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ALEXANDER B. GRANNIS  
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**MAY 27 2008**

Mr Benjamin H Grumbles  
Assistant Administrator  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N W  
Washington, DC 20460

Dear Mr Grumbles

Thank you for your letter regarding pharmaceuticals in water and drinking water. I share your commitment to addressing this important issue through a collaborative approach that makes the most of the collective state and federal resources that can be brought together to assure that the citizens of New York State share a toxic-free future. In support of that commitment and in response to your request, I offer the following information on DEC's activities related to pharmaceuticals, as well as feedback on EPA's activities regarding these substances.

#### DEC Activities

DEC recognizes that pharmaceuticals and personal care products (PPCPs) in the water is a multifaceted issue with no single solution. Sources include unused drugs flushed by individuals and institutions, the discharge of pharmaceutical waste from drug manufacturers, and the passage of used pharmaceuticals through human bodies. Wastewater treatment plants (WWTPs) are not designed to remove these drugs, so treatment of municipal and industrial discharge is not the entire answer. DEC has established an internal Pharmaceuticals Work Group that includes staff from our Divisions of Water, Solid and Hazardous Materials, Pollution Prevention, Public Affairs and Policy Office. The group has initially focused on reducing the disposal of unused pharmaceuticals into the waters of New York State. This work group assures that the multiple programs that have a role in addressing this issue are coordinated and in constant communication.

The work group's initial aim is to achieve a major reduction in the flushing of unused pharmaceuticals by individuals and institutions. To that end, DEC hosted a roundtable discussion in Albany on May 15, 2008. The purpose of the roundtable was to convene stakeholders to discuss management options for unused pharmaceuticals so that consumers can avoid flushing and ensure unused products are safely managed. I am pleased that EPA accepted our invitation to participate in these discussions and I look forward to the Agency's input.

DEC is also participating in a newly formed pharmaceuticals-related work group sponsored by the New England Interstate Water Pollution Control Commission (NEIWPCC) that will be fostering interstate communication and collaboration in addressing a variety of issues associated with pharmaceuticals in the environment. Last year, DEC staff worked with NEIWPCC to plan the "2007 Northeast Water Science Forum Pharmaceuticals and Personal Care Products State of the Science" in Portland, Maine.

DEC is working closely with the U.S. Geological Survey (USGS) and New York State Department of Health on the monitoring of the New York City water supply watershed (NYC Watershed) for pharmaceuticals. Since 2003 USGS, in cooperation with DEC, has been conducting a study of the occurrence of trace organic compounds, including pharmaceuticals in the NYC Watershed. Much of the USGS effort in monitoring for trace organic compounds, including pharmaceuticals, has focused on assessing the effectiveness of wastewater treatment plant processes on the removal of these compounds. Sampling of these compounds has expanded in the last few years to include critical locations in the water supply system and source waters within the New York City reservoir system and tributary streams. As expected, the levels identified were a function of effluent concentration and proportion of discharge to stream flow. DEC is committed to continuing to work with USGS in this endeavor. Future work with USGS will assess the fate of these compounds in the aquatic environment as well as the effectiveness of various treatment technologies.

In addition to our internal activities, DEC will work closely with our Legislature on any bills associated with PPCPs in the environment and drinking water. To date, a product stewardship bill has been introduced.

DEC is also participating in the Product Stewardship Institute's (PSI) pharmaceuticals initiative. PSI works with federal, state, local government agencies, manufacturers, retailers, environmental groups, and other stakeholders to reduce the health and environmental impacts of consumer products. The PSI pharmaceuticals initiative seeks to evaluate the need and opportunities for a nationally coordinated system for the management of unwanted pharmaceuticals. Through this process, we hope to work with other states and stakeholders to develop a viable return system for unused pharmaceuticals.

#### EPA Activities

The Toxic Substances Control Act appears to have been wholly ineffective at preventing occurrences of these chemicals in our nation's waters. Consequently, the nation is once again on track to repeat history - chasing after chemicals that have been already discharged for several decades. It appears that the Contaminant Candidate List process, required by Section 1412(b) (1) of SDWA, as amended in 1996, requires both information on the adverse effects of a chemical as well as indications that it is found at levels of concern in drinking water before EPA will take action to regulate it. DEC believes that EPA should take a more proactive and precautionary approach toward limiting the levels of contaminants that enter into sources of drinking water by determining effects and setting standards before the waters of the nation become contaminated.

Most states, including New York, do not have the resources to derive ambient water quality criteria for more than a small handful of contaminants of concern and EPA has moved at a less than satisfactory pace on publishing new and revised criteria. Most of EPA's Ambient Water Quality Criteria date from around 1980. The Department urges EPA to significantly increase and expedite efforts to derive new and revised criteria, including criteria for pharmaceuticals and personal care products.

One of the biggest impediments to reducing the loading of unused drugs is the regulations of the federal Drug Enforcement Administration (DEA). The DEA does not permit consumers to return unused controlled substances to the point of sale (pharmacy) or to other third parties. This has made it extremely difficult and, in some cases impossible, for many states and local governments to implement a viable drug return program. The ideal return program needs to be simple, convenient for the consumer, and economical. EPA should work expeditiously with DEA and the White House Office of National Drug Control Policy to facilitate DEA revision of its regulations to allow properly supervised collection programs to move forward.

New York and other states across the country are looking to EPA to provide guidance on treatment methods that are effective at removing such chemicals from both wastewater and drinking water. This guidance can then be used by the states as they implement their wastewater and drinking water programs.

I would appreciate a detailed summary of each state's reply to your letter. I thank you for your time and attention regarding this important matter and look forward to working together to address it.

Sincerely,



Alexander B. Grannis

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A Steinberg (USEPA)  
R Daines (NYSDOH)  
R Poltak (NEIWPCC)

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