STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

TESTIMONY OF

BRIAN BENESKI, SUPERVISOR RECYCLING PROGRAMS

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN SUPPORT OF L.D. 2021

AN ACT TO CLARIFY THE LAWS REGARDING PHARMACEUTICAL PRODUCT STEWARDSHIP

SPONSORED BY SENATOR CARNEY

BEFORE THE JOINT STANDING COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

DATE OF HEARING:

JANUARY 24, 2023

Senator Brenner, Representative Gramlich, and members of the Committee, I am Brian Beneski from the Bureau of Remediation and Waste Management, Division of Materials Management, at the Department of Environmental Protection, speaking in support of L.D. 2021.

P.L. 2021, Ch. 94, *An Act To Support Collection and Proper Disposal of Unwanted Drugs* (L.D. 8), established a drug take-back stewardship program. The law requires certain drug manufacturers, to operate a drug take-back stewardship program to collect

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

website: www.maine.gov/dep

and dispose of certain drugs. Approved stewardship organizations are responsible for the management of the program, with oversight by the Department. The program is funded entirely by drug manufacturers at no cost to the public.

This program is designed with two major benefits to the State:

- To prevent diversion of unwanted and unused medications to children, pets, preventing accidental exposure, and to prevent the diversion and misuse by others; and
- To prevent the unused, unwanted drugs from being flushed into septic systems and wastewater treatment facilities or disposed of in landfills, where they ultimately end up in Maine's drinking water and surface waters, causing adverse impacts to human health, our fisheries, and aquatic ecosystems.

When this legislation was crafted, it was the understanding of the Department that manufacturers of "generic" drugs were to be included in the program, as they were specifically identified in the definition of "covered drug." It should be noted that more than 90% of prescription drugs distributed within the United States are generic[1]. However, during the Department's implementation of the law, a minor language inconsistency was noticed in the definition of "manufacturer" that may be interpreted to mean that manufacturers of generic drugs are not included in the program. We believe the language offered by L.D. 2021 regarding the definition of "manufacturer" makes it clear that generic drug manufacturers are included in the program.

Thank you for the opportunity to provide testimony. I am available to answer questions of the Committee, both now and at work session.

[1] Association for Accessible Medicines
Generic and Biosimilar Drugs Generate $408 Billion in Savings For America's Patients and Health-Care System in 2022 | Association for Accessible Medicines (accessiblemeds.org)