



Guidance for Law Enforcement Agencies in Managing Pharmaceutical Waste and Contraband

This document provides law enforcement agencies guidance on the air pollution control requirements related to managing citizen-generated pharmaceutical waste collected at events or drop-off locations and seized contraband.

A. Handling Citizen-Generated Pharmaceutical Waste

If your agency collects legal pharmaceuticals through citizen drop-off boxes or collection events, you can take these materials to a facility that has an air permit from Ohio EPA and the incineration technology to effectively destroy the pharmaceuticals. Or, your agency can purchase and operate a destruction unit, provided the unit meets the specifications for adequately destroying the materials and has been issued an air permit.

Note: Incineration is the preferred destruction method for pharmaceutical waste.

Taking Pharmaceuticals to an Off-Site Facility for Destruction

If certain conditions are met, Ohio EPA's Division of Air Pollution Control has determined some facilities have units that can properly and effectively destroy pharmaceuticals, including:

- hazardous waste, solid waste, hospital/medical/infectious waste, or sewage sludge incinerators;
- basic oxygen, electric arc and blast furnaces;
- coal-fired boilers;
- cement kilns, lightweight aggregate kilns, or lime kilns (excluding hot mix asphalt plants); and
- other similar facilities approved on a case-by-case basis by Ohio EPA.

Note: Citizen-generated pharmaceuticals cannot be open burned, destroyed in crematories or burned in open top barrels (including those with fans).

It's important to know that while a facility may have adequate incineration technology to handle pharmaceutical wastes, they are under no regulatory obligation to take these materials. If you want to work with an off-site facility, your agency and the facility must mutually agree on this and work together to set the conditions under which they will take these materials (frequency, quantity, method of delivery, etc.).

An off-site facility must have a current air permit from Ohio EPA. The facility can process up to five percent by weight of pharmaceuticals from their overall loading into the incineration unit. If the pharmaceutical waste processed is less than or equal to five percent by weight, then Ohio EPA presumes the permittee's emission limits are met.

Note: All packaging (plastic bottles, wrapping, etc.) can be destroyed with pharmaceutical waste.

In this case, the facility's air permit does not need to specifically mention the destruction of pharmaceutical waste, however, the facility will need to notify their district office or local air agency air pollution contact¹ prior to receiving and burning this waste. If the facility desires to process over five percent by weight of pharmaceuticals, they must first get their air permit modified. In either case, discuss the issue with your district office or local air agency permit contact prior to submitting a request.

¹ To determine which office to call, please see the map located at: <http://epa.ohio.gov/dapc/general/dolaa.aspx> .

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If you need help finding facilities that can accept this waste, please contact your district office or local air agency air pollution contact.

Operating an On-Site Incineration Unit

It is possible to purchase your own incinerator to destroy citizen-generated pharmaceutical wastes. However, there is a significant effort and expense involved in both obtaining the necessary air permits and in meeting the rules. So, prior to committing to installing your own incinerator, it is highly recommended that you meet with the Ohio EPA and discuss all of the requirements. Please contact Michael Hopkins, P.E., Assistant Chief, Permitting at 614-644-3611 to get things started. You can also contact Ohio EPA's Office of Compliance Assistance and Pollution Prevention for assistance with air permit applications. (see: epa.ohio.gov/ocapp)

B. Handling Contraband from Illegal Drug Seizures

Illegal drugs collected by law enforcement agencies are classified as contraband. Drug contraband (but not other types of contraband like weapons, ammunition, counterfeit goods, etc.) is exempt from Ohio's open burning rules, and therefore your law enforcement agency can legally destroy it by open burning² or the use of small incineration devices like burn barrels.

Although it is legal to burn these materials in the open or in burn barrel type devices, Ohio EPA recommends that law enforcement agencies utilize one of the methods described in the *Handling Citizen-Generated Pharmaceutical Waste* section above. The methods described above are much more capable of properly destroying the wastes and will minimize any contaminants emitted into the air.

Note: Although it is legal to burn drug contraband in burn barrels, Ohio EPA does not recommend the use of burn barrels (even those with fans) to burn drug contraband. Burn barrels may not properly destroy the contraband and may release contaminants into the surrounding air.

However, when your law enforcement agency collects large quantities of contraband in remote locations (i.e., marijuana) and it is in the best interest to destroy the materials in place, it is recommended that the material be open burned. If this method is chosen, it is recommended that your agency contact the local fire department to let them know the activities will be occurring within their jurisdiction.

Other Considerations

This guidance document summarizes the air pollution control and permitting requirements from Ohio EPA that your agency needs to be aware of if you are managing pharmaceuticals and/or drug contraband. Make sure to consult with other agencies and authorities for additional requirements that apply to managing these materials, including the [Drug Enforcement Administration](#) and the [Ohio State Board of Pharmacy](#). The Board of Pharmacy webpage has helpful resources and information regarding drug disposal and take-back programs in Ohio.

² "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. As an example, placing a pile of contraband in a field and burning it is considered open burning.