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February 25, 2010

Water Docket

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Submitted via email: OW-Docket@epa.gov

Re: Docket ID No. EPA-HQ-OW-2008-0517

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the *Preliminary 2010 Effluent Guidelines Program Plan* (*Preliminary Plan*). NACWA's public wastewater treatment agency members treat and reclaim a majority of the wastewater generated each day nationwide. NACWA members operate highly successful pretreatment programs and are actively involved in efforts to reduce the quantities of potential pollutants, such as pharmaceuticals, that are discharged into the sewer system. Our comments below are focused on the detailed study of the Health Services Industry and the unused pharmaceuticals issue.

In NACWA's previous comments on the *Preliminary 2008 Effluent Guidelines Program Plan*, the Association supported the development of clear and consistent guidelines or best management practices (BMPs) for the disposal of unused pharmaceuticals, rather than the establishment of effluent guidelines. NACWA still believes that guidelines or BMPs are the best method for reducing the amounts of pharmaceuticals discharged to the sewer system, and we support EPA's plans to develop BMPs for the Health Services Industry.

EPA explains in the *Preliminary Plan* that it does not intend to conduct its planned survey of health services facilities to obtain more detailed information about unused pharmaceutical disposal practices, because it has already gathered enough information. In November 10, 2008 comments to EPA, NACWA supported the survey approach and EPA's proposed information collection request (ICR) for the *Study of Unused Pharmaceuticals from Medical and Veterinary Facilities*. As explained in those comments, "NACWA believes that pollution prevention efforts and source control can most effectively and reliably reduce the amount of pharmaceuticals entering the sewer system, and believes this ICR and subsequent study will shed light on such opportunities, as well as potential new strategies, for reducing the discharge of pharmaceuticals from these facilities." The survey results would have been useful not only to EPA, but to wastewater utilities and other entities involved with unused



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pharmaceutical disposal. Accordingly, NACWA believes that EPA should make public the information that it has collected in lieu of the survey. This will also allow the public to better evaluate EPA's BMPs when they are released.

As EPA develops the BMPs, NACWA believes the Agency must work with other federal agencies involved with pharmaceutical control to be certain that a consistent message is delivered. Recent initiatives by the federal government indicate that there is limited, but insufficient, cooperation at this point. The Food and Drug Administration (FDA), for example, recently released an online fact sheet that provides an overview of the issues surrounding the disposal of unused pharmaceuticals, a series of frequently asked questions, and a list of drugs recommended for flushing. The FDA states that the human health or environmental risk posed by flushing is outweighed by the risk of accidental ingestion or illicit use of the pharmaceuticals, but does not provide an analysis to support this conclusion. A few years ago, the Office of National Drug Control Policy (ONDCP) also developed a set of recommendations for unused pharmaceutical disposal that first included a list of pharmaceuticals recommended for flushing, but was subsequently revised to emphasize that flushing was an option of last resort and that there were better management options.

If EPA develops BMPs that describe the options that are preferable to flushing, while the FDA continues to recommend that certain pharmaceuticals be flushed, the result will be confusion in health care facilities and with the public about which option should be used. The recommendations given by all federal agencies should be clear, consistent, and coordinated. NACWA believes that flushing should not be presented as a viable alternative for disposing of any pharmaceuticals, but if flushing is determined to be necessary for certain drugs to avoid the possibility of accidental ingestion or illicit use, then all federal agencies should make this decision together and ensure that it is applied consistently. If flushing remains an option to minimize public health risks, clean water agencies should not be mandated to remove those pharmaceutical from their discharges.

Thank you for your consideration of NACWA's comments on the *Preliminary Plan*. If you have any questions, please contact me at 202/296-9836 or cfinley@nacwa.org.

Sincerely,

A handwritten signature in dark ink, appearing to read "Cynthia A. Finley". The signature is fluid and cursive, with the first name "Cynthia" being more prominent.

Cynthia A. Finley
Director, Regulatory Affairs