



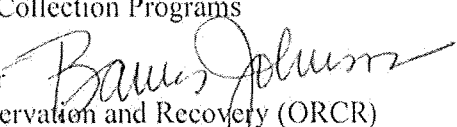
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 02 2015

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Household Hazardous Waste Exemption for Pharmaceuticals Collected via DEA Approved Take-back or Collection Programs

FROM: Barnes Johnson, Director 
Office of Resource Conservation and Recovery (ORCR)
Office of Solid Waste and Emergency Response

TO: RCRA Division Directors
EPA Regions I to X

The purpose of this memorandum is reiterate that the RCRA household hazardous waste exemption applies to pharmaceuticals collected via Drug Enforcement Administration (DEA) approved take-back collection programs under DEA's new regulations.

The Drug Enforcement Administration (DEA) finalized new regulations in 2014 to implement the Secure and Responsible Drug Disposal Act of 2010 (September 9, 2014; 79 FR 53520). This rule significantly expands the options available to collect pharmaceutical controlled substances for the purposes of safe disposal. Prior to this DEA regulation, members of the public could not deliver their controlled substances to any person for the purpose of disposal other than "by surrender to law enforcement" (e.g., a collection program run by state, local, or tribal law enforcement or DEA). This limited the availability and effectiveness of collection programs and, at the same time, it was discovered that the abuse of household pharmaceuticals through diversion was increasing.¹ With this new regulation, a DEA authorized collector can conduct programs to collect old, expired, or unwanted pharmaceutical controlled substances from households. For example, a local retail pharmacy may install a collection receptacle on its premises for household pharmaceutical wastes if it becomes a DEA authorized collector.

In light of the new DEA rule, the EPA would like to reiterate that pharmaceuticals from a home, to the extent they would otherwise be hazardous wastes, are excluded from RCRA hazardous waste regulation as household waste (§ 261.4(b)(1)). This exclusion applies even when household hazardous wastes are

¹ Statement for the Record of Michele M. Leonhart (DEA Administrator). "Warning: The Growing Danger of Prescription Drug Diversion." April, 14 2011. http://www.dea.gov/pr/speeches-testimony/2012-2009/110414_testimony.pdf

collected outside the home such as the current pharmaceuticals collected at DEA authorized collection receptacles. Non-household pharmaceutical hazardous waste continues to be regulated.²

Furthermore, the Agency has recently recommended that collected household waste pharmaceuticals be incinerated — preferably at a permitted hazardous waste incinerator, but when that is not feasible, at a municipal waste combustor.³ The Agency believes that this practice is already common among collection programs since one goal of many collection programs is to divert household pharmaceuticals from municipal landfills.

Please note that under Section 3006 of RCRA individual states can be authorized to administer and enforce their own hazardous waste programs in lieu of the federal program. States that are authorized to implement the RCRA program have authority to promulgate regulations that are more stringent than the federal program. You should consult with the appropriate authorized state agency for any site specific guidance. If you have any questions about the federal hazardous waste regulations discussed in this memo, please contact Josh Smeraldi at (703) 308-0441 or Kristin Fitzgerald at (703) 308-8286.

cc: Joe Rannazzisi, DEA, Office of Diversion Control, Deputy Assistant Administrator

² See memo November 1, 1988, from Porter to Regions (RCRA Online #11377).
[http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/2FD51915214EF63C8525670F006BDC88/\\$file/11377.pdf](http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/2FD51915214EF63C8525670F006BDC88/$file/11377.pdf)

³ See memo September 26, 2012, Rudzinski to the Regional RCRA Division Directors (RCRA Online# 14833).
[http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/FCB11DD6F61D4B1685257AFE005EB5CE/\\$file/14833.pdf](http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/FCB11DD6F61D4B1685257AFE005EB5CE/$file/14833.pdf)