



PRESIDENT

Oluwole A. "OJ" McFoy
General Manager
Buffalo Sewer Authority
Buffalo, NY

VICE PRESIDENT

Diane S. Taniguchi-Dennis
Chief Executive Officer
Clean Water Services
Hillsboro, OR

TREASURER

William J. "Mickey" Conway
Chief Executive Officer
Metro Water Recovery
Denver, CO

SECRETARY

Kyle Dreyfuss-Wells
Chief Executive Officer
Northeast Ohio Regional
Sewer District
Cleveland, OH

CHIEF EXECUTIVE OFFICER

Adam Krantz

1130 Connecticut Ave NW
Suite 1050
Washington DC 20036

T (202) 833-2672
F (888) 267-9505

www.nacwa.org

April 1, 2024

Scott Brinks
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, VA 22152
Submitted via www.regulations.gov

RE: Controlled Substance Destruction Alternatives to Incineration; Advance Notice of Proposed Rulemaking (Docket No. DEA-2023-0148)

Dear Mr. Brinks:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the Drug Enforcement Agency's (DEA) Advance Notice of Proposed Rulemaking on Controlled Substance Destruction Alternatives to Incineration (88 FR 74379). NACWA represents the interests of 350 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the US. NACWA member utilities are responsible for treating the millions of gallons of wastewater produced by their communities each day. Many NACWA members are actively involved in efforts to reduce the quantities of potential pollutants, such as pharmaceuticals, that are discharged into the sewer system. This is especially important for the growing number of utilities that provide their communities with recycled water.

NACWA has communicated in the past with the DEA, the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA) on the need for more practical disposal options to reduce flushing or down-the-drain disposal of pharmaceuticals into the sewer system. Disposal by flushing is not environmentally protective, since wastewater treatment plants are not designed to remove pharmaceuticals. NACWA and its members have long supported pharmaceutical take-back programs for unused prescription medications. Incineration of the pharmaceuticals collected through take-back programs is effective in both keeping the pharmaceuticals out of the water environment and preventing illicit use. Mail-back envelopes are an effective part of take-back programs, allowing an easy method of returning unused prescriptions at any time.

Although FDA still recommends disposing of unused pharmaceuticals in the trash if a take-back program is not available, this method is not protective of the water environment, since pharmaceuticals are found in the landfill leachate that may be discharged to a wastewater treatment plant. NACWA understands that some unused prescriptions should be disposed of as soon as possible to prevent diversion. However, the efficacy of at-home disposal methods in destroying

NACWA Comments on DEA-2023-0148

April 1, 2024

Page 2 of 2

pharmaceuticals compounds must be proven before their use is encouraged. Providing at-home disposal methods that may not be used properly or may not be effective in destroying pharmaceuticals will potentially lead to diversion and environmental harm.

NACWA asks that DEA ensure that the effectiveness of any methods identified for destruction for controlled substances are independently verified. Unless these methods can consistently meet DEA's requirements to render the controlled substance unavailable and unusable for all practical purposes, the public should receive a consistent message that unused prescriptions should be dropped off at pharmacies or other take back locations, or mailed in an envelope provided by the pharmacy. This will help keep pharmaceuticals out of the trash, where they will inevitably end up at the wastewater treatment plant.

Thank you for your consideration of these comments. Please contact me at 202-533-1836 or cfinley@nacwa.org if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Cynthia A. Finley". The signature is written in a cursive, flowing style.

Cynthia A. Finley, Ph.D.
Director, Regulatory Affairs