



Fact Sheets and Information Papers

Classification of Waste Pharmaceuticals

March 2004

1. BACKGROUND: Pharmaceutical products are turned in to a reverse distributor (examples: Guaranteed Returns, EXP, etc.) from a dispensing facility (clinic, hospital, medical center, etc.) for many reasons: oversupply, recall, and expiration of the product. Some of those pharmaceuticals have a monetary value to the dispensing facility and the pharmaceutical manufacturer may give credit to the facility. In addition, some expired pharmaceuticals are classified as hazardous wastes (HW) under the Resource Conservation and Recovery Act (RCRA) when disposed or intended for disposal.

2. DISPOSAL: The regulatory issue surrounding expired pharmaceutical disposal is who classifies the item as hazardous or non-hazardous waste. The RCRA regulations, in 40 CFR 262.11 require a generator to determine whether an item is a waste, and if it is a waste, whether it needs to be classified as a HW or a non-hazardous waste. The issue for the military medical department is whether the dispensing facility or the reverse distributor (who might be able to give monetary credit for the value of the items) should make the HW determination. The answer is not uniformly consistent throughout the U.S.; paragraphs below provide state-specific guidance.

3. STATE SPECIFIC INFORMATION: The USACHPPM contacted state environmental offices to determine individual state positions on the issue of expired pharmaceutical disposal and the following responses were received:

a. The following states do not consider a military dispensing facility to be the waste generator. If an installation is located in one of these states, the dispensing facility **may return all** expired pharmaceuticals, which have a reasonable expectation of bringing a monetary credit, to a reverse distributor.

Alabama, Arizona, Colorado, Florida, Hawaii, Idaho, Illinois, Indiana, Kentucky (Ireland Hospital only), Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, South Dakota, Tennessee, Texas, Utah, Wyoming.

b. The following states determined that military dispensing facilities (clinics, hospitals, etc.) are the waste generators. If a dispensing facility is located in one of these states, expired pharmaceuticals (listed under RCRA-C as a HW) **may not be given** to a reverse distributor. The dispensary must dispose of the expired pharmaceuticals (only those listed in RCRA-C) as a HW:

Connecticut, Georgia, Kentucky (with the exception for Ireland Hospital), Missouri, New Mexico, New York, Oklahoma, South Carolina, West Virginia.

c. If a state is not listed, no response to our inquiry was received or the response was ambiguous. In this case, it is USACHPPM's view that expired pharmaceuticals listed in RCRA-C, should be disposed of as HW and not be returned through the reverse distribution system. Dispensing facilities in states not listed in paragraphs 3a and 3b should dispose of all expired pharmaceuticals listed in RCRA-C as HW or coordinate with their local installation environmental office and/or legal office to establish local policies on the proper handling of these expired drugs.

4. ADDITIONAL INFORMATION: Military dispensing facilities that are in states which identify the dispensing facility as the HW generator should consider the value of returning products through reverse distributors prior to their expiration date.

5. ASSISTANCE: Dispensing facilities may contact USACHPPM at 1-800-276-MIDI or DSN 584-3651 for assistance in making waste determinations. The installation Environmental Office or the Environmental Science Officer can also provide assistance in this matter.

*Hazardous and Medical Waste Program, Ms. Dominique Lowrance-Snyder
5158 Blackhawk Road, ATTN: MCHB-TS-EHM
Aberdeen Proving Ground, MD 21010-5403
(410) 436-3651, DSN 584-3651*

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