

August 21, 2019

Information on EPA's Hazardous Waste Pharmaceuticals Sewer Ban

Effective August 21, 2019, health care facilities and reverse distributors are no longer allowed to dispose of pharmaceuticals that are hazardous waste by flushing or putting them down the drain. This requirement (40 CFR 266.505) is part of the US EPA's final rule for the management of hazardous waste pharmaceuticals. The other provisions of the rule do not take effect in Kansas until they are adopted by the State.

Who does this apply to?

“Health care facility” as defined by EPA includes, but is not limited to:

- wholesale distributors;
- third-party logistics providers that serve as forward distributors;
- military medical logistics facilities;
- hospitals;
- psychiatric hospitals;
- ambulatory surgical centers;
- health clinics;
- physicians' offices;
- optical and dental providers;
- chiropractors;
- long-term care facilities;
- ambulance services;
- pharmacies;
- long-term care pharmacies;
- mail-order pharmacies;
- retailers of pharmaceuticals;
- veterinary clinics; and
- veterinary hospitals.

A “reverse distributor” receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Each person that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

Which wastes does this apply to?

EPA defines “pharmaceutical” as:

- any drug or dietary supplement for use by humans or other animals;
- any electronic nicotine delivery system (*e.g.*, electronic cigarette or vaping pen); or
- any liquid nicotine (eliquid) packaged for retail sale for use in electronic nicotine delivery systems (*e.g.*, pre-filled cartridges or vials).

“Pharmaceutical” includes, but is not limited to:

- dietary supplements;
- prescription drugs;
- over-the-counter drugs;
- homeopathic drugs;
- compounded drugs;
- investigational new drugs;
- pharmaceuticals remaining in nonempty containers;
- personal protective equipment contaminated with pharmaceuticals; and
- clean-up material from spills of pharmaceuticals.

This definition does not include dental amalgam or sharps.

Only pharmaceuticals that also are either a characteristic or listed hazardous waste are subject to the sewer ban.

Where can I find additional information?

Information about EPA’s rule for the management of hazardous waste pharmaceuticals can be found at www.epa.gov/hwgenerators/final-rule-management-standards-hazardous-waste-pharmaceuticals-and-amendment-p075. The EPA has posted answers to Frequently Questions about the hazardous waste pharmaceuticals rule, including the sewer ban at www.epa.gov/hwgenerators/frequent-questions-about-management-standards-hazardous-waste-pharmaceuticals-and.

The State of Florida has published a list of pharmaceuticals that are potentially hazardous waste when discarded: https://floridadep.gov/sites/default/files/Hazardous_Waste_Pharm_List_Feb17.pdf

For additional information about the management of hazardous waste you may visit the Bureau of Waste Management web site at www.kdheks.gov/waste or call 785-296-1600.