because they are not warranted or are not reasonable.

Date: October 30, 2019

Signed: 

Date: October 30, 2019

Signed: 

Date: October 30, 2019

Signed: 

Number of Pages Attached: 6

Ventura County 2018 – 2019 Grand Jury Final Report Responses To Findings and Recommendations

Report Date: May 2, 2019

Report Title: Drug and Sharps Disposal

Required Respondents: Board of Supervisors (C-01, C-02, C-03, C-04, C-05, C-06, C-07, R-01)

Requested Respondents: Animal Services (R-02)

Requested Respondents: Behavioral Health (C-03, C-04, C-05, R-04)

Facts:

FA-01: In 2009, VCBH's Alcohol and Drug Program (ADP), in collaboration with the VCSO, established a countywide drug disposal program. The program encourages residents to safely dispose of unused or expired medications in secure, confidential disposal bins at law enforcement facilities. Through proclamations in 2012 and 2017, the BOS has supported the drug disposal program. (Ref-13)

Response: Disagree Partially

Ventura County Behavioral Health Alcohol and Drug Programs Division (VCBH-ADP) joined the efforts of the Ventura County Sheriff's Office in 2009 to provide a method for safely disposing of prescription drugs of abuse which would comply with federal Drug Enforcement Agency (DEA) requirements. VCBH-ADP, through the Rx Abuse and Heroin Workgroup established in 2012, tracked the DEA guidelines as they evolved until final adoption on September 8, 2014. Local disposal bins and take-back events endorsed by the Board of Supervisors (BOS) in 2012 and 2017 were necessary to fill a critical need while the DEA final rules were being developed and were not undertaken in lieu of Household Hazardous Waste programs operated by the Ventura County Resource Management Agency (RMA).

FA-19: A Grand Jury visit to the six Sheriff's substations revealed that all have drug drop-off bins, but none have bins for sharps disposal.

Response: Disagree Partially

In Ventura County, home-generated sharps disposal is the responsibility of the Resource Management Agency (RMA), not law enforcement (resource <https://vcrma.org/home-generated-sharps> and brochure at <https://vcrma.org/home-generated-sharps>). It is important to note that the DEA strongly discourages the disposal of insulin syringes, other sharps or needles, unused preloaded auto-injectors, asthma inhalers, compressed cylinders, other aerosol products, iodine-containing medications, or mercury-containing thermometers in collection receptacles, by mail-back packages, or take back events, unless the collector specifically indicates that they are accepted in accordance with Federal, state, tribal, and local law and regulations. Residents may use any valid alternative methods to dispose of those medications and medical implements.

Source:

https://www.deadiversion.usdoj.gov/drug_disposal/fact_sheets/disposal_public_06222018.pdf

FA-21: A number of counties in California have already developed ordinances requiring pharmaceutical companies to establish and pay for a local drug collection program based on the EPR model. (Ref-03, Ref-04, Ref-05, Ref-06, Ref-07, Ref-08, Ref-09)

Response: Agree

On March 3, 2009, the BOS also approved implementation of "Resolution of the Ventura County Board of Supervisors Supporting the Extended Producer Responsibility Framework" approach. The topic was presented, along with information from Heidi Sanborn, Senior Advisor for the California Product Stewardship Council, to the Rx Abuse and Heroin Workgroup membership and then to Sheriff Geoff Dean in 2015 (preceding the passage of SB 212).

Conclusions:

C-01: The Grand Jury concluded that among the County law enforcement facilities that have drug disposal bins, there is a lack of information and consistency in public guidance regarding disposal of all medications, particularly for pet owners. (FA-09, FA-10, FA-11, FA-12, FA-13, FA-14, FA-15, FA-16) (Att-01)

Response: Agree

The Ventura County Sheriff's Office (VCSO), is the contract law enforcement agency for the City of Thousand Oaks, City of Moorpark, City of Camarillo, City of Fillmore, and City of Ojai. The VCSO also provides law enforcement services to the unincorporated areas of Ventura County. The Ventura County Sheriff's Office has designated public lobbies at all patrol stations available for residents to dispose of drugs during regular business hours. None of the patrol stations offer sharps disposal. Given that the respective local governments each govern their associated law enforcement entities and practices it is understandable that there are differences in consistency and practices between the jurisdictions.

C-02: The Grand Jury concluded that the BOS has not yet addressed the issue regarding the disposal of sharps waste, a requirement of SB 212, when it becomes effective January 1, 2021. (FA-01, FA-17, FA-18, FA-19, FA-20) (Att-01)

Response: Disagree

With the passing of SB212 into law, CalRecycle will be implementing the statutory and regulatory framework for the statewide drug and/or home-generated sharps waste stewardship program. SB212 also preempts all local drug or sharps stewardship programs enacted by local ordinances made effective on or after April 18, 2018.

Further, as stated in response to FA-21, the BOS considered Extended Producer Responsibility and adopted a resolution supporting EPR in 2009.

C-03: Based on recent surveys, the Grand Jury concluded that VCBH has made no progress in increasing public awareness and use of drug disposal bins. (FA-02, FA-03)

Response: Disagree Partially

Had the Grand Jury consulted with VCBH-ADP, they would have learned that VCBH periodically conducts scientific surveys countywide. The most recent Ventura County Community Health Survey (adults 18+) was conducted in late 2018 and shows there is virtually no change in the number of people who report using a County disposal bin: 18% or nearly 1 in 5 residents. However, when asked "How do you plan to dispose of expired or unnecessary medication?" the most common response that 32.5% of respondents reported they would "Take them to a prescription drug drop off location." The second highest response, and an additional 7.6% of adult residents, was "Securely dispose of the medication". This translates to more than 258,000 adult residents 'getting the message' about safe drug disposal in Ventura County.

C-04: The Grand Jury concluded that VCBH and the Rx-Abuse & Heroin Prevention Workgroup have failed to increase the number and convenience of drug disposal bins. (FA-04, FA-05, FA-06)

Response: Disagree Wholly

Had the Grand Jury contacted VCBH-ADP before issuing their report on Drug and Sharps Disposal, information about expanded safe drug disposal options could have been provided. For locations under law enforcement control, the trend has been upward since program inception. Data indicate as follows: 2010: 5 bins; 2011: 6 bins; 2012: 8 bins; up to the current of 10 bins. Also, new technologies, such as the Deterra drug deactivation system, have been provided to residents, making safe and effective drug disposal more convenient to those who cannot easily reach disposal bins. (see www.DeterraSystem.com)

Moreover, special one-time drug take back events have been led by VCBH-ADP in cooperation with multiple law enforcement agencies over the last two (2) years, including for Ventura Adult and Continuing Education (VACE) senior programs in conjunction with the Ventura Police Department; and City of Oxnard Senior Services programs (3 sites) in conjunction with Oxnard Police Department. Additionally, VCBH-ADP has actively promoted and participated in DEA-sanctioned drug take back events with area law enforcement.

(e.g., https://www.venturacountyresponds.org/images/OxnardPD-DropOffDay-Flyer_FNLREV.pdf)

Importantly, since the adoption of revised DEA guidelines, multiple commercial pharmacies in Ventura County are now licensed and approved to accept Schedule II drugs, including prescription opioids, in specially designed secure disposal bins which do NOT require law enforcement involvement. These developments make anonymous and convenient drug disposal more available.

For example, the Walgreen's pharmacy on Rose Avenue in Oxnard continues to collect hundreds of pounds of pharmaceutical drugs (including, but not limited to, opioid painkillers) without the need to show ID or interact with uniformed officers.

Contrary to the conclusion of the Grand Jury, the changes outlined above: drug deactivation kits, expanded citizen-centered take-back events and collaboration with senior programs and law enforcement, in addition to expanding retail pharmacy programs, have combined to significantly increase the times and locations available to Ventura County residents for safe drug disposal.

C-05: The Grand Jury concluded that VCBH's assertion that more than 16 tons of prescription drugs have been collected since 2009 is misleading. This is because VCSO's procedures for drug collection do not allow for the separation of prescription drugs from over-the-counter drugs prior to weighing. (FA-07, FA-08) (Att-03)

Response: Disagree Partially

VCBH-ADP has consistently reported totals of drugs collected and disposed of according to data provided via collaboration with the Ventura County Sheriff's Office (VCSO), and in accordance with their protocols for accepting a range of potentially dangerous, expired and/or unwanted drugs. While it is true that the slide presentation shared in 2017 did not specifically call out the VCSO protocols, VCBH-ADP did not intentionally misrepresent the amount or nature of drugs safely collected and disposed of in accordance with DEA rules.

C-06: The Grand Jury concluded that drug disposal ordinances already in effect in many counties throughout the State provide for safe disposal of unwanted, unused or expired medicines and sharps. Any of these ordinances could serve as a model for Ventura County. (FA-21, FA-22) (Att-02)

Response: Partially Agree

The County agrees that the existing ordinances adopted elsewhere in the state could possibly serve as a model in Ventura County, however, with the passage of SB212 local drug or sharps stewardship ordinances passed on or after April 18, 2018 will be pre-empted by the state and will not be eligible for funds established as part SB212. It is also undetermined if such an ordinance would improve upon the success of the County's existing efforts as noted in the response to C-03, and C-04.

C-07: The Grand Jury concluded that although not specifically mandated until January 2021 by SB 212, a manufacturer-funded collection and disposal program for unused drugs and sharps would significantly increase the effectiveness of the County's current drug disposal program. The program would also reduce the risks to public safety, health and the environment. (FA-01, FA-02, FA-03, FA-04, FA-06, FA-08, FA-09, FA-10, FA-11, FA-12, FA-13, FA-14, FA-15, FA-16, FA-17, FA-18, FA-19, FA-20, FA-21, FA-22) (Att-01, Att-02)

Response: Partially Agree

Having additional manufacturer funded collection and disposal programs will undoubtedly add to the existing services available in Ventura County through RMA, Behavioral Health, the Sheriff's Department and others. We do not have enough data to determine that it will significantly increase the effectiveness of the existing programs as shared in our responses to C-03 and C-04.

Recommendations:

R-01: The Grand Jury recommends that the BOS consider adopting the EPR model for drug and sharps waste disposal throughout the County in order to develop a uniform program that can be used by all County law enforcement agencies and departments. (C-01, C-02, C-03, C-04, C-05, C-06, C-07)

Response: This recommendation will not be Implemented. It is not warranted or reasonable.

On March 3, 2009, the Ventura County Board of Supervisors adopted a resolution supporting the Extended Producer Responsibility Framework approach. Through the resolution, the Ventura County Board of Supervisors urged the California Integrated Waste Management Board to continue taking timely action to implement the Framework for an EPR System in California to manage Universal and other waste products; and the Board urged the California Legislature to enact framework EPR legislation which will give producers the incentive to design products to make them less toxic and easier to reuse and recycle; and the Board encouraged all manufacturers to share in the responsibility for eliminating waste through minimizing excess packaging, designing products for durability, reusability and the ability to be recycled; using recycled materials in the manufacture of new products; and providing financial support for collection, processing, recycling, or disposal of used materials.

In 2018, SB212 was signed into law and effectively addressed some of the goals set forth in the Board's resolution of 2009. With the passing of SB212, CalRecycle will be implementing the statutory and regulatory framework for the statewide drug and/or home-generated sharps waste stewardship program. SB212 also preempts all local drugs or sharps stewardship programs enacted by local ordinances effective on or after April 18, 2018. Since the state has taken on this responsibility it would be inefficient to adopt the EPR model locally, especially where an ordinance is concerned that is pre-empted by the adoption of SB212.

R-02: The Grand Jury recommends that the Ventura County Animal Services be included in the process of developing and implementing any future drug and sharps disposal program. (C-01, C-02, C-03, C-04, C-05, C-06, C-07)

Response: This recommendation will be implemented by October 1, 2019.

Animal Services will provide information via its website and social medial platforms to increase public awareness regarding safe disposal of pet medications and access to the drug disposal sites in Ventura County. Animal Services will also coordinate these efforts with Ventura County Behavioral Health for inclusion in future drugs and sharps disposal programs.

R-04: The Grand Jury recommends that VCBH revise its methodology and reporting of prescription and over-the-counter drugs collected and destroyed to eliminate misleading results. (C-05)

Response: This recommendation will not be Implemented. It Is not warranted or reasonable.

VCBH-ADP will continue to rely upon VCSO and other law enforcement to provide information about the nature and quantities of drugs collected in police station disposal sites. Requiring the collection, sorting and weighing of different drugs and drug delivery devices by law enforcement (or health personnel) for these DEA-compliant bins in order to determine definitively which are drugs of abuse which are not would be time-intensive, onerous and increase costs to government, in addition to exposing public safety workers to new risks, including needle sticks, transmission of disease, infection and other unwanted outcomes. To this end, stewardship/EPR approaches endorsed by the BOS in March 2009 and recommended by the Grand Jury should be designed to protect police and government employees by providing a superior means of safely managing household hazardous waste and medications, rather than increasing costs to agencies and risks of adverse events.