

Washington State Environmental Regulations and Pharmaceutical Waste

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October 5, 2015

Same Waste, Sometimes Different Rules

- The regulation of pharmaceutical waste depends on who the generator is (homeowner or business), the amount, and what specific drugs are involved. A business may have to follow different regulations than a household, even if they are disposing of the same pharmaceutical.
- Pharmaceuticals fall into the following general regulatory categories:
 - Drugs that are controlled substances regulated by **DEA**
 - Drugs that are regulated under the **Dangerous Waste** regulations in WAC 173-303 (includes everything that is federal RCRA Hazardous Waste also)
 - Drugs that are regulated under the **Solid Waste** regulations in WAC 173-350
- If these wastes are mixed, then multiple regulations may apply.
- Some substances can be both DEA controlled substances *and* Dangerous Waste.

Overlapping Regulations



Regulated Pharmaceutical Wastes

- Depending on what the waste is, how dangerous it is, and who created it, might end up needing to go to any one of:
 - Hazardous Waste Incinerator (Clean Harbors in Utah is closest)
 - Hazardous Waste Landfill (Waste Management in Oregon is closest)
 - Hazardous Waste Treatment, Storage, and Disposal Facility (many options)
 - Moderate Risk Waste Facility (on paper only, few actually accept)
 - Municipal Solid Waste Incinerator (Spokane, Washington or Brooks, Oregon)
 - Solid Waste Landfill (only non-regulated or household pharmaceutical wastes)
 - Reverse Distributor (only “viable” pharmaceuticals)
- We discourage disposal to solid waste landfills, although it is allowed for some household wastes. Local governments may prohibit landfilling.

Environmental Regulations and Take-back Programs

- Take-back programs are only authorized to accept pharmaceuticals from households (no businesses, no institutions).
- Household pharmaceutical wastes from take-back programs and collection events are NOT regulated by the Dangerous Waste regulations. *This is not true for business wastes!*
- EPA has specific recommendations on how collected drugs should be handled. All controlled substances from take-back events must comply with the Controlled Substances Act and DEA regulations.
- DEA regulations limit the type of facilities that may accept controlled substances from residents – most take-back programs rely on law enforcement or pharmacies.
- For a law enforcement agency or pharmacy collecting unwanted pharmaceuticals from households, state solid waste regulations may also apply. (WAC 173-350).

Considerations for Developing a Take-back Program

- Some pharmaceuticals are very toxic and may best be managed by sending to a Hazardous Waste incinerator even if it is not legally required.
- Keep medicines in their original containers – don't empty everything into a single bin.
- Label collection containers with words “household” and “pharmaceutical” – avoids confusion on down the road (*i.e.*, the contents are clearly not Dangerous/RCRA-regulated waste).
- Recommend limiting accumulation times to one year at collection sites.
- If proposing legislation, consider removing solid waste permitting requirement for law enforcement agencies and locations to be take-back collection sites.

Practical Considerations of Collection Programs

- Design take-back programs to ensure wastes are only accepted from households, not businesses. (The Group Health pilot experienced businesses using the take-back program, which isn't allowed under the Dangerous Waste regulations.)
- Design take-back programs to only accept pharmaceutical wastes and be clear what is and isn't acceptable. Add educational component for homeowners. (The Group Health pilot experienced homeowners dumping non-pharmaceutical hazardous wastes and loose sharps at collection locations.)
- Design take-back program to eliminate or reduce compatibility problems (*e.g.*, silver nitrate pencils, inhalers, and other aerosol canisters).
- Because sorting all incoming wastes is impractical, it is recommended that all pharmaceuticals collected be sent to incinerator.

Questions for Ecology?

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