



July 13, 2017

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Commissioner Kathryn Garcia
NYC Department of Sanitation
Central Correspondence Unit
59 Maiden Lane, 5th Floor
New York, New York 10038

New York City Department of Sanitation New Regulations on Commercial Recycling

Dear Commissioner Garcia:

I write to you on behalf of the Board of Directors and the nearly 1,000 members of the New York City Pharmacists Society (NYCPS). NYCPS is a non-profit professional trade organization whose membership includes the owners of independent pharmacies as well as employee pharmacists located within the five boroughs of New York City. I write to you at the request of the Board of the NYCPS, as NYCPS's secretary.

Specifically, I write to follow up on a recent change in the New York City Department of Sanitation regulations concerning commercial establishments and their recycling procedure. I speak to you as a pharmacist (I have been one for nearly 45 years) and as a past owner of a community pharmacy in Brooklyn New York which I operated until 2007 for nearly 30 years.

As you are aware, the NYC requirements for recycling have changed regarding commercial establishments effective August 1, 2016, and the enforcement aspect of such changes were delayed until August 1, 2017. As our NYCPS members are becoming aware of the changes there is a huge concern and our members have shared that concern with me over the safety of the pharmacists and their staff (as well as potential public harm which may develop) with one aspect of this commercial recycling requirement. Pharmacies handle many powerful, dangerous, addictive and harmful medications, such as Oxycodone, Hydrocodone, Morphine, in solid dosage forms which come in plastic bottles and containers. Many NYCPS members have expressed extreme reservations and fear about placing the empty bottles ("empty controlled substance containers") of these powerful and dangerous pharmaceutical products in CLEAR PLASTIC bags on the street for passersby to see. In the context of the dire problem we have in today's society, pharmacists fear that drug seeking individuals will seize the opportunity to potentially target these pharmacies for crimes, whether that will be nighttime burglaries or

Commissioner Kathryn Garcia
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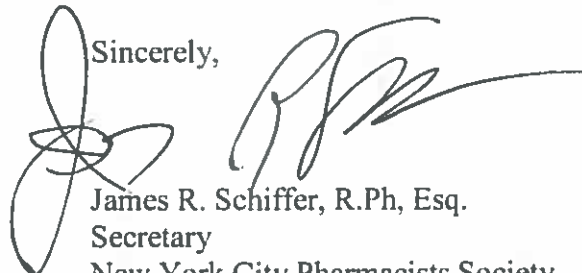
robberies potentially harming the employees and patients present. As a New Yorker, you are aware of the hazards pharmacists incur on a daily basis handling these medications. We are appreciate of the great job that the New York City Police Department has done to curb the holdup menace that pharmacies had faced for many years. We do not want to do anything to change that current situation of a sense of security that pharmacy staff have been witnessing.

I am enclosing an email exchange between one of our members and Nick Van Eyck of your department regarding this very important issue. While we appreciate the suggestions, Mr. Van Eyck gave, it is not practical to remove the prescription label off of these controlled substance container and the alternative suggestion to request the supplier to accept these containers is not a solution as the suppliers will not accept them back.

We ask that you modify the requirements for recycling to allow pharmacies to dispose of *empty controlled substance containers* with their normal commercial garbage. In the alternative, if a pharmacy owner desires to recycle such empty controlled substance containers, we suggest that a non-transparent plastic bag be authorized for such recycling process.

While we recognize the need for protecting our environment, pharmacists need to also protect themselves and their staff from collateral issues which may arise as the result of the potential harm which could occur by the public display of empty controlled substance containers. We do not want to create an awareness of the powerful, dangerous, addictive and harmful medications, such as Oxycodone, Hydrocodone, Morphine, which the pharmacies are stocking to help serve the patients under their care. I can be contacted directly at 212 616 7069 and my email is jschiffer@abv.com. Thank you for your consideration of our concerns.

Sincerely,



James R. Schiffer, R.Ph, Esq.
Secretary
New York City Pharmacists Society

Enclosures

cc: New York City Mayor Bill deBlasio
James J. Hunt, Special Agent in Charge New York DEA Office
Joshua Vinciguerra, Director, NYS Department of Health Bureau of Narcotic Enforcement

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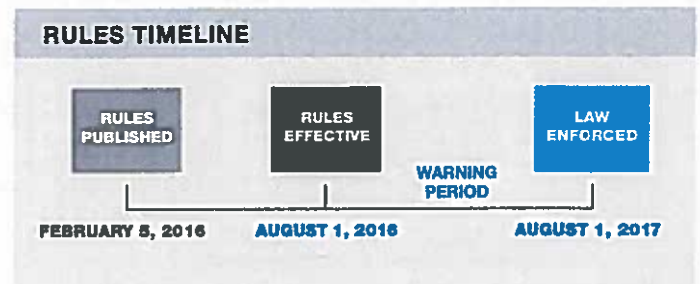
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New Business Recycling Rules

All businesses in New York City are required to recycle certain materials and ensure to their best ability that those recyclable materials are properly handled by their private carter. Look inside for a description of the new recycling requirements and tips on how to comply. Please contact 311 or visit on.nyc.gov/business-recycling for more information.



HOW TO COMPLY:

1. **Contract with a licensed private carter and develop a plan for how waste will be collected and set out for your building. If your building management handles waste, work with them to be sure your business complies with their plan and the City's recycling rules. The plan should comply with one of the following: source-separated collection, co-collection, or single-stream collection (see diagrams).**

NOTE: It is never, under any circumstances, permitted for recyclable material to be collected in the same bag with garbage, or be placed in the same compartment of a truck or container with garbage.

- Your business must post a sign identifying all carters you utilize and what material they collect. For recyclables, the sign must indicate how those recyclables are collected (source-separated, co-collected, or single-stream). This sign should be posted in a window or somewhere visible from outside the building.
- If your business prefers to transport your own recyclables, a registration must be obtained from the NYC Business Integrity Commission.
- Property owners and building management must notify tenants, at least annually, about the recycling and waste management policies of the building. Policies must be compliant with NYC rules and a copy of this notification must be available upon request by DSNY.

2. **Set up customer and staff disposal areas.**

REQUIRED:

- All containers must have a label stating what material type the container is being used to collect.
- All recyclable material must be kept separate from garbage at all times (see diagrams).
- Post and maintain signs in maintenance areas or waste storage areas describing how recyclables and garbage should be separated.
- Post and maintain signs in public areas and staff areas describing how recyclables and garbage should be separated.

Tips on Interacting with Carters

- We encourage you to shop around for a carter that fits your needs and material types. Please visit nyc.gov/zerowastebusinesses for a list of some private carters and the services they provide.
- Businesses are required to comply with the rules in this notice. If you believe your carter or building management is not doing their part to recycle materials properly, file a complaint at: on.nyc.gov/dsny-complaints and DSNY will investigate.
- Know the rules. Sign up for a business recycling training or watch the webinar at: on.nyc.gov/zerowaste-business-resources.

What To Recycle

Metal, Glass, Plastic, and Beverage Cartons



**Metal Cans,
Aluminum Foil**



**Glass Jars
and Bottles**



Rigid Plastic



**Mixed Metal/
Plastic Objects**



Beverage Cartons

Paper



Receipts, Mail, Office Paper, Folders

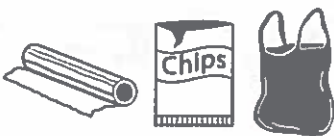


Newspapers, Magazines, Catalogs



Cardboard

Garbage



**Plastic Film and Wrap,
Plastic Bags***



Foam Products



**Soiled or
Coated Paper**



Food Scraps**



Furniture

*Unless your business is covered by NYS Plastic Bag and Film Wrap law

**Unless your business is covered by Commercial Organics law



Textiles

If textiles make up more than 10% of your business's waste during any month, you are required by law to separate and recycle all textile waste, including fabric scraps, clothing, belts, bags and shoes. You may be eligible for a free NYC textile recycling program; visit nyc.gov/refashion.



Yard or Plant Waste

If yard or plant waste makes up more than 10% of your business's waste during any month, you are required by law to separate and recycle all yard and plant waste, including grass clippings, garden debris, leaves, and branches. This material must be set out separately from all other material.



Organics

Certain large, food-waste generating establishments are required by law to separate organic waste for beneficial use. Find out if you are covered at on.nyc.gov/commercial-organics. This material must be set out separately from all other material.

NOTE: Certain materials require special handling. To avoid violations, please review the complete list at nyc.gov/zerowastebusinesses

How To Recycle

IMPORTANT: It is illegal to mix recyclables with garbage in the same container or compartment in a truck.



Source-Separated Recycling

Metal, Glass, Plastic, and Beverage Cartons

Paper

Garbage

Staff and/or customer places material in the appropriate labeled container.



Building staff manages three waste streams. Clear bags of metal, glass, plastic and cartons are set out separately from clear bags of paper and bundles of cardboard. Garbage is set out separately from recyclables.



The three streams are collected by THREE separate trucks.



CO-COLLECTION: With proper documentation, a carter may be permitted to co-collect source-separated recyclables in one truck. In this case, the business must post a sign indicating that co-collection is used and the name of the carter that is authorized to co-collect the recyclables.

Single-Stream Recycling

Metal, Glass, Plastic, and Beverage Cartons

Paper

Garbage

Staff and/or customer places material in the appropriate labeled container.



Building staff manages two waste streams. Clear bags of metal, glass, plastic, cartons, paper and bundles of cardboard are set out for collection separately from garbage.



Recycling and garbage are collected by TWO separate trucks. Businesses must post a sign indicating single-stream recycling is used and that the carter is authorized to collect single-stream recycling.



Tips!

- Wherever there is a garbage bin, there should also be recycling bin(s).
- Color code your recycling program. Find examples of signage at: on.nyc.gov/zerowaste-business-resources.
- Know the rules. Sign up for a business recycling training or watch the webinar at: on.nyc.gov/zerowaste-business-resources.

James Schiffer

From:
Sent: Tuesday, July 11, 2017 11:21 AM
To: James Schiffer
Subject: Fwd: Question: Recycling of Narcotic/Opioid Medication Bottles in Clear Bags?

Jim,
Please see the NYC dept of sanitation's response to my email below.
Thanks,

Begin forwarded message:

From: "Van Eyck, Nick (DSNY)" <nvaneyck@dsny.nyc.gov>
Date: July 11, 2017 at 10:54:55 AM EDT
To:
Cc:
Subject: RE: Question: Recycling of Narcotic/Opioid Medication Bottles in Clear Bags?

Hi

The Rx bottles need to be recycled along with other rigid plastics. My recommendation is to remove or obscure the labels as best you can. You may also work with your supplier to see if they will take them back.

Best,

Nick Van Eyck

From:
Sent: Monday, July 10, 2017 1:29 PM
To: Van Eyck, Nick (DSNY)
Cc:
Subject: Re: Question: Recycling of Narcotic/Opioid Medication Bottles in Clear Bags?

Nick,

I searched the entire nyc.gov website but did not find anything relevant. Please let us know what you learn as soon as you do. This is clearly a potentially serious issue that should be addressed ASAP.

Thank you

On Mon, Jul 10, 2017 at 1:22 PM, Van Eyck, Nick (DSNY) <nvaneyck@dsny.nyc.gov> wrote:

Thank you for your interest in the commercial recycling rules and for reaching out. Let me look into this and get back to you. In the meantime, please feel free to visit our website for additional information.

Thank you,

Nick Van Eyck

Community Coordinator, Commercial Programs
Bureau of Recycling and Sustainability

NYC Department of Sanitation
[212 437 4614](tel:2124374614) | nyc.gov/sanitation
nvaneyck@dny.nyc.gov

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From:

Sent: Monday, July 10, 2017 1:13 PM

To: Van Eyck, Nick (DSNY)

Cc: I

Subject: Question: Recycling of Narcotic/Opioid Medication Bottles in Clear Bags?

Hi Nick,

Thanks for hosting the Business Recycling Info Session this morning. In recapping what I learned at your session with my pharmacy staff, an excellent point was posed by our supervising pharmacist regarding the use of clear bags for recycling of narcotic/opioid medication bottles.

In the very serious context of our society's opioid crisis, putting out empty bottles of narcotic medication bottles is like ringing the proverbial dinner bell for drug abusers, drug dealers and potentially violent criminals to will make our pharmacy a target for either trying to pass off counterfeit prescriptions or a robbery. There is also the potential risk for nefarious individuals to pick through pharmacies' trash bags for empty bottles of narcotics and opioids for purpose of

illegally repackaging these bottles with who-knows-what and then selling them on the street for profit.

In light of these potentially illegal and very dangerous practices and risks, has any consideration been made by the Department of Sanitation to address this issue? Are pharmacies exempt from recycling medication bottles as a way of mitigating such risky behavior in the context of the serious opioid epidemic?

Please advise.

Thanks,