**Section 726.609 Shipping to a Reverse Distributor**

a) Shipping Potentially Creditable Hazardous Waste Pharmaceuticals. A healthcare facility or reverse distributor that transports or offers for transport potentially creditable hazardous waste pharmaceuticals offsite to a reverse distributor must comply with all applicable USDOT regulations in 49 CFR 171 through 180, incorporated by reference in 35 Ill. Adm. Code 720.111, for any potentially creditable hazardous waste pharmaceutical that meets the definition of hazardous material in 49 CFR 171.8, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: For purposes of the USDOT regulations, a material is considered a hazardous waste if it is subject to USEPA's hazardous waste manifest requirements in 40 CFR 262 (corresponding with 35 Ill. Adm. Code 722 in Illinois). Because a potentially creditable hazardous waste pharmaceutical does not require a manifest, it is not considered hazardous waste under USDOT regulations.

b) Delivery Confirmation. Upon receipt of each shipment of potentially creditable hazardous waste pharmaceuticals, the receiving reverse distributor must provide confirmation (paper or electronic) to the healthcare facility or reverse distributor initiating the shipment that the shipment has arrived at its destination and is under the custody and control of the reverse distributor.

c) Procedures for When Delivery Confirmation is Not Received within 35 Calendar Days. If a healthcare facility or reverse distributor initiates a shipment of potentially creditable hazardous waste pharmaceuticals to a reverse distributor and does not receive delivery confirmation within 35 calendar days after the date when it sent the shipment of potentially creditable hazardous waste pharmaceuticals, the healthcare facility or reverse distributor that initiated the shipment must promptly contact the carrier and the intended recipient (i.e., the reverse distributor) to report that it did not receive the delivery confirmation and to determine the status of the potentially creditable hazardous waste pharmaceuticals.

d) Exporting Potentially Creditable Hazardous Waste Pharmaceuticals. A healthcare facility or reverse distributor that sends potentially creditable hazardous waste pharmaceuticals to a foreign destination must comply with subsections (a) through (c) and the applicable requirements of Subpart D of 35 Ill. Adm. Code 722, except the manifesting requirement of 35 Ill. Adm. Code 722.183(c).

e) Importing Potentially Creditable Hazardous Waste Pharmaceuticals. Any person that imports potentially creditable hazardous waste pharmaceuticals into the United States is subject to subsections (a) through (c) in lieu of Subpart H of 35 Ill. Adm. Code 722. Immediately after the potentially creditable hazardous waste pharmaceuticals enter the United States, they are subject to all applicable requirements of this Subpart P.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)