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May 2, 2007

**John P. Walters**

**Director**

**White House Office of National Drug Control Policy (ONDCP)**

**750 17<sup>th</sup> St. NW**

**Washington, DC 20503**

Dear Mr. Walters,

The National Association of Clean Water Agencies (NACWA) appreciates the efforts of your office to improve the handling and disposal of unused prescription drugs, including the recent issuance of new federal disposal guidelines in February. Your work with the Department of Health and Human Services (HHS) and the U.S. Environmental Protection Agency (EPA) to develop the guidelines is clearly a step in the right direction toward reducing prescription drug diversion for illicit use as well as protecting the environment. NACWA does, however, have several major concerns with the current version of the guidelines.

NACWA represents the interests of nearly 300 public wastewater treatment agencies. NACWA's members are responsible for ensuring the wastewater from their respective communities is appropriately treated before being discharged to the Nation's waters. As stewards of the water environment, NACWA's members are actively exploring new and innovative ways to reduce the quantity of unused prescription drugs that make their way into the sewer system. NACWA believes that your office's guidelines, as currently drafted, will result in unnecessary quantities of prescription drugs entering the environment and fails to take full advantage of the numerous unused drug collection programs that many of the Nation's municipalities have established.

NACWA's major concern is that the federal guidelines continue to advise that certain prescription drugs be flushed into the sewer system. NACWA understands that the Food and Drug Administration (FDA) has specifically identified a short list of drugs that the Administration believes can only be safely disposed of in the sewer system. Unfortunately, at the same time that FDA, ONDCP, HHS, and EPA are recommending flushing for certain drugs, EPA and other regulatory agencies at the federal and state level are conducting efforts that may ultimately require NACWA's members to install additional equipment or take other action to remove these same drugs from their wastewater effluent.

Clearly, preventing illicit drug use must be a national priority, but NACWA feels strongly that there are better ways of managing prescription drugs without resorting to disposal in the sewer system. Instead, a long-term, sustainable approach relying on convenient, on-going collection of unused drugs, utilizing specialized disposal as appropriate (e.g., hazardous waste incineration) needs to be explored. If the federal government as a whole has concluded that there is a true public benefit to flushing certain prescription drugs, then the entire federal government, including EPA, must understand the impracticality of pursuing standards and permit requirements for any of these substances at this time. Absent an alternative disposal method that is federally endorsed and widely available, the current policy direction will only result in a wasteful expenditure of local resources to remove these substances from wastewater.

NACWA's other concerns with the new federal guidelines are outlined below.

1. NACWA understands that the government may have some trepidation regarding a wholesale endorsement of local or regional take-back programs. Nevertheless, many of NACWA's members have spent thousands of dollars to 'do the right thing' to ensure that these drugs, which have historically not been their responsibility, do not end up in the environment. The federal government should do more to ensure take-back programs are more prominently recognized as a real and viable option for many communities. Several collection programs in the San Francisco Bay Area and in the State of Washington are very mature and could serve as models for a more coordinated approach. ***Revising the guidelines to list these types of collection programs as the top option available for disposal would be a good start.***
2. If the ONDCP and the FDA continue to believe that flushing certain prescription drugs is the only option, the wording should be changed to indicate that flushing should be a last resort and that it only applies to the drugs listed in the guidelines. NACWA appreciates the fact that ONDCP has changed the way the guidelines appear on its website to include the list of drugs the FDA believes should be flushed. Still, ***even with the FDA "flush list" incorporated into the guidelines, NACWA believes that the flush option will be used as a default for all drugs not just those on the list— the path of least resistance for most Americans and the one with the most negative environmental impacts.***
3. NACWA's final concern with the current guidelines is the recommendation to take unused prescription drugs out of their original containers. NACWA understands the reasoning for this, but for many take-back programs, the original containers and labeling are very helpful for classifying drugs and ensuring that control substances are handled properly. ***NACWA suggests a revision to the guidelines to ensure these drugs can be properly classified by take-back program managers.***

Thank you for considering our concerns. We would be happy to meet with you or your staff if you have any questions. Please contact me at 202/833-9106 if you would like to discuss further.

Sincerely,



Chris Hornback

Senior Director, Regulatory Affairs

cc: Ephraim King, Director, Office of Science and Technology, Office of Water, EPA  
Jim Hanlon, Director, Office of Wastewater Management, Office of Water, EPA