

Congress of the United States
Washington, DC 20515

Friday, May 22, 2020

Mr. Uttam Dhillon
Acting Administrator
U.S. Drug Enforcement Administration
600 Army-Navy Drive
Arlington, Virginia 22202

RE: Compensating for Drug Take-Back Day Delay with At-Home Disposal Initiative

Dear Acting Administrator Dhillon:

As members of the Bipartisan Opioid Task Force, we write today in support of efforts taken by the Administration to remove unused and unwanted prescription drugs, particularly opioid medications, from the home. A key component of our national response to opioid abuse and overdose is to reduce the risk for these drugs to be diverted into the wrong hands for the wrong purposes. We recognize the importance of safe drug disposal and have included it as a priority in our Legislative Agenda for the 116th Congress.¹

While unfortunate, postponing the April 25, 2020 National Drug Takeback Day was necessary given the COVID-19 pandemic and related physical distancing orders. As such, many Americans will simply not be able to reach authorized collection sites to dispose of unused and unwanted products in the interim. That said, we share the Administration's concern about the risks opioid misuse poses to Americans during this public health emergency. According to the Substance Abuse and Mental Health Services Administration (SAMHSA), Americans across the country will struggle with increases in depression, anxiety, trauma, and grief. SAMHSA also anticipates an increase in substance misuse as lives are impacted by the current public health and economic crisis. A National Bureau of Economic Research study demonstrates the importance of acting decisively during tough economic times, indicating that a 1% increase in a county's unemployment led to a 3.6% increase in opioid death rate.² This increase will also have dire consequences for our already strained public health and public safety resources. To ensure federal takeback efforts continue while Americans deal with COVID-19 and its economic fallout, we encourage the Administration to partner with stakeholders to distribute at-home drug deactivation and disposal kits this spring so that the risk of diversion does not increase unnecessarily.

In addition to meeting DEA standards for rendering drugs non-retrievable³, peer-reviewed research supports the efficacy of proven at-home technologies to change consumer behavior around safe disposal. Researchers from the University of Michigan write in *JAMA Surgery* that study respondents were 3.8-times more likely to dispose of unused and unwanted opioids as compared to those in a control arm.

¹ <https://kuster.house.gov/sites/kuster.house.gov/files/documents/BOTF%20Agenda%200.pdf>

² <https://www.nber.org/papers/w23192.pdf>

³ 21 CFR §1300.05

Nearly six-in-ten (57.1%) of those receiving an at-home disposal technology self-reported opioid disposal, compared to a quarter (28.6%) who similarly self-reported while not receiving the intervention.⁴

Similar results were demonstrated by researchers in *JAMA Pediatrics* where greater than 85% of participants properly disposed of prescription opioids via an at-home disposal technology as compared to just two-thirds who were instructed how to do so safely.⁵

At-home drug disposal and deactivation also has been identified as an essential part of our overall opioid harm reduction strategy. The President's Commission on Combatting Drug Addiction and the Opioid Crisis recognized at-home disposal as one component of a comprehensive solution in its November 2017 final report.⁶ Recommendation #17 notes, "the Federal Government supported the development of drug deactivation bags to allow the safe disposal of old prescription opioids... The use of such bags would complement National Drug Takeback Day events and give consumers more options." The U.S. Food and Drug Administration recently recognized the availability of these products for disposal of drugs on the "non-flush list," indicating that "other technologies which provide additional options for disposing of medicines have been developed."⁷

The opportunity exists to mitigate the National Drug Takeback Day delay with an at-home disposal initiative that is convenient and effective while our nation continues to fight both the COVID-19 pandemic and an ongoing opioid public health emergency. We appreciate your leadership in this important area and would welcome the opportunity to discuss further collaboration to keep Americans safe.

Sincerely,



Ann McLane Kuster
Member of Congress



Brian Fitzpatrick
Member of Congress

⁴ <https://jamanetwork.com/journals/jamasurgery/article-abstract/2729448>

⁵ <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2735686>

⁶ https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Final_Report_Draft_11-1-2017.pdf

⁷ <https://www.fda.gov/drugs/disposal-unused-medicines-what-you-should-know/drug-disposal-dispose-non-flush-list-medicine-trash>

Also signed by:

Stephen F. Lynch

David Trone

John H. Rutherford

Donald Norcross

Bill Foster

David P. Joyce

Sean Patrick Maloney

Diana DeGette

Lisa Blunt Rochester

Tim Ryan

Conor Lamb

Debbie Dingell