



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Subject: Pharmaceutical Waste Management: What WI Law Enforcement Officials Need to Know

Dear Law Enforcement Official:

Over the past several years, the abuse of unused prescription medications, particularly controlled substances like Oxycontin, has become a serious problem in Wisconsin. Unused medications may also be a cause of accidental poisonings or medication errors, and, if disposed into sewers and landfills, may affect our environment.

In response to these concerns, many Wisconsin municipalities have organized medication collections. However, as you are aware, the federal Drug Enforcement Administration's (DEA) Controlled Substances Act extends the right to take possession of controlled substances only to law enforcement personnel. This means that either the collection event organizers must refuse to accept controlled substances, or law enforcement must be physically present to receive them.

Another challenge is the sheer complexity of wastes collectively known as "medications" and "pharmaceuticals" – and the rules that apply to this material. These items must be properly disposed at an approved facility. Open burning of this material is not allowed.

We have written the attached document, "**Household Pharmaceutical Waste Disposal -- What Wisconsin Law Enforcement Officials Need to Know**" to describe how law enforcement may assist in proper collection and disposal of controlled substance pharmaceuticals from households.

We hope the document enables you both to participate in medication collections and to comply with DEA and DNR rules. It would be great to get these medications off the streets and out of our water!

Sincerely,

Edward K. Lynch, P.E., Chief
Hazardous Waste Prevention and Management Section
Bureau of Waste and Materials Management

Attach: **Household Pharmaceutical Waste Disposal – What WI Law Enforcement Officials Need to Know**

cc: Brad Dunlap, Project Director, Lake Winnebago Area Metropolitan Enforcement Group
Barb Bickford, Medical Waste Coordinator, WDNR

Household Pharmaceutical Waste Disposal – What Wisconsin Law Enforcement Officials Need to Know

If you participate in a “Medication Take-back” event:

- 1) Arrange for proper disposal and funding before committing to participate in any collection event.
- 2) Be present during all open hours at any event where controlled substances will be accepted.
- 3) Accept only controlled substance medications prescribed to a household/end user. Do not accept drugs generated in non-household situation (e.g., clinic, nursing home or school). Do not accept non-controlled substances; the organizer of the collection event should retain all non-controlled substances. The organizer should also arrange for a licensed pharmacist (not law enforcement) to identify all medications.
- 4) Maintain custody of the controlled substances in a secure location, both during and after the event.
- 5) Follow your agency’s Evidentiary Procedure at the event and during storage.
- 6) Package the waste. If your agency’s Evidentiary Procedure allows it, you may package the waste at the collection event. Otherwise, do it immediately before transporting the waste to the next destination. Package the waste as follows:
 - a. Remove all solids from their containers and deposit in a plastic lined drum. Recycle original containers where possible – most medication bottles cannot be recycled.
 - b. Leave all liquids in their original containers and ensure the cap is tight. Place these containers in with the solids.
 - c. Seal all containers with tape and initial them. If you have someone witness the initial packaging, there will be little chance of misconduct allegations.
- 7) Contact either the Lake Winnebago Area Metropolitan Enforcement Group (MEG) Project Director, Brad Dunlap (920-751-6943) or Wisconsin DNR Medical Waste Coordinator, Barb Bickford (608-267-3548) to determine where to take these substances for later transportation to an approved incinerator. At the time of this writing, the two drop-off locations are in Winnebago County and Jefferson County, respectively. Other locations may have been added by the time your collection is held.
- 8) Contact the designated location to arrange the specific time and place for drop-off.
- 9) Arrange for one of your law enforcement officers to transport the substances to the designated location.
- 10) The Lake Winnebago Area MEG Unit will arrange for transportation to the incinerator. Your agency may be charged disposal. The maximum disposal fee for controlled substances will be \$2 per pound. Non-controlled substances will not be accepted. Upon delivery of the containers to the drop off sites, the seal to the container will be inspected to ensure it is intact before opening, and the contents of the container will be inspected. If it turns out that your shipment contains non-controlled substances, your shipment, including the controlled substances, will be rejected.

If you intend to collect drugs at your agency in “Medication Drop Boxes”:

- 1) Review the federal DEA guidelines for the disposal of unused or unwanted medications by ultimate users, 21 CFR Section 1307.21. <http://www.deadiversion.usdoj.gov/21cfr/cfr/1>
- 2) Review the DNR guidance on collecting household pharmaceuticals. If you intend to collect non-controlled substances as well as controlled substances, you must comply with this document. The document is **“Collecting Unwanted Household Pharmaceuticals; Regulatory Guidance for Organizers of Household**

Pharmaceutical Collection Events” (publication WA1024)

<http://www.dnr.wi.gov/org/aw/wm/publications/aneupub/WA1024.pdf>

- 3) Write a letter to DEA requesting approval to maintain a drop box. An example of such a letter is on page 3.
 - 4) Build a drop box which is tamperproof and makes it impossible for people to reach in and remove drugs. Design the box to have relatively small openings to discourage non-households from using the box illegally.
 - 5) Arrange for safe and legal disposal of both controlled and non-controlled pharmaceuticals before initiating collection.
 - 6) Monitor the drop box 24 hours a day, 7 days a week. If the box cannot be monitored 24/7, it must be secured outside of public access when not being monitored.
 - 7) Empty the box regularly to prevent overfilling.
 - 8) Keep the pharmaceuticals in their original containers until you can identify them as controlled or non-controlled substances. We recommend that you inform potential users of your box that they should obliterate **ONLY** their name and personal identifying information, but leave the name of the medication on the bottle. If users bring in unidentified pills, a pharmacist or other qualified source must identify them as controlled and non-controlled. You must then label them as such. You must dispose of the non-controlled substances as described below.
 - 9) When you are ready to ship the controlled substances off-site, follow points 6 through 10 under the section regarding medication collections, above.
 - 10) If you do not plan to dispose of all collected non-controlled substances as hazardous waste, you must make a “waste determination” (i.e., determine if something is a hazardous waste or non-hazardous waste) on everything collected and dispose accordingly. For more information, see “**Collecting Unwanted Household Pharmaceuticals; Regulatory Guidance for Organizers of Household Pharmaceutical Collection Events**” (publication WA1024) <http://www.dnr.wi.gov/org/aw/wm/publications/aneupub/WA1024.pdf>
 - 11) Arrange for separate disposal of your non-controlled substances. Do NOT send hazardous waste non-controlled substances along with your controlled substances. Instead, you may hire a hazardous waste contractor or, as a Wisconsin municipality, you may use the state hazardous waste contract. The current (2009-2012) contract can be found here:
vendornet.state.wi.us/vendornet/asp/ContractDetail.asp?SystemContractNumber=2330
- NOTE: "Municipality" is broadly defined at <http://vendornet.state.wi.us/vendornet/procman/prod30.asp>. To register for access to VendorNet, go to vendornet.state.wi.us/vendornet/default.asp then click on Registration Information. The VendorNet Information Center is open weekdays, 8 a.m. to 4:30 p.m., to answer questions about VendorNet. If in the Madison area, call the VendorNet Information Center at **264-7897** or **264-7898**. Otherwise, call **1-800-482-7813**. Or, send an e-mail message to vendrhlp@doa.state.wi.us for assistance.
- 12) These guidelines assume that all collected pharmaceuticals will be managed as hazardous waste. If you do not intend to do this, all collected materials must be evaluated individually so that any that are, indeed, hazardous waste, can be managed as such.

For more information about medication collections, please visit the DNR’s Household Pharmaceutical Waste web page at <http://www.dnr.wi.gov/org/aw/wm/pharm/household.htm>. Scroll down to the heading “Collecting Household Pharmaceuticals.”

Example letter to DEA

YOUR DEPARTMENT LETTERHEAD

DATE

Gary G. Olenkiewicz, Special Agent in Charge
Drug Enforcement Administration
Chicago Field Division
230 S. Dearborn Street, Suite 1200
Chicago, Illinois, 60604

Dear Mr. Olenkiewicz:

Pursuant to 21 CFR 1307.21, please accept this letter as a request to support a community Good Neighbor Event. ___NAME___ in our community would like our department to take possession of controlled substance pharmaceuticals from individuals wishing to dispose of them. I understand that the conditions required to do so include:

1. That the duly authorized law enforcement officer who is a full-time employee of this department shall be responsible for supervising the collection and that, if necessary, another duly authorized and certified law enforcement officer may be substituted for the officer during the course of the event.
2. Starting when any controlled substances are first collected and continuing until the controlled substances are turned over for destruction, the following will occur:
 - (a) the law enforcement officer referred to in paragraph 1 shall, at all times, have sole control over and sole possession of all controlled substances collected and of the container in which they are stored; and
 - (b) at no time will anyone other than the law enforcement officer referred to in paragraph 1 have access to the container or collected controlled substances other than to deposit controlled substances into the container.
3. Only pharmaceutical drugs will be collected and stored in the container. Illicitly manufactured controlled substances will not be collected as part of this program. Should illicitly manufactured controlled substances be turned in, they shall be handled in accordance with department policy.
4. The law enforcement officer referred to in paragraph 1 shall be responsible for ensuring that the controlled substances are turned over to the appropriate officials in this department for disposal in accordance with standard policies and procedures utilized by this agency for the destruction of controlled substances.
5. That all methods used by this agency to destroy controlled substances comply with applicable federal and state laws and regulations, including, but not limited to, applicable laws and regulations related to public health and environment.
6. That this event will be completed within one year of the date of approval and not extended without the express written authorization of the Special Agent in Charge.

Sincerely
YOUR NAME AND TITLE