

Frequently Asked Questions Regarding Disposal of Hazardous Waste Pharmaceuticals

On February 22, 2019, The U.S. Environmental Protection Agency (EPA) published a final rule entitled “Management Standards for Hazardous Waste Pharmaceuticals (HWP) and Amendment to the P075 Listing for Nicotine” with an effective date of August 21, 2019.

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What does the new rule do?

- Establishes cost-saving, streamlined standards for handling hazardous waste pharmaceuticals at healthcare facilities,
- Prohibits regulated facilities from discharging hazardous waste pharmaceuticals to sewers, thereby making drinking and surface waters safer and healthier, and
- Removes FDA-approved, over-the-counter nicotine replacement therapies (i.e., nicotine patches, gums and lozenges) from regulation as hazardous wastes when discarded.
 - o Note: This does not include “vaping” products like e-liquids/e-juices in e-cigarettes, cartridges, or vials.

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What about Florida’s Universal Pharmaceutical Waste Rule?

Florida repealed

A pharmaceutical that is a solid waste, as defined in § 261.2, and exhibits one or more characteristics identified in part 261 subpart C or is listed in part 261 subpart D.

A pharmaceutical is not a solid waste, as defined in § 261.2, and therefore not a hazardous waste pharmaceutical, if it is legitimately used/reused (e.g., lawfully donated for its intended purpose) or reclaimed.

An over-the-counter pharmaceutical, dietary supplement, or homeopathic drug is not a solid waste, as defined in § 261.2, and therefore not a hazardous waste pharmaceutical, if it has a reasonable expectation of being legitimately used/reused (e.g., lawfully redistributed for its intended purpose) or reclaimed.

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What must I do with my waste pharmaceuticals?

Pharmaceutical wastes must not be discharged to the sanitary sewer or disposed in the regular trash unless a waste determination has indicated they are non-hazardous.

If a hazardous waste determination has not been performed, pharmaceutical wastes must be managed and disposed as hazardous waste pharmaceuticals.

See the flow chart below.



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What about residues of HWP in empty containers?

The HWP rule establishes standards on what is considered an empty container with respect to residues of HWP. Empty containers are not regulated as hazardous waste and may be disposed as regular trash provided the following conditions are met:

Stock, Dispensing and Unit-Dose Containers

A stock bottle, dispensing bottle, vial, or ampule (not to exceed 1 liter or 10,000 pills); or a unit-dose container (e.g., a unit-dose packet, cup, wrapper, blister pack, or delivery device)

No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner; or

No more than 3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119 gallons in size; or

No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons in size.

A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric.

This includes, but is not limited to, residues in inhalers, aerosol cans, nebulizers, tubes of ointments, gels, or creams.

*** IV Bags and Other Containers, including Delivery Devices that contain acutely hazardous waste pharmaceuticals (i.e P-listed wastes) can never be considered empty and must be managed as non-creditable hazardous waste pharmaceuticals.**

Electronic Nicotine Delivery System (ENDS) or Liquid Nicotine/E-Liquid Packages

Liquid nicotine or e-liquid packages must be separated from the rest of the electronic cigarette or vape pen and handled as non-creditable hazardous waste pharmaceuticals.

The battery component of the ENDS must be separated from the rest of the electronic cigarette or vape pen, placed in an individual plastic bag or tape placed over the connectors,