Memorandum of Support

June 18, 2018

S.9100 (Hannon)/A.9576-B (Gunther)

Title: An act to amend the public health law, in relation to enacting the Drug Take Back Act.

Statement of Support: This legislation would put in place a statewide safe drug disposal system, putting the onus of responsible collection on the drug manufacturers, rather than the pharmacies and consumers. No pharmaceutical company should rely upon taxpayers to fund the disposal and management of the drugs they produce, especially as they present significant environmental and social costs when they are mishandled. Manufacturers of the covered drugs (as outlined in legislation) would have to submit a plan for a drug take back program to the Department of Health (DOH), or work with the DOH in operating a drug take back program on the manufacturers’ behalf. The take back program will include collecting, transporting, and safely disposing of the drugs. Chain pharmacies (10 or more) and mail-order pharmacies will be required to offer collection of the covered drugs by providing consumers with on-site collection, prepaid mail-back envelopes or other Drug Enforcement Agency (DEA) approved methods – with these methods being paid for by the drug manufacturers.

The Sierra Club Atlantic Chapter supports this legislation, as it works to prevent drug abuse and the rampant flushing of unused drugs into NY waterways, where it can pollute drinking water and harm wildlife. It also puts the responsibility on manufacturers to plan responsibly around the life cycle of their products. The current lack of safe disposal options in New York leads to the harmful practices, like disposing of unwanted and unused drugs in the trash or pouring them down the drain, and can also lead to drug abuse and/or accidental poisoning when these substances are unused in the home.

According to the New York State Department of Environmental Conservation (DEC), there are several health and environmental concerns associated with pharmaceuticals entering our waterways. These include adverse effects on fish and other aquatic wildlife – male fish producing eggs when exposed to hormones, reduced fertility disrupting spawning behavior, etc. In addition,
long-term exposure to antibiotics can create drug-resistant bacteria and microbes.¹

A study conducted by researchers at the University of Michigan, department of engineering found that flushing pharmaceuticals allows for the highest level of drugs entering the environment and even creates more air pollution than simply throwing the drugs in the trash.²

Providing New Yorkers with access to safe pharmaceutical disposal options is the best way to prevent both accidental poisoning and drug abuse, and irresponsible flushing and trash disposal. By holding the manufacturers of the drug accountable for the disposal of the unused drugs, this legislation is putting the responsibility on the companies to ensure they are focusing on the entire life cycle of these drugs, not just the drugs' production. The Sierra Club appreciates the well thought-out process of the bill sponsors in this legislation and urges your support.

Sierra Club Atlantic Chapter Urges Your Support of S.9910/A.9576-B

¹ http://www.dec.ny.gov/chemical/45083.html
² https://pubs.acs.org/doi/pdf/10.1021/es203987b