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**A. EPA Polychlorinated Biphenyls (PCBs); Recycling Plastics from Shredder Residue; Request for Public Comment**

On December 12, 2012, the Environmental Protection Agency (EPA) published a request for public comment (77 FR 74006-74010) on an interpretation of the Polychlorinated Biphenyls (PCB) regulations that would allow for the recycling of plastics separated from shredder residue recovered from automobiles as an excluded PCB product.

**Background**

On February 24, 2011, the Institute of Scrap Recycling Industries, Inc. (ISRI) submitted a letter to EPA requesting “written confirmation that separating plastics from automobile shredder residue (ASR) aggregate for use and distribution in commerce, using processes that reduce any PCBs that may be present to a level at or below which there is no unreasonable risk, is authorized” under the Toxic Substances Control Act (TSCA). In the letter ISRI stated that “analysis shows that the separation, recycling, distribution, in commerce, and reuse of plastics from shredder aggregate is consistent with existing authorizations that allow the use and distribution in commerce of products that contain low levels of PCBs, including provisions for “excluded PCB products” and “excluded PCB manufacturing processes” as defined in 40 CFR 761.3.”

**Summary**

In this interpretation EPA is agreeing with the ISRI interpretation that the plastics recovered from ASR should be regulated as an excluded PCB product provided that the materials are managed in accordance with the “Voluntary Procedures for Recycling Plastics from Shredder Residue” developed by ISRI. The Voluntary Procedures for Recycling Plastics from Shredder Residue requires shredders to develop and implement a documented materials management system that:

1. Documents source control programs aimed at preventing the introduction of PCBs regulated for disposal into the shredder feedstock materials that contribute to any shredder residue from which plastics will be recovered for recycling; and
2. Documents output control programs for facilities processing/producing/recycling plastics from shredder residues.

**Comments Due**

Comments on this PCB interpretation must be received by EPA on or before January 11, 2013.

**Link**

The link below will allow you to view/print EPA’s interpretation and request for comments.

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-12/pdf/2012-29904.pdf>

**Impact on Veolia Environmental Services**

This interpretation would have minimal impact on VESTS operations because automobile shredder fluff that this interpretation applies to would be land disposed if it were regulated as a PCB waste.

**B. EPA Fall 2012 Regulatory Agenda; Final Rule**

On December 21, 2012, EPA published the Fall 2012 Semi-Annual Regulatory Agenda.

**Summary**

EPA publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. The Fall 2012 Semi-Annual Regulatory Agenda includes the following topics:

<b>Solid Waste and Emergency Response – Final Rule Stage</b>
1. Modifications to RCRA Rules Associated with Solvent Contaminated Industrial Wipes
2. Hazardous Waste Management Systems: Identification and Listing of Hazardous Waste: Carbon Dioxide (CO2) Streams in Geological Sequestration Activities
3. Rulemaking on the Definition of Solid Waste
4. Revisions to the Export Requirements of the Cathode Ray Tube (CRT) Rule
<b>Solid Waste and Emergency Response – Proposed Rule Stage</b>
1. Management Standards for Hazardous Waste Pharmaceuticals
<b>Solid Waste and Emergency Response – Long Term Actions</b>
1. Hazardous Waste Requirements for Retail Products; Clarifying and Making the Program More Effective

**Link**

The link below will allow you to view/print the Fall 2012 Semi-Annual Regulatory Agenda.

[http://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION\\_GET\\_AGENCY\\_RULE\\_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=2000&Image58.x=47&Image58.y=17](http://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=2000&Image58.x=47&Image58.y=17)

**Impact on Veolia Environmental Services**

The semi-annual regulatory agenda has minimal impact on VESTS operations. Even though items are listed on the agenda there is no guarantee that EPA will finalize the projects within the timeframe identified.

**C. EPA Use of Non-Hazardous Secondary Materials as Fuel; Revisions**

On December 20, 2012, Lisa Jackson, EPA Administrator, signed the final rule revising the Non-Hazardous Secondary Materials that are a Solid Waste regulations.

**Summary**

EPA believes these amendments clarify and provide direction to facilities applying the legitimacy criteria and emphasize the flexibilities in the rule. The final revisions also list several non-hazardous secondary materials (NHSM) as categorical non-wastes when used as a fuel and provides a process for requesting an EPA rulemaking to identify additional materials as non-waste fuels.

Following are the list of NHSM that meet the categorical non-waste determination when used as a fuel:

1. Scrap tires that are not discarded and are managed under the oversight of an established tire collection programs;
2. Resinated wood;
3. Coal refuse that has been recovered from legacy piles and processed in the same manner as currently generated coal refuse; and
4. Dewatered pulp and paper sludges that are not discarded and are generated and burned on-site by pulp and paper mills that burn a significant portion of such materials where dewatered residuals are managed in a manner that preserves the heating value of the materials.

The final rule also includes a revised legitimacy criteria for NHSM used as fuels. The revised criteria are:

1. The ability to compare groups of contaminants where technically feasible;
2. The clarification that “designed to burn” means can burn or does burn, not permitted to burn;
3. The ability to use traditional fuel data from national surveys and other sources beyond a facility’s current fuel provider; and
4. The ability to use ranges of traditional fuel contaminant levels when making contaminant comparisons.

The final rule also includes a rulemaking petition process for other categorical non-waste determinations.

**Effective Date**

This final rule will become effective 60 days after publication in the federal register.

**Link**

The link below provides access to EPA's Non-Hazardous Secondary Materials Rulemakings webpage.

<http://www.epa.gov/epawaste/nonhaz/define/rulemaking.htm#122012>

**Impact on Veolia Environmental Services**

This final rule will have minimal impact on VESTS operations because we do not burn non-hazardous secondary materials for fuels at any of our facilities, however it could slightly restrict our ability to manage some wastes for disposal as more wastes may qualify to be burned as a fuel reducing off-site disposal of the wastes.

**D. EPA to Consider Clarifying Regulations Regarding the Disposal of Waste Retail Products**

On December 21, 2012, as part of the Fall 2012 Regulatory Agenda, in the long term actions stage, EPA announced that the Agency will consider amending the regulations under the Resource Conservation and Recovery Act (RCRA) for the management of waste retail products. In the notice EPA stated that "Retailers face uncertainty in managing the wide range of retail products that may become wastes if unsold, returned, or removed from shelves for inventory changes.

Because of the wide range of products that can become waste, retailers find it difficult to comply with the RCRA hazardous waste regulations that were designed for manufacturing and other types of industrial wastes."

EPA intends to issue a notice of data availability by the end of the first quarter of 2013 to present existing information on the management of retail wastes, request comment and additional information, and to determine possible next steps to address retail product waste issues.

**Link**

The link below will allow you to view/print the Fall 2012 Regulatory Agenda.

[http://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION\\_GET\\_AGENCY\\_RULE\\_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=2000&Image58.x=47&Image58.y=17](http://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=2000&Image58.x=47&Image58.y=17)

**Impact on Veolia Environmental Services**

The clarification of regulations for the disposal of waste retail products could have a positive impact on VESTS operations by clarifying the responsibilities for generators of wastes that were once retail products.

**E. EPA Robert Perciasepe to be Named Acting Administrator**

On December 27, 2012, EPA announced that Robert Perciasepe, the Environmental Protection Agency's Deputy Administrator, will serve as acting administrator when Lisa Jackson steps down from the position following the presidential inauguration. Mr. Perciasepe has been the Deputy Administrator since 2009 and has previously served as the head of the Office of Water and directed the Office of Air and Radiation.

**Impact on Veolia Environmental Services**

The naming of an Acting EPA Administrator will have minimal impact on VESTS operations.

**F. ASTSWMO Mercury-Containing Lamps, Survey Finds No Consistent State Regulations Regarding Drum-Top Crushers**

On December 10, 2012, the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) published the results of their survey of state waste regulators regarding mercury-containing fluorescent lamp drum-top crushers. The survey revealed that there are no consistent state regulations or practices governing the use of drum-top crushers but that 90 percent of the state regulators that responded believed that some restrictions should be placed on drum-top crushers.

A 2006 study conducted by EPA on the effectiveness of drum-top crushers found that "none of the devices evaluated completely controlled mercury emissions during lamp processing operations, even with minimal operation" and that poorly designed or operated crushers could result in mercury exposure above the Occupational Safety and Health Administration permissible exposure limit.

**Link**

The link below will allow you to view the Fluorescent Lamp Drum-Crusher Survey Results document.

[http://www.astswmo.org/Files/Policies\\_and\\_Publications/Hazardous\\_Waste/2012.12-Fluorescent\\_Lamp\\_Drum-Top\\_Crusher\\_Survey\\_Results-Final.pdf](http://www.astswmo.org/Files/Policies_and_Publications/Hazardous_Waste/2012.12-Fluorescent_Lamp_Drum-Top_Crusher_Survey_Results-Final.pdf)

**Impact on Veolia Environmental Services**

This survey has no impact on VESTS operations but it does reinforce the need for consistent regulations for the management of mercury-containing fluorescent lamps.

**G. Commission for Environmental Cooperation Urges EPA to Track Used Lead Acid Battery Exports Using the Hazardous Waste Manifest**

On November 30, 2012, the Commission for Environmental Cooperation (CEC) published a draft report titled “Hazardous Trade? An Examination of US-generated Spent Lead-acid Battery Exports and Secondary Lead Recycling in Mexico, the United States, and Canada.” CEC is an intergovernmental organization established by Canada, Mexico, and the United States to protect North America as the 1994 North American Free Trade Agreement is implemented.

**Summary**

The CEC conducted this study in response to concerns that some US-generated spent lead-acid batteries (SLABs) are exported to Mexico to avoid the costs of stricter environmental and health protection laws. A summary in the CEC document states that “The last seven years have seen a large increase in exports of SLABs to Mexico, where the lead in these batteries is recycled to produce refined lead for use in new batteries. Today, 30-60 percent of all batteries recycled in Mexico come from the United States. This recycling occurs in a regulatory environment with less stringent controls on lead pollution and the protection of workers and public health than in the United States, and in which recycling facilities demonstrate a wide range of environmental practices, processes, and control technologies.”

CEC has proposed the following recommendations for the management of SLABs in the United States, Mexico, and Canada:

1. The three countries should improve their data collection and information sharing.
2. Mexico is encouraged to establish monitoring to track emissions from every secondary lead smelter, require medical removal of highly exposed workers, and the implementation of stormwater management and hazardous waste management plans at each smelter.
3. The United States should require that hazardous waste manifests be utilized for international shipments of SLABs and to require exporters to obtain a certificate of recovery from the recycling facility.

**Link**

The link below will allow you to view/print the draft report.

[http://www.cec.org/Storage/142/16758\\_SLAB-publicdraft-30Nov\\_en.pdf](http://www.cec.org/Storage/142/16758_SLAB-publicdraft-30Nov_en.pdf)

**Impact on Veolia Environmental Services**

This report has no impact on VESTS operations because we do not export spent lead acid batteries for recycling.

**H. EPA Seeks Extension from Sierra Club to Finalize the Definition of Solid Waste Rule**

On December 4, 2012, EPA submitted a court filing with the U.S. Court of Appeals for the District of Columbia Circuit requesting an extension of the December 31, 2012 deadline for completing revisions to the Definition of Solid Waste Rule. EPA needs additional time to finalize the revisions, but has not indicated how long of an extension is required.

**Impact on Veolia Environmental Services**

The request for an extension has no impact on VESTS operations.

**I. OECD Lack of Clarity and Poor Monitoring Limits the Effectiveness of Regulating the Exportation and Importation of Electronic Wastes**

On December 10, 2012, the Organization for Economic Cooperation and Development (OECD) released a report titled “Regulatory Transparency in Multilateral Agreements Controlling Exports of Tropical Timber, E-Waste and Conflict Diamonds.”

**Summary**

The OECD study determined that “A lack of clarity in what can be defined as ‘reusable’ equipment has led to a number of situations in which supposedly reusable equipment exported to a developing country was improperly disposed of as a waste. Parties may also have difficulty distinguishing between hazardous and non-hazardous e-wastes. More transparency will help all along the chain, including for improved understanding of what ought to be regulated by Basel, generating the kind of data that will help importers distinguish normal commercial transactions from problematic shipments, to providing enough information about the evolution of these trades that concerned citizens in countries of import and export can know what is going on.”

Basel is urged to complete the development of new technical guidance on e-waste that clearly states policy objectives, includes effective monitoring and reporting requirements, and establishes broad involvement of stakeholders and non-governmental organizations.

**Link**

The link below will allow you to view/print the OECD report.

<http://www.oecd-ilibrary.org/docserver/download/5k8xbn83xtmr.pdf?expires=1358365410&id=id&accname=guest&checksum=D65EF95F38F184D3D886E976C80F1544>



**Impact on Veolia Environmental Services**

This report has no immediate impact on VESTS operations, however, if Basel completes the development of an improved technical guidance it could limit the quantity of e-wastes being exported to developing countries.

**J. EPA Annual Report on Enforcement and Compliance**

On December 17, 2012, EPA published its 2012 annual enforcement results. EPA initiated 3,027 civil enforcement cases in 2012 down from 3,283 cases in 2011. EPA assistant administrator for enforcement, Cynthia Giles, stated that the Agencies goal is to initiate fewer small cases and instead prioritize more complex cases that make a bigger impact. This goal resulted in EPA levying \$252 million in civil and criminal penalties in 2012.

**Link**

EPA's news release can be found using the following link.

<http://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceac8525735900400c27/10950aa41c147d3385257ad7006d61e1!OpenDocument>

**Impact on Veolia Environmental Services**

The report has no impact on VESTS operations, but it does confirm that EPA is focusing its enforcement efforts on large complex cases.

**K. EPA 2011 National Biennial RCRA Hazardous Waste Report**

On December 10, 2012, EPA released the 2011 National Biennial RCRA Hazardous Waste Report. The generation of hazardous wastes reported in 2011 (34.3 million tons) declined slightly from 2009 (35.3 million tons). Of the wastes generated in 2011, 19.8 million tons were characteristic only wastes, 10.2 million tons were both characteristic and listed wastes, and 4.3 million tons were listed hazardous wastes. Chemical manufacturers reported the largest quantity of hazardous wastes generated (15.7 million tons), followed by petroleum and coal product manufacturers (6.6 million tons), waste treatment and disposal companies (2 million tons), and pesticide and agricultural manufacturers (1.6 million tons).

**Link**

The link below will allow you to view/print the 2011 National Biennial RCRA Hazardous Waste Report.

<http://www.epa.gov/wastes/inforesources/data/br11/national11.pdf>

**Impact on Veolia Environmental Services**

This report has no impact on VESTS operations. Our review of the 2011 Biennial Hazardous Waste Report data has shown significant discrepancies in the data reported.

**L. DOT/FMCSA Enhancements to Compliance, Safety, Accountability Safety Management System**

In December 2012, the Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) implemented enhancements to the Safety Measurement System (SMS). The enhancements having the greatest impact on Veolia operations are:

1. Incorporating cargo/load securement violations from the Cargo Related BASIC into the Vehicle Maintenance BASIC, and
2. Changing the Cargo Related BASIC to the Hazardous Materials (HM) Compliance Basic.

The new Hazardous Materials (HM) Compliance BASIC is used to indicate unsafe handling of hazardous materials on a commercial motor vehicle (CMV) and tracks hazardous materials (hazmat) violations regulated under 49 CFR Parts 171, 172, 173, 177, 178, 180, and 397. The intervention threshold for the HM BASIC is currently set at 80%. Information from the HM Compliance BASIC is currently not viewable by the general public so motor carriers must be contacted directly for their performance rating in this category.

**Link**

Full details regarding the enhancements to the SMS can be found using the following link.

<http://ai.fmcsa.dot.gov/SMS/>

**Impact on Veolia Environmental Services**

The impacts to VESTS due to the enhancements to the Safety Measurement System are included in the topic above.

**M. DOT/FMCSA Entry-Level Driver Training; Public Listening Session**

On December 20, 2012, the Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) announced a public listening session on Entry Level Driver Training for drivers of commercial motor vehicles (77 FR 75491-75492).

**Summary**

In 2007, FMCSA published a Notice of Proposed Rulemaking (NPRM) seeking comment on enhanced entry-level driver training (ELDT) requirements (72 FR 73226). Since the publication

of the NPRM, FMCSA has completed its review of the public responses and initiated new research concerning driver training. As a result, FMCSA has determined that additional input is required to determine the most appropriate ELDT rulemaking.

FMCSA is required to issue final ELDT regulations by October 1, 2013.

#### **Listening Session**

The listening session was held on January 7, 2013 at the American Bus Association meeting in Charlotte, NC.

#### **Link**

The link below will allow you to view/print the notice of the public listening session.

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-20/pdf/2012-30641.pdf>

#### **Impact on Veolia Environmental Services**

VESTS does not intend to attend these listening sessions and will not be submitting comments on the entry level driver training.

### **N. OSHA Preventing Backover Injuries and Fatalities; Notice of Stakeholder Meeting**

On December 17, 2012, the Occupational Safety and Health Administration (OSHA) published a notice of stakeholder meetings (77 FR 74695-74696) on preventing backover injuries and fatalities.

#### **Summary**

In 2011, 79 workers were killed when backing vehicles or mobile equipment, especially those with an obstructed view, crushed them against an object and/or struck or rolled over them. 358 similar deaths were reported from 2005-2010. OSHA is interested in collecting information from industry on backover safety to determine whether backover fatalities may be prevented by new technology or other methods. OSHA is seeking comment on the following topics:

1. The risks of backovers;
2. Current measures taken to address backover hazards;
3. The effectiveness of those measures;
4. Information about the number of vehicles or employees affected; and
5. The costs of protective measures.

#### **Stakeholder Meetings**

The Stakeholder Meetings will be held on:

January 8, 2013 at the Frances Perkins Building in Washington, DC; and

February 5, 2013 at the University of Texas at Arlington in Arlington, TX

**Link**

The link below will allow you to view/print the notice of stakeholder meetings.

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-17/pdf/2012-30315.pdf>

**Impact on Veolia Environmental Services**

VESTS will not be attending the Stakeholder Meetings and will not be submitting comments on to OSHA.

**O. OSHA Fall 2012 Regulatory Agenda; Final Rule**

On December 21, 2012, OSHA published the Fall 2012 Semi-Annual Regulatory Agenda.

**Summary**

OSHA publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. The Fall 2012 Semi-Annual Regulatory Agenda includes the following topics:

<b>Occupational Safety and Health Administration – Final Rule Stage</b>
1. Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Protection)
2. Occupational Injury and Illness Recording and Reporting Requirements – NAICS Update and Reporting Provisions
<b>Occupational Safety and Health Administration – Proposed Rule Stage</b>
1. Occupational Exposure to Crystalline Silica
2. Occupational Exposure to Beryllium
3. Bloodborne Pathogens
4. Improve Tracking of Workplace Injuries and Illnesses
5. Standards Improvement Project IV
6. Approved State Plans for Occupational Safety and Health
7. Consensus Standard Update – Signage
8. Revocation of Periodic Records
<b>Occupational Safety and Health Administration – Long Term Actions</b>
1. Combustible Dust
2. Infectious Diseases
3. Injury and Illness Prevention Program
4. Review/Lookback of OSHA Chemical Standards

### **Link**

The link below will allow you to view/print the Fall 2012 Semi-Annual Regulatory Agenda.

[http://www.reginfo.gov/public/do/eAgendaMain.jsessionid=067DCB98825405D26CD87F212586CB4F?operation=OPERATION\\_GET\\_AGENCY\\_RULE\\_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=1200&Image58.x=42&Image58.y=13](http://www.reginfo.gov/public/do/eAgendaMain.jsessionid=067DCB98825405D26CD87F212586CB4F?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=1200&Image58.x=42&Image58.y=13)

### **Impact on Veolia Environmental Services**

The semi-annual regulatory agenda has minimal impact on VESTS operations. Even though items are listed on the agenda there is no guarantee the OSHA will finalize the projects within the timeframe identified.

### **P. DOJ/DEA Disposal of Controlled Substances; Notice of Proposed Rulemaking**

On December 21, 2012, the Department of Justice, Drug Enforcement Agency (DEA) published a notice of proposed rulemaking (77 FR 75784-75817) for the creation of regulations for the secure disposal of controlled substances by both DEA registrants and ultimate users.

#### **Background**

On October 12, 2010, the Secure and Responsible Drug Disposal Act of 2010 (Disposal Act) was finalized. Prior to the Disposal Act, ultimate users of prescription drugs (prescription holders) who wanted to dispose of unused, unwanted, or expired controlled substance pharmaceuticals had few options. The only option available to the ultimate users was for them to destroy the substances themselves by flushing, discarding, or surrendering them to a law enforcement agency. The lack of disposal options created a situation where controlled substances were accumulated in households which made them available for abuse and misuse.

The Disposal Act amended the Controlled Substances Act (CSA) authorizing ultimate users to deliver their controlled substances to another person for disposal and/or destruction. In this proposed rule DEA is taking the first step in creating regulations that expand the entities that ultimate users may transfer unused, unwanted, or expired controlled substances to for disposal/destruction, as well as the methods by which the controlled substances may be collected, managed, and disposed/destroyed.

#### **Summary**

DEA is proposing three options for the collection of controlled substances from ultimate users for the purpose of disposal/destruction. These options are:

1. Take-Back Events;
2. Mail-Back Programs; and
3. Collection Receptacles

The proposed regulations allow law enforcement agencies to continue conducting take-back events and to allow law enforcement agencies, authorized manufacturers, distributors, reverse distributors, and retail pharmacies to administer mail-back programs and maintain collection receptacles. Long-term care facilities with pharmacies on-site would also be allowed to maintain collection receptacles at the facility.

#### REVERSE DISTRIBUTORS

The proposed rule would amend the definition of reverse distributor to read “to acquire controlled substances from another DEA registrant or a law enforcement agency for the purpose of: (1) Return to the manufacturer or another registrant authorized by the manufacturer to accept returns on the manufacturer’s behalf, or (2) destruction.

A reverse distributor would be required to destroy or cause the destruction of any controlled substances received for the purpose of destruction as soon as practicable but no later than fourteen calendar days after taking possession of the controlled substance.

#### TAKE-BACK PROGRAMS

DEA proposes to allow law enforcement agencies to continue to conduct take-back programs, but only the ultimate user may handle the controlled substances at these events. A law enforcement officer employed full time must oversee the collection event. Following the collection event the controlled substances can be transferred to a reverse distributor.

#### MAIL-BACK PROGRAMS

Mail-back programs may be conducted by registered manufacturers, distributors, reverse distributors, or pharmacies. However, the mail-back packages **MUST** be received at a facility that has an on-site method of destruction and the packages cannot be opened, x-rayed, or otherwise penetrated prior to destruction (e.g., the contents of the package may not be handled, counted, or inventoried). The mail-back packages must be:

1. Postage paid;
2. Pre-addressed to the authorized mail-back location;
3. Non-descript;
4. Tamper-evident and Tamper-resistant;
5. Waterproof;
6. Contain a unique identification number so that each package can be tracked; and
7. Contain instructions on the substances that can be sent, the process for mailing back the package, and a notice that only packages provided by the authorized collector will be accepted for destruction.

#### COLLECTION RECEPTACLES

Collection receptacles can be located at registered manufacturers, distributors, reverse distributors, retail pharmacies, long-term care facilities with a pharmacy located on-site and at law enforcement facilities. The collection receptacle must:

1. Have a permanent outer container with a removable inner liner;
2. The outer container must have an opening big enough to allow contents to be added, but small enough to prevent removal;
3. The opening must be capable of being locked
4. The container must display a sign indicating that only non-controlled drugs and Schedule II, III, or IV controlled substances may be placed in the container;
5. The container must be securely fastened to a permanent structure;
6. The container must be located in the immediate proximity of a designated controlled substances storage area;
7. The inner liner must be waterproof, tamper-evident, and tear-resistant;
8. The liner must be removable and sealable without emptying or touching the contents;
9. The contents of the inner liner shall be viewable when sealed;
10. The size of the liner must be marked on the liner; and
11. The liner must be marked with a permanent, unique identification number.

The removal of the inner liner must be performed under the supervision of at least two authorized employees.

#### COLLECTION RECEPTABLES AT LONG-TERM CARE FACILITIES

An authorized pharmacy located at a long-term care facility may install a collection receptacle under the control of the pharmacy. The long-term care facility may deposit the controlled substances into the collection receptacle on behalf of a patient. The controlled substances must be transferred into the collection receptacle with three business days after the controlled substances are no longer needed by the patient.

#### **Comments Due**

Comments on this notice of proposed rulemaking must be submitted to DEA on or before February 19, 2013.

#### **Link**

The link below will allow you to view/print this notice of proposed rulemaking.

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-21/pdf/2012-30699.pdf>

**Impact on Veolia Environmental Services**

If finalized as proposed these regulations could have a significant impact on VESTS ability to manage prescription controlled substances for disposal. VESTS is currently developing comments that will be submitted to DEA on these proposed rules so that we can continue to manage prescription controlled substances effectively under our reverse distributor registration.