

COUNTY OF ULSTER

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ENVIRONMENTAL MANAGEMENT COUNCIL

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MEMORANDUM OF SUPPORT

New York State Drug Take-Back Act

S.7354 Hannon / A.9576 Gunther

The mission of the Ulster County Environmental Conservation Council (EMC) is to advise the county and local governments of Ulster County on present and proposed methods of using, protecting and conserving the environment for the benefit of the people. We are composed of representatives of Environmental Conservation Commissions (ECCs) and Conservation Advisory Councils (CACs) across Ulster County. The Ulster County EMC supports the New York State Drug Take-Back Act (S.7354 Hannon / A.9576 Gunther).

Trace pharmaceuticals are found in the water supply globally. A recent study¹ that sampled water at 72 sites in the Hudson River Estuary and New York Harbor found 16 pharmaceutical compounds – medications to treat high blood pressure, high cholesterol, epilepsy, ulcers and heartburn, as well as antibiotics and acetaminophen. The effects on human health and wildlife is yet unknown. Pharmaceutical waste also impacts the growing opioid and pharmaceutical drug crisis. Ulster County is impacted by this crisis; opioid-related deaths in Ulster County jumped from 14 in 2014 to 43 in 2016 – a threefold increase over just two years. The numbers in 2017 were higher still. In June 2017 Ulster County sued major pharmaceutical companies over the opioid crisis² It is crucial to get pharmaceuticals out of our water and out of our medicine cabinets.

While NYS has invested millions of dollars in expanding safe disposal, many New Yorkers still do not have convenient access. This legislation S.7354 Hannon / A.9576 /Gunther would provide a sustainable funding mechanism for a robust, statewide disposal program. The proposed bill requires drug manufacturers to develop a

¹ “Spatial patterns of pharmaceuticals and wastewater tracers in the Hudson River Estuary”, Cantwell, et. al.; Water Research; Available online 12-22-17

² *Daily Freeman*, “Ulster County Suing Pharmaceutical Companies over Opioid Crisis,” 6/09/17, <http://www.dailyfreeman.com/general-news/20170609/ulster-county-suing-pharmaceutical-companies-over-opioid-crisis-hein-says>

statewide drug take-back program, which must be approved by the NYS DOH. Drug manufacturers must cover the full administrative and operational cost of the program, with collection of pharmaceuticals free to the consumer. It requires chain pharmacies (defined as 10 or more) and mail-order pharmacies to provide drug collection by providing consumers with on-site collection receptacles, prepaid mail-back envelopes, or other Drug Enforcement Agency (DEA) approved methods (paid for by drug manufacturers). It also allows other entities—such as pharmacies with fewer than 10 stores and police departments—to opt into the program, and for drug manufacturers to cover the costs for these voluntary adopters. Lastly, it mandates public education and outreach on safe drug disposal.

While the legislation is an excellent starting point, it should be strengthened:

- First, we are pleased that the proposed legislation as currently written holds drug companies accountable for managing their products throughout the entire product life cycle; in the proposed program, pharmaceutical companies would pay the costs for collecting unused and expired pharmaceuticals, taking the burden off taxpayers. This is a strong aspect of the bill and must remain in the final version.
- Second, while it is somewhat ambiguous in the language of the legislation, this legislation must require on-site collection receptacles at pharmacies and other appropriate locations; mail back options are valuable as ancillaries to on-site collection, but they have proven to be ineffective when they are the only option.
- Third, this bill should include a convenience standard to ensure that all New York State residents are provided with convenient access to safe pharmaceutical disposal options, even if they are not located near a chain pharmacy (which is often the case in rural areas).
- Fourth, we suggest that the language of the bill remove “municipality” as an authorized collector, which is not allowed under DEA regulations.
- Fifth, we would like this bill to require that reporting be done by weight, not volume, as that is the standard used by other collection programs; weight better accesses the amount of materials collected and it would also allow for compiling and comparing data across programs.
- Sixth, more robust education and outreach should be explicitly laid out in the legislation; a program such as this is only as good as the levels of participation by the public.
- Lastly, it is an excellent feature of this bill that it allows for appropriate entities to opt into the program with costs being covered in the same way as entities that are mandated to participate. It is important that this remain in the final bill.

We are pleased to be able to support S.7354 Hannon / A.9576 Gunther, particularly if the points delineated above remain in the bill.

Thank you,

Dave Haldeman
Chair, Ulster County Environmental Management Council

cc: Michael P. Hein, Ulster County Executive
Kevin A Cahill, Assembly Member District 103
Aileen Gunther, Assembly Member District 100
Kemp Hannon, NY State Senate District 6
Governor Andrew Cuomo, New York State