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SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
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February 5, 2013

John W. Partridge, Executive Assistant  
Drug Enforcement Administration  
Attention Office of Diversion Control (OD/DX)  
8701 Morrissette Drive  
Springfield, Virginia 22152

Dear Mr. Partridge:

**PROPOSED REGULATIONS FOR THE IMPLEMENTATION OF THE SECURE AND RESPONSIBLE DRUG DISPOSAL ACT OF 2010 (PUB. L. 111-273)**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express our **support** of the proposed regulations to implement the Secure and Responsible Drug Disposal Act of 2010 (the Drug Disposal Act), which was released for public review and comments on December 20, 2012. The Drug Disposal Act amended the Controlled Substances Act of 1970. As such, within the framework of the Controlled Substances Act, the proposed regulations would establish additional safe and effective methods for ultimate users to dispose of controlled substances while preventing illegal diversion of drugs.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

Legally prescribed controlled substances comprise approximately 11 percent of all prescription medicines sold in the U.S. When improperly managed (such as when left lingering in homes, tossed in the garbage, or flushed down toilets), these drugs may be taken accidentally, intentionally abused, or may contaminate water bodies and negatively impact marine life. A 2002 study by the United States Geological Survey found that 80 percent of streams in the U.S. have measurable concentrations of prescription drugs. In an effort to set controlled substance diversion prevention parameters and decrease the amount of controlled substances introduced in the environment, these regulations would:

- Expand the entities to which ultimate users may transfer unused, unwanted, or expired substance for the purpose of proper and legal disposal; and
- Expand the methods by which such controlled substances may be collected.

The Task Force is a strong advocate of extended producer responsibility (EPR) and product stewardship and is pleased that manufacturers have been included among the entities authorized to become collectors (unfortunately participation is not mandatory). The Task Force believes EPR is essentially the key for successfully managing products and substances at the end of their useful lives.

The draft regulations propose a “non-retrievable” standard of destruction while not prescribing any particular method of destruction as long as the desired result is achieved and all laws are complied with. “Non-retrievable” is defined as “the condition or state to which a controlled substance shall be rendered following a process that permanently alters that controlled substance’s physical and/or chemical state through irreversible means and thereby renders the controlled substance unavailable and unusable for all practical purposes.”

Given the potential adverse impacts on the environment associated with allowing ultimate users to “destroy” the controlled substances themselves by flushing them down the toilet or mixing them with coffee grounds, placing in a plastic bag, and throwing into the garbage, the Task Force recommends that the DEA:

- Discourage such means of “destruction,” since they do not meet the “non-retrievable” criteria, and
- Explore all feasible options (within the confines of the Act) to facilitate the establishment of convenient collection locations. For example, the Task Force recommends that consideration be given to authorizing collectors, in addition to retail pharmacies, to establish collection receptacles at long-term care facilities.

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To this end, the Task Force recommends that where applicable, Federal laws and regulations be amended to require drug labels on containers discouraging disposal of unwanted drugs by flushing them down the toilet or disposing of them in municipal solid waste landfills.

Thank you for your consideration of this matter. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at [MikeMohajer@yahoo.com](mailto:MikeMohajer@yahoo.com) or (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair  
Los Angeles County Solid Waste Management  
Committee/ Integrated Waste Management Task Force  
and Council Member, City of Rosemead

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cc: Each member of the Congressional Energy and Commerce Committee  
Each co-sponsor of S. 3397  
Each Member of the Los Angeles County Federal Legislative Delegation  
National Association of Counties  
National League of Cities  
Each Member of the County of Los Angeles Board of Supervisors  
Each City Mayor in the County of Los Angeles  
California State Association of Counties  
League of California Cities  
League of California Cities, Los Angeles County Division  
California Product Stewardship Council  
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Each City Recycling Coordinator in Los Angeles County  
Each Member of the Los Angeles County Integrated Waste Management Task Force