

Minutes for Pharmaceutical Waste/Disposal Meeting

January 21, 2009

10 am – noon

Idaho Department of Environmental Quality (DEQ), Boise, ID

Thirty-one people participated in today's meeting, which was the group's second regular meeting since the pharmaceutical waste/disposal workshop in September 2008.

Update from Idaho State Board of Pharmacy

Mark Johnston, Idaho State Board of Pharmacy

Mark delivered a brief PowerPoint presentation entitled "[Drug Disposal Programs: Considering Statutory and Regulatory Provisions](#)" outlining federal and Idaho state regulations regarding distribution and delivery of controlled substances. According to the presentation, the first step in creating a successful pharmaceutical take-back program that does not rely on law enforcement should be the promulgation of rules or statutes allowing for a legal program.

Mark stated that the Idaho State Board of Pharmacy is willing to assist in this process; in fact, an effort to rewrite the rules regarding controlled substance disposal (IDAPA 27.01.01.495) is currently high on the board's priority list. Mark hopes to conduct informal negotiated rulemaking and have a new proposed rule to present to the legislature in early 2010. For assistance in rewriting the proposed new rule, the board has hired a paralegal to research similar laws in other states to determine what Idaho can learn or borrow from them.

Spring 2010 would be the earliest anyone in the state could move forward with a legal pharmaceutical take-back program, assuming the legislature were to approve new rules. Matt Beeter of the DEQ Attorney General's Office clarified that law enforcement would still have to be present at any return program accepting controlled substances, due to federal regulations. However, a legal over-the-counter take-back program could begin now. Mark noted that the majority of drugs found in the Boise River are over-the-counter.

Update from Programs/Events

Boise State University (BSU) Health Fair – Nov. 12, 2008

Cal Gillis from BSU reported on the pharmaceutical take-back event held as part of BSU's Health Fair in November 2008. Over 300 pharmaceutical items—enough to fill three 33-gallon garbage sacks—were collected, including some controlled substances. Data collected from the event are available [here](#). Due to concerns about being overwhelmed with drug returns, advertising for the take-back event was limited to the campus community only, even though the event was open to the public. After the event, Cal reported receiving many phone calls from the public, asking where they could bring in their unwanted pharmaceuticals. Cal plans to hold a take-back event again at next year's fair. He also confirmed that police involvement with the event was important, since it allowed controlled substances to be collected.

Wayne Longo then commented that the Coeur d'Alene police had recently declined to participate in a pharmaceutical take-back event in a shopping mall, due to security concerns and the possibility of collected drugs being stolen.

Danny Seamans of Heartland Pharmacy reported that his company accepts pharmaceutical returns from long-term care facilities. Drugs are collected in metal boxes to prevent theft, and couriers transport the drugs. The company, however, does not accept returns of controlled substances. According to Danny, the return program works satisfactorily.

Lisa Kramer of DEQ asked Angela Deckers if the city of Boise's household hazardous waste program gathers any data on the pharmaceuticals turned in by the public. Angela replied that the city does not collect any data because they don't actively advertise to the public that they accept pharmaceuticals. Drugs collected through the program are incinerated.

Meridian Police Department

John Overton from the Meridian Police Department was not present at today's meeting.

Coeur d'Alene Police Department

Wayne Longo reported on the Coeur d'Alene police department's ongoing collection of household pharmaceuticals. (See http://www.cdapolice.org/index.php?option=com_content&view=article&id=51&Itemid=44 for more information.) Coeur d'Alene police have not been inundated with walk-in returns, according to Wayne. The department is planning a publicized take-back event for later this year, possibly in May.

City of Post Falls Police Department

Scott Haug from the Post Falls Police Department reported on a pharmaceutical take-back event the department held the first week of December 2008. The response was overwhelming, according to Scott; they collected two 33-gallon trash cans of prescription medications, including drugs that are often abused, like Oxycontin. Pharmacies even brought in drugs to the event. The department catalogued all returned drugs (number of bottles and types of medication) but didn't collect any personal information from people who returned the drugs. Scott indicated he wanted to insure anonymity for people returning drugs but didn't want to just leave a bin out front, because people might drop off medical waste (which the department did *not* want).

The Post Falls Police Department currently accepts pharmaceutical returns from the public on a walk-in basis, Monday through Friday from 8 am to 5 pm. Currently, about two people per week bring in pharmaceuticals. Drugs are stored by the police for incineration. Scott reported that the department is considering confiscating drugs belonging to people who pass away, to prevent living relatives from abusing the drugs. The department is also working on community education, distributing to local pharmacists a brochure borrowed from Wayne Longo (available at http://www.cdapolice.org/images/pagemaster/Prescription_Drugs.pdf).

Tracy Beeton from the Idaho Department of Health and Welfare in Pocatello is considering co-sponsoring a pharmaceutical take-back event in late spring.

Other Medical Waste

In Idaho, the Idaho State Police (ISP) dispose of drugs. However, ISP doesn't want needles or other medical waste in their burn bins. Wayne Longo suggested to the group that other take-back events do not accept medical waste. Cal Gillis reported that the take-back event at the BSU Health Fair in November 2008 did have containers for sharps and mercury thermometers. (No one turned in any thermometers, though.) Cal was able to collect these items because BSU already contracts with a hazardous waste disposal company who could dispose of the sharps container for them. Angela Deckers pointed out that no Idaho laws prohibit the disposal of sharps in landfills, though landfills can choose to prohibit certain items as they see fit. Lisa Kramer suggested we keep in mind, however, that not all landfills in Idaho are lined, leaving greater room for medical waste to contaminate the environment.

Update from DEQ

Matt Beeter, Attorney General's Office

Matt distributed a [handout](#) showing the current regulatory framework for two waste streams: 1) pharmaceutical waste collected from household take-back programs, and 2) drugs seized by law enforcement. He noted that current disposal methods throughout the state may not necessarily be in line with this regulatory framework.

Household Take-back

As seen on Matt's handout, household pharmaceutical take-back programs must first decide if they will accept controlled substances. The Idaho Controlled Substances Act closely follows the federal Controlled Substances Act, which states that controlled substances can only be turned over to law enforcement officials. If a take-back program decides *not* to accept controlled substances, they should have someone present who can identify controlled substances as they come in, so the end user maintains control of them at all times. (In other words, sorting must take place as each person brings in their drugs, not after the event). Matt also raised the following question: if a take-back program decides *not* to accept controlled substances, how many precautions are warranted to ensure that no controlled substances are actually accepted? In his opinion, it comes down to the event organizer's need to avoid liability—the more precautions a program takes, the less potential there will be for violating the Controlled Substances Act.

If a take-back program *does* accept controlled substances, there are three regulatory options for their disposal, as shown on Matt's handout. Transporting to and destroying collected drugs at a RCRA¹-permitted incinerator is the preferred option because it is the most environmentally sensitive. A second option is to transport to and destroy drugs at a properly-permitted non-RCRA incinerator. While legal, this isn't the best option in terms of the environment. The final and least environmentally sensitive option is to dispose of drugs at a properly-permitted solid waste landfill.

There are no hazardous waste incinerators in Idaho. In north Idaho, collected household drugs and seized drugs are disposed of at burns conducted by ISP. Scott Haug from the

¹ RCRA = the federal Resource Conservation and Recovery Act

Post Falls Police Department noted that ISP conducts these burns twice a year, burning up to two pickup truckloads at a time.

Matt mentioned that a list is available of drugs that are regulated under RCRA. However, as Angela Deckers pointed out, this list hasn't been updated since the 1970s.

Seized Drugs

The waste stream for drugs seized by the police is different, as Matt's handout shows.

DEQ Workgroup

Matt described a current DEQ workgroup composed of air, solid waste, and RCRA staff who is working to disseminate information to law enforcement officials and others who may organize pharmaceutical take-back programs. The workgroup is working on the back end of drug disposal—in other words, after drugs are collected or seized, how should they best be disposed of? Matt explained that disposal methods should, first of all, be legal, and secondly, should align with best practices.

Angela Deckers mentioned kits for sale that render controlled substances unusable (by adding a polymer); however, DEA has ruled that using these kits does not meet requirements for total destruction.

Clean Harbors Aragonite Incineration Facility

John Brueck from the DEQ State Office Waste Program recently spoke with Clean Harbors, who operates a RCRA-permitted hazardous waste incinerator in Aragonite, Utah, located 75 miles west of Salt Lake City. John is impressed with the Aragonite facility and sees it as the best practice for disposal of medications and seized drugs, and a solution we should work towards. He realizes that obtaining funding for disposal with Clean Harbors is a problem, though. Prices at the Aragonite facility depend on container sizes and whether controlled substances are present. The facility offers cradle-to-grave disposal, meaning they have a landfill on-site to contain the ash from incineration.

Spokane Waste to Energy Facility

Lisa Kramer reported on her recent conversation with the Spokane Waste to Energy facility in Spokane, Washington. Matt Beeter made the distinction between *RCRA-permitted incinerators*, like Clean Harbors' Aragonite Incineration Facility in Utah, and *non-RCRA incinerators*, like the Spokane Waste to Energy facility (see footnotes *a* and *b* on Matt's [handout](#) from today's meeting). The group discussed the possibility of having some collected and/or seized drugs from Idaho disposed of at the Spokane facility. The facility is not permitted to take RCRA waste; however, they told Lisa they could take pharmaceutical waste from out of state, including controlled substances.

PH:ARM, a pilot pharmaceutical take-back program in Washington state, sends some of the drugs they collect to the Spokane Waste to Energy facility and some to the Aragonite Incineration Facility in Utah.

Scott Haug from the Post Falls Police Department remarked that a joint effort between the five northern counties in Idaho is underway to investigate applying for an EPA CARE grant (see <http://www.epa.gov/care/> for more information) to buy an incinerator to dispose of pharmaceutical drugs from household take-back programs and seized drugs. However, a DEQ air permit would be needed for such an incinerator, and obtaining the

permit and operating the incinerator could be costly. John Brueck from DEQ suggested that Scott consider a contract with Clean Harbors or other hazardous waste disposal company instead.

Exploratory Study of Pharmaceutical Waste Management Programs

Sharon Wright, BSU health sciences graduate student

Sharon gave a PowerPoint [presentation](#) on a feasibility study she conducted with Kristi Regotti, a fellow BSU graduate student, to examine the feasibility of a pharmaceutical take-back program in Idaho. As part of the study, Sharon and Kristi examined several take-back programs across the country and interviewed key officials involved with local take-back programs. Among the take-back programs across the country that they examined, Sharon and Kristi found that most conducted one-day or two-day events where police and pharmacies were involved and transportation and disposal were contracted out. Costs of the programs ranged from \$9,000 to \$3.3 million, and funding sources varied. The percentage of controlled substances collected also varied, from 2% to 15%.

Sharon mentioned successful take-back programs in Australia and British Columbia, both of which are funded by pharmaceutical companies. Eleven countries in the European Union also have take-back programs, which are funded by pharmaceutical companies.

Mark Boyle from the DEQ Coeur d'Alene Regional Office pointed out that the group meeting today is discussing two issues: 1) the collection and disposal of household pharmaceuticals collected at take-back programs, and 2) the disposal of seized street drugs seized by police. Mark questioned whether the group should continue to address both issues, or whether they would best be addressed separately.

Next Steps

Time ran out to address the following two agenda items, which will be covered at the next meeting:

1. Update of funding opportunities (Merck Funding—Angela Deckers; EPA CARE Grants—due March 16, 2009; and other ideas, such as foundations, corporate sponsors, drug manufacturers, and pharmacies).
2. Public information: statewide message (what are we going to tell the public to do with unwanted pharmaceuticals?)

Lisa Kramer suggested that the group continue to gather information before initiating a pilot take-back program. She asked for comments from the group, and the following people responded:

- Angela Deckers pointed out two roadblocks, regardless of the direction the group takes: 1) IDAPA 27.01.01.495, the Idaho State Board of Pharmacy rule regarding controlled substance disposal, needs rewritten, and 2) there are environmental issues with current law enforcement destruction of collected and seized drugs. She suggested that the group continue to meet.

- Tracy Beeton from the Idaho Department of Health and Welfare asked if the Idaho National Laboratory (INL) could incinerate drugs collected from take-back programs and seized by the police. John Brueck pointed out that INL would have the same regulatory impediments as any other facility that incinerates drugs. Angela Deckers then commented that since Clean Harbors' facility in Aragonite, Utah is nearby, we shouldn't pursue options to get a RCRA-permitted incinerator in Idaho.
- Robbin Finch from the City of Boise suggested that the group look into applying for an EPA CARE grant. He suggested that the Association of Idaho Cities may be interested in actually applying for the grant, since state agencies can't apply for CARE grants.
- Sara Cohn from the Idaho Conservation League said she gets many calls from the public regarding how to dispose of their drugs. She thinks the group should continue to meet.

The group will meet next on April 29, 2009 from 10:00 am to noon at the DEQ State Office, located at 1410 N. Hilton in Boise. Those outside the Boise area are welcome to participate via conference call. Lisa Kramer will provide a call-in number prior to the April meeting.

Attendees

Angela Deckers (City of Boise)

Bryan Zibbell (DEQ – drinking water program)

Cal Gillis (Boise State University)

Carl Brown (DEQ – air program)

Clark Rollins, via phone (Idaho State Police)

Dan Johnson, via phone (City of Lewiston, Idaho)

Danny Seamans (Heartland Pharmacy)

Donna Denny, via phone (Idaho Commission on Aging)

Eileen Bresnahan, via phone (Blackfoot Drug Prevention Coalition)

Idaho State Board of Pharmacy intern

John Brueck (DEQ – waste program)

Kara Stevens (Idaho Department of Health and Welfare)

Karianne Fallow (Wal-Mart)

Lisa Kramer (DEQ – environmental project coordinator)

Marianne King (Drug Free Idaho)

Mark Boyle, via phone (DEQ – Coeur d'Alene Regional Office)

Mark Johnston, Idaho State Board of Pharmacy

Matthew Beeter (DEQ – Attorney General's Office)

Pam Eaton (Idaho Retailers' Association/Idaho Retail Pharmacy Council)

Rob Howarth (Central District Health)

Robert Eachon, via phone (DEQ – Coeur d'Alene Regional Office) Robbin Finch (City of Boise)

Ryan Buzzinni, Boise Police Department

Sara Cohn, Idaho Conservation League

Scott Haug, via phone (Post Falls Police Department)

Sharon Wright (Boise State University health sciences graduate student)

Steve Maneck (City of Meridian, Idaho)

Suzanne Scheidt, via phone (DEQ – Coeur d'Alene Regional Office)

Tracy Beeton, via phone (Region 6, Idaho Department of Health and Welfare)

Tressa Nicholas (DEQ – wastewater program)

Wayne Longo, via phone (Coeur d'Alene Police Department)

Yvonne Pettit, via phone (DEQ – Coeur d'Alene Regional Office)