

Minutes for Pharmaceutical Waste/Disposal Meeting

October 22, 2008

10 am – noon

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

Feedback from September 10, 2008 Workshop

Lisa Kramer (DEQ), facilitator

Twenty-three people participated in today's meeting, which was a follow-up to the pharmaceutical waste/disposal workshop held on September 10, 2008.

Pharmaceutical Waste/Disposal Workshop Feedback Form

Lisa elaborated on the feedback form (see attached) she had attendees fill out during the September 10, 2008 workshop. She brought up the following points:

- She has received approximately 6-12 inquiries since the September 10 workshop from people wanting more information on a pharmaceutical take-back program or requesting presentations on the topic at conferences and workshops.
- DEQ currently has no funding to implement a pilot pharmaceutical take-back program. However, some agency funding cycles ended in September, so there may be some upcoming news on funds availability. Investigating possible funding resources is one of the action items for attendees before the next meeting in January.
- A feasibility study is an important next step for Idaho's pilot pharmaceutical take-back program. Sharon Wright, a Boise State University graduate student present at today's meeting, is working on a feasibility study on pharmaceutical take-back programs. By investigating other take-back programs across the country, she is hoping to distill some best practices to guide Idaho's program. Sharon's study should be completed by the second week in December, so she could present it when this group next meets, in January.

Steve Maneck, City of Meridian, suggested taking a wide approach when educating the public on pharmaceutical waste by disseminating a similar message to a wide audience through various networks and pathways (for instance, reaching out to students in the schools, including fliers in sewer bills sent to homes, and so forth). Lisa added to Steve's comment by suggesting the development of standards to make the messaging consistent.

Efforts Already Underway

Lisa asked attendees to describe any pharmaceutical waste take-back efforts already underway.

John Overton, Meridian Police Department (MPD), stated that MPD has been interested in the issue of prescription drug take-back for some time. MPD plans to attack the issue from three angles: 1) by collecting unused prescriptions that people would typically flush down the toilet, 2) by collecting controlled substances, and 3) by offering amnesty for people who have controlled substances but wish to turn them in (such as parents who find drugs in their child's bedroom). Anonymous drop-off at a secure bin would be necessary to offer amnesty.

John mentioned that determining which drugs are controlled substances is not always easy. Even some MPD officers have to consult rule books to determine what is considered a controlled substance.

MPD will implement a pharmaceutical take-back program soon, with a secure bin for public drop-off of unwanted medications. Law enforcement can legally collect controlled substances, so the public can bring in both over-the-counter (OTC) medications and controlled substances to the MPD bin. John mentioned that MPD's public education will be aimed at families, since drug abusers are stealing prescription drugs from homes much more frequently than from pharmacies.

Disposal of collected drugs would follow the state regulations that MPD follows for all other seized drugs—burning/incineration. Angela Deckers from the City of Boise suggested MPD educate the public to not bring in sharps. Jan Atkinson from the Idaho State Board of Pharmacy suggested that the public could bring unwanted prescriptions to the collection site in the original prescription bottles, then empty the bottles there. This would avoid the burning of plastic bottles, which creates air pollution. Angela Deckers, however, would like to be able to collect data on what drugs are being brought in, and this would not be possible if the public simply empties their pills into one big bin. John responded that MPD staff at the collection site could record drug information (drug name, quantity, etc.) before the prescription bottles are removed.

Steve Maneck asked if MPD could make house calls to collect unwanted pharmaceuticals. John stated that extensive paperwork is required when MPD seizes drugs from a residence, thus it is easier for the public to bring unwanted pharmaceuticals to a drop-off site. MPD does, however, plan to move their collection bin to various locations such as senior centers.

Clarification on Rules and Regulations

Matthew Beeter (DEQ – Attorney General's office)

Legal constraints determine how pharmaceutical take-back programs can be designed. Matthew passed around a handout (see attached) detailing some of his research into laws relevant to pharmaceutical take-back programs in Idaho. Matthew discussed the following aspects of pharmaceutical take-back programs: hazardous waste, controlled substances, shipping and transport, privacy, and destruction.

Hazardous Waste

The federal Resource Conservation and Recovery Act (RCRA), which governs disposal of solid and hazardous waste, is not applicable when *household* waste (including pharmaceutical waste) is collected. Pharmaceutical waste from businesses, however, is subject to RCRA.

Matthew stated that few household drugs are actually hazardous waste (chemotherapy drugs are one exception). However, Washington state's pharmaceutical take-back program (PH:ARM), treats all the drugs they collect as hazardous waste and follows the procedures necessary to handle it, because they simply cannot know how much of what they collect actually is hazardous waste.

The U.S. Environmental Protection Agency (EPA) is planning to amend the Universal Waste Rule (see <http://www.epa.gov/osw/hazard/wastetypes/universal/index.htm>) to streamline the disposal process for pharmaceuticals. A draft amendment should be out in December 2008. The paperwork required to dispose of pharmaceuticals may be simplified or reduced by this amendment.

Controlled Substances

Most pharmaceutical take-back programs do not collect controlled substances, due to the federal Controlled Substances Act, which requires collection and disposal of controlled substances to occur within the presence of a law enforcement officer. Matthew's handout included a list of some controlled substances, based on the U.S. Drug Enforcement Agency's (DEA's) definitions of what a controlled substance is. Jan Atkinson added that the state can, through legislation, make a substance controlled that the DEA does not currently categorize as controlled. However, the list of controlled substances in Idaho currently matches the DEA's list.

Matthew pointed out that most take-back programs do end up getting some controlled substances, since the public doesn't always know which drugs are considered controlled substances. (In other words, even when take-back programs advise the public that they cannot accept any controlled substances, some people will still bring them in.) This raises the question of how an Idaho take-back program should handle the waste collected—should we treat it all as controlled substances? Treat it all as hazardous waste?

Shipping and Transport

Matthew couldn't find any regulations concerning shipping and transport of non-controlled substances.

Privacy

When the public brings drugs in to take-back programs, they have a legitimate right to maintain their privacy (they shouldn't have to leave their name and doctor's name on the prescription bottle's label, for instance). It is, however, a federal offense to deface a label on a controlled substance bottle/container. However, Matthew doesn't see a problem with people using a black marker at the drop-off point to mark out their name and any other private information on their prescription bottles. We could ask them, though, to leave information on the label that identifies the drug itself, to allow cataloguing of the types and quantities of drugs that are brought in.

Destruction

Idaho Code 37-2744 details a destruction process for controlled substances. John Overton from MPD stated that Meridian police follow this process when they destroy seized drugs.

One of the Idaho State Board of Pharmacy's rules, IDAPA 27.01.01.495, also concerns the disposal of controlled substances. This rule is almost identical to an existing federal rule, according to Matthew Beeter. IDAPA 27.01.01.495 does not allow for amnesty—identifying information is required of the person wishing to dispose of the controlled substance. However, this rule is clearly designed to address the return of drugs (so they can still be used), not disposal per se.

Disposing of Pharmaceuticals after Collection

Meeting participants

Pam Eaton from the Idaho Retailers' Association/Idaho Retail Pharmaceutical Council said that pharmacies will not want to host pharmaceutical collection bins on an ongoing basis because of potential liability issues. Pharmacies may be interested in partnering with police to host an event once a month, for instance, perhaps in the store's parking lot. However, they would NOT be interested in hosting a permanent bin anywhere in the pharmacy or in the store.

Steve Maneck mentioned the involvement of Walgreen's and Fred Meyer pharmacies in take-back programs in California. He suggested we look at how pharmacies got involved in those states so we don't try to reinvent the wheel. He also suggested that the group should decide if we're going to provide guidance on designing local take-back programs and disseminate it to communities across the state.

Lisa Kramer mentioned that some pharmacies have contacted her and shown interest in hosting take-back bins. She also said it would be helpful to conduct some one-time events to gauge initial public interest in take-back, see how much participation we can get, and disseminate public education.

Jan Atkinson is concerned about transporting drugs collected from a take-back program because there *will* likely be some controlled substances in there. And then we'd likely have a driver transporting controlled substances without proper authorization to do so, which is a federal offense.

Angela Deckers mentioned that other programs that track collected pharmaceuticals have reported around only 1% - 2% of their collected drugs being controlled substances, which is a very small percentage. Jan Atkinson suggested focusing instead on getting the public to bring in OTC medicines only.

Matthew Beeter noted that nursing homes have a household hazardous waste exemption.

Hospitals in Idaho no longer have incinerators, so they cannot dispose of drugs collected from take-back programs.

The Idaho State Police conduct burns of seized drugs about every six months at the Boise landfill. Angela Deckers said the police coordinate with the regional DEQ office to get permission to burn. Carl Brown of DEQ stated that, ideally, there should not be open burning of drugs. Controlled incineration is a better option, in his opinion. There is a facility in Utah that is licensed to incinerate controlled substances, but none exists in Idaho.

Clean Harbors, a provider of environmental and hazardous waste management services through North America, owns a facility (one of two in the U.S.) licensed by EPA to destroy pharmaceuticals.

Matthew Beeter clarified that a controlled substance retains its classification as a controlled substance until it is obliterated in an incinerator or otherwise destroyed.

Professional/Personal Story About Why a Pharmaceutical Take-back Program is Needed

Kai Elgethun from the Idaho Department of Health and Welfare was going to present a story, but he was not in attendance at today's meeting.

No Drugs Down The Drain—California’s Statewide Pharmaceutical Take-back Campaign

Lisa Kramer

Lisa asked participants if they could consider having a week-long pharmaceutical take-back event next year, similar to California’s No Drugs Down the Drain program (see <http://www.nodrugsdownthedrain.org/> for more information). Angela Deckers stated that having a Boise police officer present for an entire week during such an event could be a problem, due to police department budget and staff constraints. Steve Maneck suggested seeking political support for such an event, such as getting Boise mayor Dave Bieter’s support, because the mayor may be able to secure police presence. (Law enforcement presence would be necessary in case people bring in controlled substances.)

Wrap-up

Robbin Finch from the City of Boise said that he sees two main options this group can pursue— 1) conducting one-time local events, or 2) implementing ongoing, more permanent programs (like Washington state’s PH:ARM program). Robbin cautioned that close attention should be paid to the public messaging that goes out surrounding any program we implement, because we can’t tell the public that they shouldn’t flush their drugs down the toilet but then give them no other options for disposal!

It was noted that at least two distinct parties with different but perhaps complementary interests were represented in today’s meeting: 1) law enforcement, who are interested in getting unwanted pharmaceuticals out of homes and off the street, and 2) DEQ and other parties interested in making sure unwanted pharmaceuticals are disposed of in an environmentally responsible manner.

Cal Gillis from Boise State University (BSU) mentioned a one-day pharmaceutical take-back event happening this November at BSU—an annual health promotions fair hosted by BSU kinesiology students. Cal’s office is working with the Boise Police Department (BPD) to place a collection bin at the fair in BPD’s booth. Cal has no current plans to catalog the drugs that will be collected but was open to suggestions from Angela Deckers to partner with Idaho State University pharmacy students to catalog the drugs. Jan Atkinson also volunteered to catalog the drugs. The health fair will be open to the public, though the campus community represents approximately 90% of attendees each year.

Steve Maneck mentioned a statement he recently saw on drug manufacturer Merck’s Web site stating their willingness to partner in pharmaceutical take-back programs. Angela Deckers volunteered to contact Merck to determine which communities the company may have already partnered with in take-back programs. She will report her findings at the next meeting, in January 2009.

Jeff Fromm from DEQ asked what members of the group should tell people to do with unwanted pharmaceuticals for the time being, since Idaho doesn’t have a take-back program yet. The City of Boise currently tells residents to take their unwanted pharmaceuticals to Boise Household Hazardous Waste collection locations. Pharmaceuticals collected there are incinerated but are not catalogued.

Next Steps

Workshop participants

Participants agreed on two action items to complete before the next meeting:

1. Agree on messaging—what are we going to tell the public to do with unwanted pharmaceuticals? **Prior to the next meeting, participants should email Lisa at lisa.kramer@deq.idaho.gov with the messaging they'd like to disseminate to the public.** Everyone present agreed that the first part of the message should advise the public not to flush unwanted pharmaceuticals down the toilet.
2. Look at financial resources—how can we fund a pharmaceutical take-back program in Idaho? **Prior to the next meeting, participants should identify any amount of funding their organization may be able to contribute.**

The group will meet next on **Wednesday, January 21, 2009 from 10 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 next meeting.

Attendees

Angela Deckers (City of Boise)

Brian Zibbell (DEQ – drinking water program)

Cal Gillis (Boise State University)

Carl Brown (DEQ – air program)

Dan Johnson (City of Lewiston, Idaho)

Dean Ehlert (DEQ – waste program)

Donna Denny (Idaho Commission on Aging)

Jan Atkinson (Idaho Board of Pharmacy)

Jeff Fromm (DEQ toxicologist)

Jim Vannoy (Idaho Department of Health and Welfare)

John Overton (Meridian Police)

Kara Stevens (Idaho Department of Health and Welfare)

Lane Jolliffe (Office of Congressman Bill Sali)

Lisa Kramer (DEQ pollution prevention specialist)

Marianne King (Drug Free Idaho)

Mathew Beeter (DEQ – Attorney General's Office)

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

Rob Howarth (Central District Health)

Robert Morris (Idaho Board of Pharmacy intern)

Robbin Finch (City of Boise)

Sharon Wright (Boise State University graduate student)

Steve Maneck (City of Meridian, Idaho)

Tressa Nicholas (DEQ – Boise Regional Office)