
Environment Committee

ESB 5577

Brief Description: Concerning pharmaceutical waste.

Sponsors: Senators Braun and Cleveland.

Brief Summary of Engrossed Bill

- Requires the Department of Ecology (Department) to convene a stakeholder workgroup in order to evaluate pharmaceutical waste management policies and encourages the Department to use enforcement discretion until the work group completes its evaluation.
- Requires the stakeholder workgroup to submit recommendations to the Legislature by December 31, 2015.

Hearing Date: 3/23/15

Staff: Jacob Lipson (786-7196).

Background:

The federal Resource Conservation and Recovery Act (RCRA) authorizes the Environmental Protection Agency to control the generation, transport, treatment, storage, and disposal of hazardous wastes. The Department of Ecology (Department) is the designated lead agency for implementing the RCRA requirements in Washington. State law also provides separate authority for the Department to control the management of dangerous wastes designated under state law. Certain types of waste are designated as dangerous by the state, including certain pharmaceutical medicines, but are not designated as hazardous under federal law. Both hazardous and dangerous wastes must be identified by generating facilities and must be managed in accordance with regulations that apply to specific types of wastes generated. Facilities that receive, sort, treat, and dispose of dangerous and hazardous wastes must receive a state or federal permit that authorizes the facility to handle those types of waste.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Several categories of pharmaceutical medicine are established in state law. Controlled substances are those drugs that are regulated under the federal Controlled Substances Act and restricted in use because of their potential for abuse or dependency. Legend drugs are drugs which must be dispensed through a prescription unless being dispensed by a medical practitioner. Over-the-counter medications are available to customers without a prescription.

In 2008 the Department published an interim policy for the enforcement of dangerous waste regulations as applied to the pharmaceutical wastes generated by retail pharmacies, hospitals, and other patient care facilities. Generators managing pharmaceutical waste under the 2008 interim policy must either send waste to a RCRA-permitted incinerator for disposal, or must segregate dangerous wastes designated as state-only dangerous waste but not as federal hazardous waste. State-only dangerous waste must be managed in accordance with the state's dangerous waste rules, which allows certain state-only pharmaceuticals to be disposed of in facilities permitted to incinerate municipal solid waste or that meet certain other combustion temperature requirements. Dangerous waste that is also infectious waste must either be sent to a RCRA-permitted facility or, if it is state-only dangerous waste, may be sent to a disposal facility with a permit to accept both state-only dangerous and infectious wastes. Salt-water, sugar-water, and other water solutions without vitamins or additives may be disposed of as sewage with approval from the local wastewater treatment facility. The 2008 interim enforcement guidance also details rules for waste accumulation practices, empty container management, recordkeeping, and for reverse distribution of unused and unwanted pharmaceuticals that can still be used for their original intended purposes.

Summary of Bill:

By September 1, 2015, the Department must convene a stakeholder workgroup that includes state agencies, hospitals, and pharmaceutical waste-handling facilities. The workgroup must develop recommendations on new pharmaceutical waste policies, consistent implementation of existing rules, and consistent statewide regulatory enforcement. The workgroup is to be facilitated by a consultant with expertise in the RCRA and is directed to submit its recommendations by December 31, 2015. Until the workgroup submits its recommendations, the Department is encouraged to use its enforcement discretion, and is prohibited from using information shared during the workgroup process for enforcement purposes unless there is a substantial human health risk or a probability of environmental harm.

An intent section declares a legislative goal to develop a consistent statewide pharmaceutical waste management system that helps regulated businesses comply with dangerous waste laws.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.