

# Environmental Quality Commission meeting

## Drug Take-Back Program 2020 Rulemaking

Item C

Sept. 17, 2020

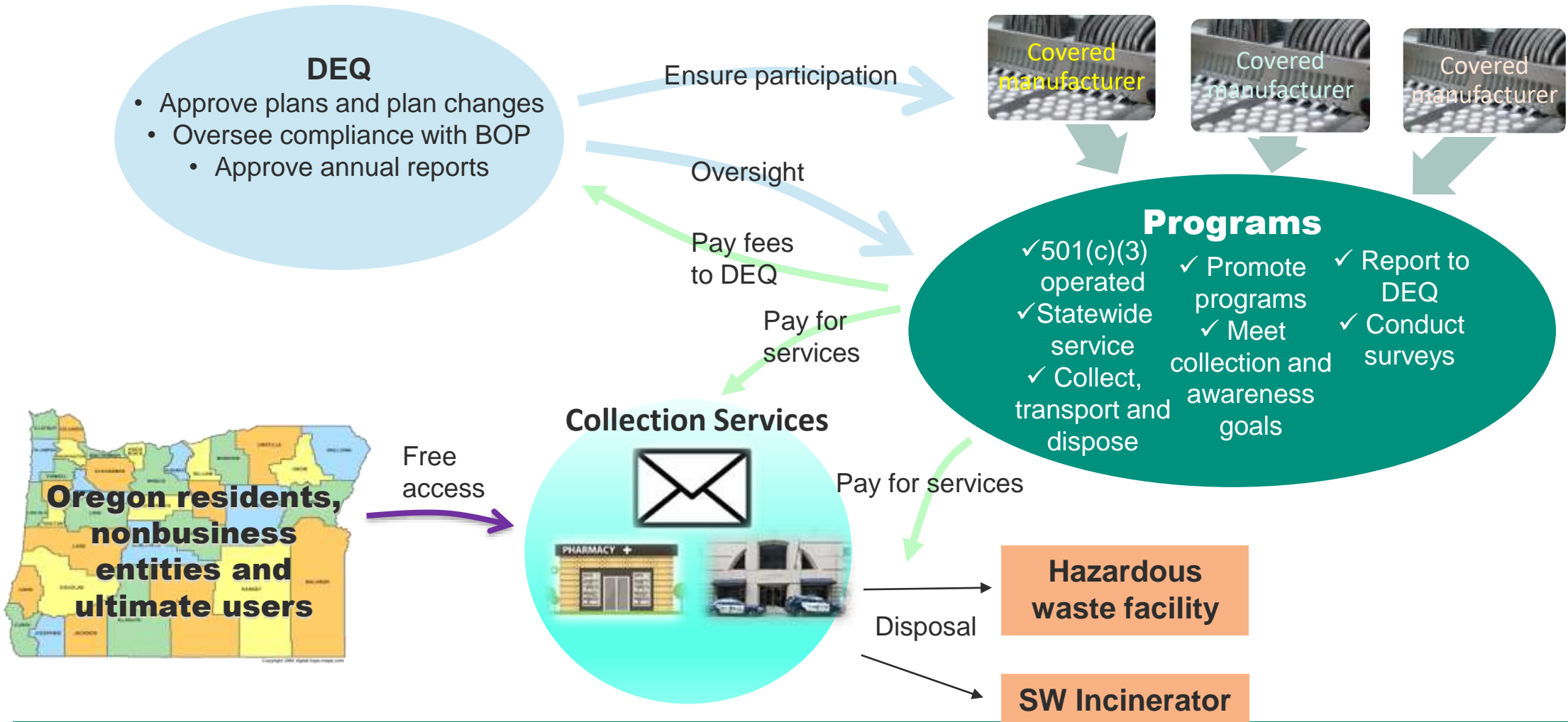
Loretta Pickerell, Materials Management Program Manager  
Michael Lee, Product Stewardship Specialist

# Outline

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- Program Overview
- Program Services
- DEQ's Role
- Summary of Proposed Rules
- DEQ Recommendation

# Program Overview



# Timeline

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- Program plans due **November 1, 2020**
- Programs begin operations by **July 1, 2021**

# What's Covered

Includes:

- Prescription drugs
- Over-the-counter drugs
- Brand name drugs
- Generics

Examples of what's excluded:

- Supplements
- Exposed sharps (needles)
- Animal medicines



# Drop-Off Sites

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A program operator will contract with:

- Pharmacies, or other DEA-registered authorized collectors
- Law enforcement agencies

# Drop-Off Sites

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Sites must provide reasonably convenient and equitable access.

A program operator must find authorized collectors to host:

- One site per county
- Additional sites for each population center

# Drop-Off Sites

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Program operators can request DEQ to:

- Waive sites in a specific county, or
- Approve additional services and events, where a site cannot be established or maintained.



# DEQ's Role

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Provide oversight, including:

- Reviewing plans, plan changes and reports for approval.
- Overseeing compliance in partnership with Board of Pharmacy.



# Summary of Proposed Rules

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- Incorporate new rules into OAR Chapter 340, Division 98
- Four new proposed rules on:
  - Enforcement
  - Ensuring access for historically underserved communities
  - Factors for granting waivers or approvals
  - Fees

# Rulemaking Advisory Committee

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Included representation for:

- Pharmaceutical manufacturers
- Pharmacies, including independent pharmacies
- Drug take-back programs
- Substance abuse prevention advocates
- Clean water protection interests
- Board of Pharmacy

# Enforcement

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Require:

- Board-of-Pharmacy registration number for each manufacturer, or
- Statement that the manufacturer is not required to register

*OAR 340-098-0300*

# Convenient and Equitable Access

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For historically underserved communities:

- Ensure access to services.
- Develop goal for fostering public awareness.

*OAR 340-098-0300*

# Services, Events in Place of a Drop-Off Site

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Demonstrate:

- Good-faith efforts to establish a site
- Why a site cannot be established or maintained
- Convenience of services or events, and engagement with historically underserved communities to ensure this
- If local government concurrence was obtained
- Commitment to solicit annually

*OAR 340-098-0350*

# Enforcement and Discipline

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Designates DEQ to act on the EQC's behalf for ORS  
459A.239

*OAR 340-098-0370*

# Fees

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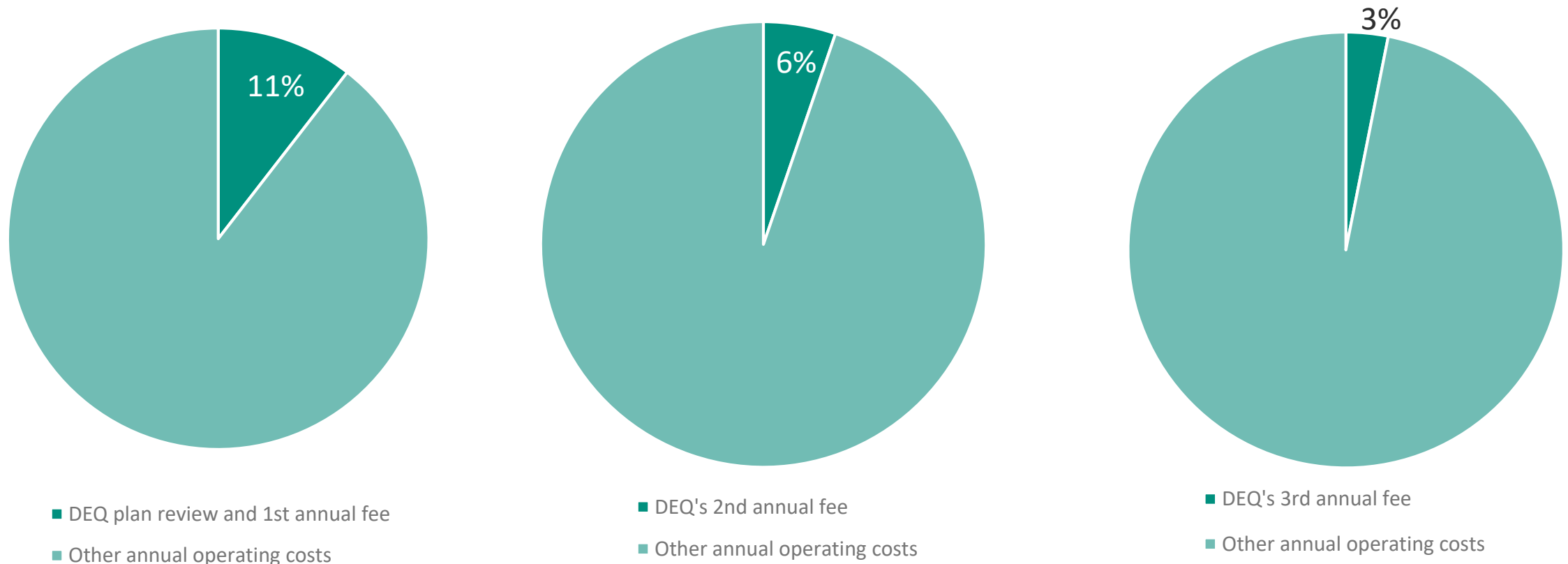
- Plan review fee: \$75,000
- Annual fee:
  - First year: \$345,000
  - Second year: \$210,000
  - Third year onwards: \$125,000
- Hourly fee: not to exceed \$250 per hour

*OAR 340-098-0390*



# Portion of DEQ's fees to a program's costs

Est. annual operating costs of a program operator: \$4 million



# Additional Fee Provisions

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- Divide annual fee equally among programs.
- Reduce annual fee if revenue exceeds program costs.
- Publish current and projected expenditures and revenue for each fiscal year.

*OAR 340-098-0390*

# DEQ Recommendation

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DEQ recommends that the Environmental Quality Commission adopt the proposed rules and rule amendments seen in pages 39 through 42 the staff report for this item as part of Chapter 340 of the Oregon Administrative Rules Division 98.