



NYPSC
NEW YORK PRODUCT
STEWARDSHIP COUNCIL



**PRODUCT
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INSTITUTE**

February 21, 2018

Honorable Kemp Hannon
Chair, Senate Health Committee
New York State Legislature
Capitol Building, Rm. 420
Albany, NY 12247

Honorable Aileen Gunther
Assembly Health Committee
New York State Legislature
Legislative Office Building, Rm. 826
Albany, NY 12248

RE: Recommendations to Strengthen S.7354 / A.9576) – Drug Take-Back Act

Dear Senator Hannon and Assemblywoman Gunther:

The New York Product Stewardship Council (NYPSC) and the Product Stewardship Institute (PSI) **strongly support** bill S.7354, “same as” bill A.9576. We thank you for your leadership in promoting effective producer responsibility policy by introducing this legislation, and we offer you the following recommendations to further strengthen your bill:

1. *Pg. 4, In. 12-19 (S. 292)* Clarify that **on-site collection receptacles are a required method of collection**, and other approaches, such as mail back, can be used to supplement drug collection receptacles.
2. A **convenience standard** is needed to ensure that rural areas are also served, since chain pharmacies do not serve all areas of NYS. Recommendation: at a minimum, two (2) drop off locations for counties of 50,000 population or less; at a minimum, three (3) drop off locations for counties of 50,000 to 100,000; for counties of 100,000 or more, at a minimum, one drop off location for each 20,000 in population in the county.
3. *Pg. 4, In. 7 (S. 291)* In the reporting requirements, “**weight collected**” should be required instead of “volume collected.”
4. *Pg. 1, In. 14 (S. 290)* The definition of “Authorized Collector” includes “A Municipality” which is **not permissible under DEA rules** and should be removed.
5. *Pg. 3, In. 3-6 (S. 290)* Include more specific guidance for **outreach and evaluation** (e.g., signage for drop-boxes, posters for participating and non-participating pharmacies).

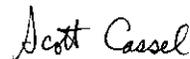
6. *Pg. 4, In. 4-10 (S. 291)* include more details for **reporting requirements** (e.g., whether safety/security problems occurred, any major changes).
7. *Pg. 3, In. 1 (S. 290)* Consider loosening requirement to use a **“permitted hazardous waste disposal facility”** for destruction; a municipal combustion facility will adequately destroy the materials and do so at a lower cost. Recommended language (changes in italics):
“Explains how covered drugs will be safely and securely tracked and handled from collection through final disposal and destruction, policies to ensure security and compliance with all applicable laws and regulations including disposal and destruction at *a licensed waste disposal facility that renders drugs non-retrievable as required by 21 CFR §1317.90 DEA regulations;*”

Thank you again for your strong leadership on this important issue. Your proposed legislation promises to effectively address both public health and environmental concerns associated with the abundance of unwanted medications in homes throughout NY State. We look forward to supporting your efforts.

Respectfully,



Andrew Radin, Chair
New York Product Stewardship Council
(315) 295-0726; aradin@ocrra.org



Scott Cassel, Founder & CEO
Product Stewardship Institute
(617) 236-4822; scott@productstewardship.us

About PSI: PSI is a national nonprofit dedicated to reducing the health and environmental impacts of consumer products. We have 47 state government agency members and hundreds of local government agency members nationwide. PSI also has 110 formal partnerships with businesses, organizations, academic institutions, and non-U.S. governments. Our organization has been working on the issue of safe drug disposal for over a decade, including helping to improve the federal Secure and Responsible Drug Disposal Act of 2010 and subsequent Drug Enforcement Administration regulations in 2014, which allow retail pharmacies to become authorized collectors of controlled substances. These changes opened the door to significantly more convenient take back, which is a key factor in increasing the amount of medications collected. PSI works closely with NYPSC, which has made pharmaceuticals stewardship a priority issue.

About NYPSC: NYPSC works to implement the principles of product stewardship in NY State by providing leadership, guidance, and resources (including policies, evaluations, and educational tools) to individuals, organizations, institutions, local governments, the state legislature, elected officials, and manufacturers. NYPSC is made up of diverse experts including local and state government, waste management, recycling, and wastewater experts, environmental groups, public health organizations, and others with a stake in product stewardship. The organization educates all relevant stakeholders about the benefits of product stewardship and provides a forum for the exchange of information regarding existing policies and programs. NYPSC has a Pharmaceuticals Committee that meets to coordinate efforts to promote new drug stewardship policies and programs.