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Management of Household Pharmaceuticals Collected by Law Enforcement During Take-Back Events/Programs: September 11th U.S. Environmental Protection Agency Memorandum

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Barnes Johnson, Director of the United States Environmental Protection Agency (“EPA”) Office of Resource Conservation and Recovery (“RCRA”) authored a September 11th memorandum titled:

Management of Household Pharmaceuticals Collected by Law Enforcement During Take-Back Events and Programs (“Memorandum”)

The *Memorandum* was transmitted to the RCRA Division Directors for the agency’s Regions.

The EPA *Memorandum* highlights a number of options law enforcement may use to transport collected household drugs to incinerators in manners that comply with EPA, Drug Enforcement Agency, United States Department of Transportation, and United States Postal Service regulations. EPA states that it coordinates regularly with the other agencies in collection and disposal of drugs. The *Memorandum* in particular notes the efforts of law enforcement offices to address the opioid crisis.

The *Memorandum* addresses:

- Background and Purpose
- Noting the volume of unwanted drugs collected during take-back days
- Explaining various options law enforcement agencies can use to transport and destroy household pharmaceuticals collected in such programs
- Clarifying that law enforcement agencies can send collected household pharmaceuticals for destruction in a hazardous waste combustor regulated under § 112 of the Clean Air Act or certain specified types of solid waste incineration units regulated under § 129 of the Clean Air Act
- Explaining the various options law enforcement has for shipping collected household pharmaceuticals to one of these facilities
- Introduction
- Describing the generation of unwanted pharmaceuticals
- Describing take-back programs
- Background – RCRA Regulations

- Describing regulation of unwanted pharmaceuticals under the Resource Conservation and Recovery Act
- Not regulated federally as hazardous waste and generally handled through Municipal Solid Waste Collection and Disposal systems
- Background – Controlled Substances Act
- Noting collection of pharmaceutical controlled substances through take-back events and programs must be conducted in compliance with the requirements of the Controlled Substances Act, referencing the Secure and Responsible Drug Disposal Act of 2010 and DEA's implementation through regulations
- Options Available to Law Enforcement for Destruction of Pharmaceuticals from Take-Back Events or Programs
- Available incineration units for the destruction of pharmaceuticals from take-back events or programs
- Options available to law enforcement for transporting pharmaceuticals from take-back events and programs to DEA registered reverse distributors
- Open Burning of Pharmaceuticals
- Noting open burning of residential, commercial, institutional, or industrial solid waste is prohibited under RCRA Subtitle D regulations
- Noting open burning of pharmaceuticals from take-back events may pose health risks to law enforcement officers and members of surrounding communities

A [copy of the Memorandum](#) can be found here.