



## **New Regulations for the Management of Hazardous Waste Pharmaceuticals**

### **Who is affected by this new regulation?**

All New Jersey Healthcare Facilities that generate hazardous waste pharmaceuticals will be affected by these new regulations. For purposes of these regulations, a **Healthcare Facility** is any person providing preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, counseling, services, assessment or procedures related to physical or mental conditions, or functions of a human or animal; or any person who distributes, sells, or dispenses pharmaceuticals, including over-the-counter medicines, dietary supplements, homeopathic drugs, or prescriptions. Healthcare Facilities include, but are not limited to, wholesale distributors, third-party logistics providers serving as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, and veterinary clinics and hospitals.

This definition does not include pharmaceutical manufacturers, reverse distributors, or reverse logistics centers. In addition, the regulations include exemptions for Very Small Quantity Generators of hazardous waste who generate hazardous waste pharmaceuticals as part of their waste stream.

### **How will these regulations impact Healthcare Facilities?**

The USEPA published the final regulation titled "Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine" in the Federal Register on February 22, 2019. Since New Jersey incorporates certain Federal hazardous waste rules by reference, the regulation becomes effective nationally and in New Jersey, on August 21, 2019.

These new regulations streamline the standards, and provide cost savings, specific to healthcare sector operations when compared to the standards applicable to all generators of hazardous wastes. Part of the benefits realized are that FDA-approved over-the-counter nicotine replacement therapies (i.e., nicotine patches, gums and lozenges) will no longer be considered hazardous waste when discarded. These items previously had to be handled as a hazardous waste if it was not used or when it was returned to a store or pharmacy.

The new regulations also prohibit all Healthcare Facilities from "sewering" hazardous waste pharmaceuticals. While this requirement is consistent with New Jersey Department of Health (NJDOH) prohibiting health care facilities from discharging, disposing of, flushing, pouring, or emptying any unused prescription medication into a public wastewater collection system or a septic system, it is important to note the definition of Healthcare Facility (as identified above) under the new requirements includes additional types of Healthcare facilities not addressed by the NJDOH rule. For instance, various types of pharmacies, physician, optometrist, dentist and chiropractor offices,

# COMPLIANCE ADVISORY

ambulance services and veterinary facilities are some examples of healthcare facilities subject to these requirements. These facilities, and all those considered a Healthcare Facility described above, will now have to ensure their hazardous waste pharmaceuticals are not disposed into sewer or septic systems. NJDEP recommends extending that practice when disposing of any prescription medicine. Preventing this type of disposal should reduce the amount of hazardous waste pharmaceuticals entering our waterways, making drinking water and surface waters safer and healthier.

## What compliance assistance is available?

**Upcoming Training:** The NJDEP will be offering training on this regulation on October 9, 2019 at the New Jersey State Police auditorium in Hamilton, NJ. Send an email to [hazwasteseminars@dep.nj.gov](mailto:hazwasteseminars@dep.nj.gov) with your name, company name, telephone number and email address, and we will add you to our seminar email list. Email invitations to register will be sent via “Constant Contact” as the date of the seminar gets closer.

**General Regulation Information:** <https://www.epa.gov/hwgenerators/final-rule-management-standards-hazardous-waste-pharmaceuticals-and-amendment-p075>

**Listen to a Webinar:** [https://clu-in.org/conf/tio/HazWastePharmaceuticals\\_030419/](https://clu-in.org/conf/tio/HazWastePharmaceuticals_030419/)

## Who should I contact with questions?

**NJDEP Hazardous Waste Compliance and Enforcement Field Offices:**

**Northern Field Office** - 7 Ridgedale Avenue; Cedar Knolls, NJ 07927; (973) 656-4470

**Central Field Office** - 9 Ewing Street; Trenton, NJ 08625; (609) 943-3019

**Southern Field Office** - 2 Riverside Drive; Suite 201; Camden, NJ 08103; (856) 614-3658

**USEPA:** Office of Resource Conservation and Recovery; 1200 Pennsylvania Ave., NW (5305P) Washington DC 20460 <https://www.epa.gov/hwgenerators/forms/contact-us-about-hazardous-waste-generators>

## Where can I get more information?

**Hazardous Waste Training Opportunities:** <http://www.state.nj.us/dep/enforcement/cetraining.html>

**Hazardous Waste Enforcement Webpage:** <http://www.state.nj.us/dep/enforcement/hw.html>

**Contact NJDEP:** <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

**DEP Data Miner:** <https://www13.state.nj.us/DataMiner>

**To comment on this advisory:** <http://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.