

**Stakeholder Responses re: Secure Medicine Return Fees, R&R No. BOH14-02  
May 15, 2015**

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**From:** Nancie Zecco [nzecco@precisionderm.com]  
**Sent:** Monday, April 28, 2014 10:10 AM  
**To:** Watson, Taylor  
**Subject:** RE: Invitation to comment on proposed medicine take-back fee schedule

Our Company is in the process of being purchased. I wish you well in your endeavors. It's a great program and I know it will benefit!

*Sincerely,*

*Nancie A. Zecco, M.P.H.*

Director, Regulatory Affairs Labeling and Compliance  
Precision Dermatology, Inc. and Subsidiaries  
Onset Dermatalogics LLC/Proskin Therapeutics LLC/ PreCision MD LLC  
900 Highland Corporate Drive, Suite 203  
Cumberland, RI 02864

**Email:** [nzecco@precisionderm.com](mailto:nzecco@precisionderm.com)

**Tel:** (401)762-2000 ext. 228

**Cell:** (508) 330-4335

**Fax:** (401)762-2043



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**From:** Milon Roy [mailto:mroy@unichemusa.com]  
**Sent:** Tuesday, April 29, 2014 12:48 PM  
**To:** Watson, Taylor  
**Subject:** FW: Invitation to comment on proposed medicine take-back fee schedule

Dear Ms. Watson,

I'm little confused on how this is being worked out, please explain or give me a call on 2012260240.  
I want to know what will be our fee obligation based on the attached? How should we calculate that?

Regards

**Milon Roy**  
Associate Director, Regulatory Affairs

Unichem Pharmaceuticals (USA), Inc.  
201 West Passaic Street, Ste 403  
Rochelle Park, NJ 07662 USA.  
Tel: +1 201 2260240  
Fax: +1 201 2260241  
Email: [mroy@unichemusa.com](mailto:mroy@unichemusa.com)  
Website: [www.unichemusa.com](http://www.unichemusa.com)

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**From:** David Schutzbank [<mailto:david.schutzbank@jacobus-pharmaceutical.com>]  
**Sent:** Monday, April 28, 2014 11:34 AM  
**To:** Watson, Taylor  
**Subject:** RE: Invitation to comment on proposed medicine take-back fee schedule

Taylor,

I am not sure I quite understand the documentation you sent me. When I first emailed you about participating in a stewardship plan, I said that we would participate in any standard plan that King County came up with, assuming that the Secure Medicine Return program was upheld by the courts. As I read the documentation you have provided, it seems to state that we have to pay \$15,750 for the plan review (one time) and \$30,000 for Annual plan operations. Is that true? Or is that only if we weren't participating in the standard plan. Any help you can provide, I would appreciate it.

David

David Schutzbank  
Senior Quality Assurance  
Jacobus Pharmaceutical Company, Inc.  
PO Box 5290  
Princeton, New Jersey 08540

Telephone: 609-921-7447 x 240  
Fax: 609-799-1176  
Email: [david.schutzbank@jacobus-pharmaceutical.com](mailto:david.schutzbank@jacobus-pharmaceutical.com)

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**From:** Bob Rubinger [[evp@u-g.com](mailto:evp@u-g.com)]  
**Sent:** Monday, April 28, 2014 11:20 AM  
**To:** Watson, Taylor  
**Subject:** Re: Invitation to comment on proposed medicine take-back fee schedule

Taylor

These fees represent more than our gross receipts in Kings County. For small companies like us fees at this level are not feasible. If every county or municipality decided to impose similar fees we would have to cease our small pharma operation.

Robert S. Rubinger  
Executive Vice President  
United-Guardian, Inc.  
230 Marcus Blvd., P.O. Box 18050  
Hauppauge, NY 11788  
631 273-0900 x104  
Fax: 631 273-0858  
[www.u-g.com](http://www.u-g.com)

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**From:** Nancy Green [<mailto:ngreen@basicvitamins.com>]  
**Sent:** Monday, April 28, 2014 11:02 AM  
**To:** Watson, Taylor  
**Subject:** RE: Invitation to comment on proposed medicine take-back fee schedule

Taylor,

We only sell a few thousand dollars a year in the state of Washington. How will the fees apply to a small business like me??

*Nancy M. Green*

Basic Vitamins  
P.O. 412  
Vandalia, OH 45377  
1 800 426 4010

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**From:** Moore, Sean [<mailto:smoore@chpa.org>]  
**Sent:** Tuesday, May 13, 2014 10:34 AM  
**To:** McDermott, Joe  
**Cc:** Gutierrez, Carlos  
**Subject:** Comments on King County proposed fee schedule - Secure Medicine Return Regulations

Dear Chairman McDermott,

Please accept the attached comments from the Consumer Healthcare Products Association, regarding the proposed fee schedule for King County's Secure Medicine Return Regulations. In no way should these comments be read to waive our rights as a plaintiff in *Pharmaceutical Research and Manufacturers of America et al v. King County, Washington*.

Respectfully submitted,

**Sean Moore**

Associate Director, State Government Affairs  
Consumer Healthcare Products Association  
900 19th Street, NW, Suite 700  
Washington, DC 20006  
Phone: (202) 429-3537  
Fax: (866) 240-6317  
[chpa.org](http://chpa.org) | [OTCsafety.org](http://OTCsafety.org)

**“Dear Stakeholder” letter to solicit feedback**

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**From:** Watson, Taylor [<mailto:Taylor.Watson@kingcounty.gov>]  
**Sent:** Monday, April 28, 2014 12:15 PM  
**To:** Watson, Taylor  
**Subject:** Invitation to comment on proposed medicine take-back fee schedule

Dear Stakeholder,

I would like to make you aware of an invitation to comment on the proposed medicine take-back fee schedule for King County Secure Medicine Return Regulations. The email below from Chair Joe McDermott, King County Board of Health, provides further information. A copy of the proposed fee schedule and Board of Health Staff Report are attached.

Sincerely,

**Taylor Watson**

Program Implementation Manager  
Secure Medicine Return Regulations  
Local Hazardous Waste Management Program in King County  
King County Department of Natural Resources and Parks  
[taylor.watson@kingcounty.gov](mailto:taylor.watson@kingcounty.gov) 206.263.3072  
[www.KingCountySecureMedicineReturn.org](http://www.KingCountySecureMedicineReturn.org)

**From:** McDermott, Joe

**Subject:** Invitation to comment on proposed medicine take-back fee schedule



**King County  
Board of Health**

April 24, 2014

Dear Stakeholder,

As you know, King County Board of Health passed regulations last June ensuring convenient and safe options for disposal of unused medicines for King County's residents.

The regulations require drug producers participating in a stewardship plan to cover King County's costs of administering and enforcing the adopted regulations (BOH 11.50.160). These costs are related to the review and approval of stewardship plan(s), any petition to use alternative final disposal technologies, and annual operating fees and enforcement.

A proposed fee schedule was developed to implement this requirement (R&R BOH14-02.1) and is attached. **As a stakeholder who may be subject to the proposed fee schedule, the Board of Health would like to hear from you.** Comments can be submitted to me at [joe.mcdermott@kingcounty.gov](mailto:joe.mcdermott@kingcounty.gov) or at the next public hearing before the Board of Health on May 15, 2014 at 1:30 p.m. at the King County Courthouse.

Information on the requirements and implementation of the Secure Medicine Return Regulations are available by visiting our King County Clerk's webpages at:

[http://www.kingcounty.gov/council/clerk/materials\\_interest.aspx#boh](http://www.kingcounty.gov/council/clerk/materials_interest.aspx#boh)

<http://KingCountySecureMedicineReturn.org>

Sincerely,

Joe McDermott  
Chair, King County Board of Health  
King County Councilmember

Attached: Proposed Fee Schedule and staff report



founded 1981

May 13, 2014

The Honorable Joe McDermott  
Chair, King County Board of Health  
King County Council  
516 Third Ave., Rm. 1200  
Seattle, WA 98104  
[Joe.mcdermott@kingcounty.gov](mailto:Joe.mcdermott@kingcounty.gov)

**RE: Comments on King County proposed fee schedule; Secure Medicine Return Regulations**

Dear Chairman McDermott,

On behalf of the Consumer Healthcare Products Association (CHPA), a national trade organization representing the manufacturers and distributors of over-the-counter medication and dietary supplements, I am writing to provide comments on the recently proposed fee schedule related to King County's Secure Medicine Return Regulations. As you may know, CHPA is challenging the legality of the Regulations. In no way should these comments be read to waive our rights on any of the issues raised in that lawsuit.

As covered "producers" under the Secure Medicine Return Regulations (Board of Health Rule & Regulation 14-02.1), CHPA members will be profoundly impacted by the costs associated with implementing this rule. As a result, it is important that any proposed fee structure related to this regulation be based on accurate facts and specifically defined costs, rather than speculation or conjecture.

Unfortunately, a review of the proposed King County fee schedule suggests otherwise. The fees appear to be based entirely on unsubstantiated estimates and not on actual costs based on either a submitted plan or a comparable producer funded program in the county. While we understand your obligation to move forward with this program under the Regulations themselves, it is equally important that the County meet the obligations of existing state law – which requires that the fees be calculated to recover the actual costs incurred and nothing more.<sup>1</sup>

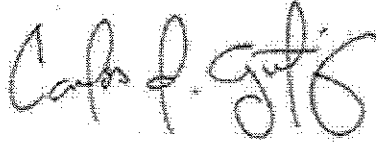
To that end, we respectfully request that the County provide more detailed information on how it arrived at the fee schedule as currently proposed. Rather than estimating the costs, we recommend the County delay collection of any fees until after all of the plan submissions and review processes are complete. By doing so, the County can create a fee structure based on actual costs versus assumed costs. King County would also avoid the complex process of providing refunds to producers for overages on any pre-paid fees.

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<sup>1</sup> Section 11.50.160(D) of the King County Board of Health Code states that "As soon as practicable, the director shall propose to the Board of Health a schedule of fees to be adopted by rule and charged to a producer or group of producers to cover costs of administering and enforcing this chapter. **Fees shall be calculated to recover actual costs** (emphasis added).

Thank you for the opportunity to comment on the fee schedule. Please feel free to contact me directly if you have any questions or comments.

Respectfully submitted,



Carlos I. Gutiérrez  
Senior Director and Head of State Government Affairs  
Consumer Healthcare Products Association  
cgutierrez@chpa.org  
202-429-35