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STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
ALBANY, NEW YORK 12233-1010

JUL 14 2010

Honorable Henry A. Waxman, Chairman  
Committee on Energy & Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515-6115

Re: H.R. 1191, the Safe Drug Disposal Act of 2009

Dear Chairman Waxman and Members of the Energy & Commerce Committee:

The New York State Department of Environmental Conservation (DEC) urges the Energy & Commerce Committee to report H.R. 1191, The Safe Drug Disposal Act, introduced by Congressman Inslee. We ask that you expedite this statutory change to the Controlled Substances Act so that the Drug Enforcement Administration (DEA) can create new regulations governing safe, convenient, and cost-effective drug take-back programs in the communities of New York and other states.

Legally prescribed controlled substances comprise roughly 11% of all prescription medicines. Left lingering in homes, tossed in the garbage, or flushed down toilets, these and other drugs may be taken accidentally, be intentionally abused, or contaminate water resources. Current drug collection or take-back programs in New York and elsewhere are hindered because controlled substances must only be handled by those to whom they are prescribed and must be collected in the presence of law enforcement. H.R. 1191 amends the Controlled Substances Act to provide additional legal avenues for safe, convenient, cost-effective disposal of controlled substances by patients and caretakers through drug take-back programs. H.R. 1191 would:

- Allow a broad range of caretakers who are currently handling the distribution or administration of controlled substances to also dispose of them through drug take-back programs. These caretakers include patients, family members or friends who act as caregivers, hospice workers, long term care facilities, boarding homes for the elderly, school nurses, and veterinarians. All of these people may have drugs they need to dispose of on behalf of their patients or family members who cannot dispose of these medications themselves because they are too ill or have passed away.

- Remove the current requirement that law enforcement officers be the only option for the normal operations of household drug take-back programs. This would reduce the staffing cost and burden on local police and sheriffs, and is not necessary for the safe and secure drug take-back programs our communities need.
- Ensure that federal requirements allow drug take-back programs to be designed and operated conveniently and cost-effectively to meet the needs of our diverse communities. Federal requirements should allow a range of secure collection options, including allowing residents to deliver their controlled substances to a DEA registrant (e.g., a pharmacist, reverse distributor, or medical waste facility), or to a secure site (e.g., a well monitored lockbox).
- Ensure environmentally-sound disposal of waste medicines by means other than flushing down sinks or toilets or disposing in a municipal solid waste landfills.

The DEC urges the Committee to take action on H.R. 1191 and move it forward as quickly as possible to a floor vote. Action on H.R. 1191 is a critical step to support our state and community level efforts to ensure that unneeded controlled substances and other medications are securely collected from homes and disposed of safely through drug take-back programs.

Sincerely,



Alexander B. Grannis