

From: Paterson, James (DEP) [james.paterson@state.ma.us]
Sent: Wednesday, May 11, 2011 12:06 PM
To: Bunnell, Ross
Cc: Sirull, William (DEP); Barber, Matthew (DEP)
Subject: RE: Question
Attachments: LTCF Take Back letter.pdf

Ross, here are responses from MA.

James Paterson
MassDEP
1 Winter St., 7th Floor
Boston, MA 02108
617.556.1096

From: Bunnell, Ross [<mailto:Ross.Bunnell@ct.gov>]
Sent: Tuesday, May 10, 2011 10:12 AM
To: 'Jennifer Griffith'; 'Bret Reburn, NJ'; 'Brett Putnam, NYS'; 'Carole Cifrino, ME'; 'Ed Vigneault, ME'; 'Gary Gulka, VT'; 'George Desch, VT'; Paterson, James (DEP); 'John Duclos, NH'; 'Judy Mirro, VT'; Sullivan, Kevin T.; 'Lynn Metcalf, VT'; 'Marc Roy, VT'; 'Mark Dennen, RI'; 'Mike Hastry, NJ'; 'Mike Wimsatt (NH)'; 'Richard Kaselis, ME'; 'Robert Bishop, NH'; 'Isner, Robert'; 'Ron Gagnon, RI'; 'Russ Brauksieck (NYS)'; 'Sara Johnson, NH'; 'Scott Whittier, ME'; 'Sean Carney (RI)'; 'Stacy Ladner, ME'; 'Steve Simoes, VT'; 'DeGabriele, Steven (DEP)'; 'Tod Leedberg (NH)'; 'Tom Killeen, NYS'; Metzner, Tom; 'Wendy Bonner, NH'; Sirull, William (DEP); 'Yan Li, RI'
Cc: DiNoia, Michele; Ploch, Peter; Sullivan, Kevin T.; Applefield, Dean
Subject: Question

Dear NEWMOA HW Conference Call contacts:

I am emailing you all in the hopes that I can quickly collect some information about how other NEWMOA states handle a particular HW compliance issue that we are dealing with at the present time.

The issue has to do with the management of old (past shelf-life), recalled, damaged, unneeded, or discarded pharmaceuticals at health care facilities, and in particular retail pharmacies. I know we had a conference call on the management of pharmaceuticals back in October of 2008, but I suspect that some of you may have changed or refined your policies since then.

Here are my specific questions:

- 1.) What are your state's policies (if any) regarding the management of *non-residential* unwanted or unusable pharmaceuticals? **MA recognizes EPA's reverse distribution allowance for unwanted pharmaceuticals. Generators must otherwise make a HW Determination and manage accordingly. See: <http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/a3a7a7a8f297438b8525670f006be5d8!OpenDocument>**
- 1.) If non-residential pharmaceuticals conform to a hazardous waste characteristic or listing, do you require that they be managed as hazardous waste? **Yes, unless being managed under provisions of a reverse distribution program.**
- 2.) What do you consider to be the point of generation? At the pharmacy or health care facility at which it is determined that the pharmaceutical is no longer usable or needed, or somewhere further down the line? **At the pharmacy or health care facility at which it is determined that the pharmaceutical is no longer usable or needed, unless managed under auspices of reverse distribution.**
- 3.) Do you have any specific policies relating to the use of pharmaceutical return centers? **No.**
- 4.) Do you have any specific policies relating to the management of unusable/unwanted pharmaceuticals at retail pharmacies (e.g., CVS, Walgreens, Rite Aid, etc.)? **No.**
- 5.) Do your policies differentiate in any way between different types of health care facilities (i.e., hospitals vs. long-term health care facilities vs. retail pharmacies)? **Yes. MassDEP recognizes EPA position re: LTCs (resident is generator of prescriptions under their control). See attached.**
- 6.) Have any of you had enforcement of any kind with any retail chain pharmacies in your state? (If so, please briefly summarize the nature of the violations and the resolution of the case.) **Only enforcement case I'm aware of involving a pharmacy chain was related to photoprocessing waste, and that was at least ten years ago.**
- 7.) Do you have any written guidance that you can forward me relating to this topic? **Nothing comes to mind**

Thanks in advance for any and all information you can provide.

--Ross Bunnell, Sanitary Engineer 3
CT Department of Environmental Protection (DEP)
Bureau of Materials Management and Compliance Assurance

Waste Engineering & Enforcement Division

Tel. 860.424.3274

Fax 860.424.4059

ross.bunnell@ct.gov