

**Responses to Questions for the Record
Regina LaBelle, Acting Director
Office of National Drug Control Policy**

**following hearing entitled,
“The Federal Response to the Drug Overdose Epidemic”
July 20, 2021**

Questions from Senator Whitehouse

- 1. I am deeply concerned about the presence of fentanyl in the illicit drug supply, as over 70 percent of drug overdose deaths in Rhode Island in 2020 involved illicit fentanyl. During your testimony, you noted that ONDCP is working with China to address the manufacture and sale of precursor chemicals used to produce illicit fentanyl. You further indicated that ONDCP is collaborating with Mexico to reduce trafficking across the border as well as to dismantle labs used to manufacture illegal drugs.**
 - Please describe the specific bilateral actions ONDCP has and is taking with its Chinese counterparts to reduce the flow of precursor chemicals to Mexican drug cartels.**
 - Given that Chinese precursor chemicals enter Mexico through Pacific ports, beyond informational exchanges, what steps is ONDCP taking to assist the Mexican government with its efforts to bolster port security?**
 - How is ONDCP supporting the Mexican government in its efforts to dismantle clandestine fentanyl labs? What metrics does ONDCP employ to determine if these steps are effective?**
 - Does the administration need additional authorities or resources to curtail the flow of the precursor chemicals used to manufacture fentanyl?**

RESPONSE: Addiction and the overdose epidemic has taken a heartbreaking toll on far too many Americans and their families. That is why the Biden-Harris Administration is moving urgently on a holistic, balanced approach that prioritizes expanding access to evidence-based prevention, treatment, recovery, and harm reduction; as well as stopping the flow of illicit substances into and within the United States.

Within the U.S.-China relationship, cooperation in counter-narcotics has been a bright spot. In 2019, this close coordination resulted in China’s class scheduling of fentanyl-related substances. Today, the Office of National Drug Control Policy (ONDCP) is collaborating with the U.S. Department of State and other partners to further address the flow of precursors from China.

In partnership with the Department of State, ONDCP supports coordination efforts with Canada

and Mexico under the framework of the trilateral North American Drug Dialogue (NADD) to shape a collective and comprehensive response to disrupt the global flow of synthetic drugs and their precursor chemicals into North America. Through a range of events, including joint training and information sharing, the NADD leverages the combined efforts of law enforcement and health officials from all three countries to address the many facets of the transnational opioid epidemic, illicit psychostimulant threats facing each country, and the broader drug crisis facing North America.

Mexico continues to seize and dismantle high-capacity methamphetamine and fentanyl clandestine laboratories. To support these efforts, the United States has conducted 12 subject matter expert workshops in Mexico on synthetic drugs awareness with 519 prosecutors, police investigators, chemists, analysts, and canine handlers. The workshops focused on fentanyl, methamphetamine, precursor chemicals, and clandestine laboratories.

- 2. Senator Grassley and I wrote to Cui Tiankai, the Chinese Ambassador to the United States, asking the Chinese government to control four precursor chemicals that are used in the production of fentanyl and methamphetamine:**
 - **4-AP, or N-phenylpiperidin-4-amine, or 4-anilinopiperidine, which is used to manufacture fentanyl;**
 - **t-boc-4-AP, or tert-butyl 4-(phenylamino) piperidine-1-carboxylate, or t-boc-4-anilinopiperidine, which is used to manufacture fentanyl;**
 - **Norfentanyl or N-phenyl-N-(piperidin-4-yl) propionamide, which is used to manufacture fentanyl; and,**
 - **Methylamine, or Methanamine, or monomethylamine, or aminomethane, which is used to manufacture methamphetamine.**

We further asked that China implement: 1) “know your customer laws” related to the sale of precursor chemicals, which would require participants in transactions involving listed chemicals required to fully identify each other; and 2) laws to criminalize the export of precursor chemicals if it violates the laws of the receiving country.

These requests echo similar requests made by the former chair and co-chair of the Senate Caucus on International Narcotics Control, as well as the former U.S. Ambassador to China, Terry Branstad.

- **Will ONDCP commit to continue encouraging its Chinese counterparts to schedule the precursor chemicals listed above that are used to produce fentanyl and methamphetamine and to strengthen their laws related to the sale and export of precursor chemicals?**
- **Will ONDCP commit to encouraging the International Narcotics Control Board to place the precursor chemicals listed above under international control?**

RESPONSE:

The two most common precursor chemicals used to make illicit fentanyl are N-Phenethyl-4-piperidinone (NPP) and 4-anilino-N-Phenethyl-Piperidine (4-ANPP). These two chemicals are primarily manufactured in China, the world's principal exporter of these chemicals.

In 2016, the U.S. Government successfully led the effort to internationally control both NPP and ANPP, which became effective in October 2017 after they were approved by the UN Commission on Narcotic Drugs in March 2017.¹ In May 2019, the Government of China scheduled fentanyl-related substances under class control. In September 2019, the Chinese government agreed to further its commitment by improving its legal framework and standards for the prosecution of fentanyl-related crimes, establishing recurring law enforcement cooperation meetings, rapidly responding to leads, expanding detection and narcotics laboratory capabilities, improving the tracking of postal shipments, and working to launch joint investigations with the United States.

The direct shipment of fentanyl-related substances from China to the United States through the mail system has declined to almost zero. However, increased fentanyl synthesis in Mexico and transshipment from China through other countries and into the United States have maintained the illicit fentanyl market, and we have record rates of overdose deaths involving illicitly manufactured fentanyl.

There has been an alarming uptick in fentanyl primary and secondary precursor chemicals seized in Mexico coming from China by air freight and, to a lesser extent, shipping containers. Traffickers replaced ANPP and NPP with other precursors, further down the synthesis chain, like 4-piperidone and 4-anilinopiperidine (4-AP). Several multi-kilogram shipments of 4-AP, a secondary fentanyl precursor, have been seized in Mexican ports since August 2019. There have been two recent seizures of fentanyl precursors in Mexico. Mexican authorities seized N-Boc-4-AP, and a separate seizure 4-AP in August 2021, which are the most recent known fentanyl precursor seizures in Mexico to date.

On April 15, 2020, benzylfentanyl and 4-AP were designated as List I precursor chemicals in the United States due to their use in the illicit manufacture of fentanyl.² Some modifications to these chemicals were also covered under this designation. On April 17, 2020, norfentanyl was designated as an immediate precursor to fentanyl as a schedule II substance under the Controlled Substances Act (CSA).

In the past several years, regulations and laws have been enacted in the United States and in other nations to schedule precursors and illicit substances. Historically, the regulations used to

¹ https://www.incb.org/incb/en/news/press-releases/2017/press_release_20171018.html

² https://www.deadiversion.usdoj.gov/fed_regs/rules/2020/fr0415.htm

schedule drugs and drug precursors occurred one specific chemical at a time. Unfortunately, those making money from the illicit drug market are able to change their molecules faster than governments can keep up with regulations, and broader laws became necessary, most notably class bans of fentanyl-related substances in both the United States and China. Although the United States' class scheduling has not been made permanent, these scheduling orders have had dramatic impacts on the encounters of fentanyl analogues in the United States. Our approach to the issue includes scheduling, as well as investing in a domestic response to addiction, and going after the illicit proceeds of drug trafficking.

Questions from Senator Grassley

1. **A former DEA confidential source has been arrested in connection with the assassination of the Haitian President. This is extremely concerning, disturbing, and requires a whole of government approach, including congressional oversight.**
 - **Does the administration need additional authorities or resources to curtail the flow of the precursor chemicals used to manufacture fentanyl?**
 - **Is ONDCP engaged in the ongoing investigation and oversight of this incident? If so, will you keep Congress updated as things progress?**
 - **Does ONDCP have a relationship with Haiti on drug control efforts? If yes, how has it been helpful in preventing future misfeasance by U.S. federal law enforcement confidential sources? If not, would beginning a dialogue with Haiti be helpful to prevent future misfeasance by U.S. federal law enforcement confidential sources?**
 - **To your knowledge, is there an ongoing review of the DEA's policies and procedures with regards to confidential informants? Has any such review been mandated by the President?**

RESPONSE: The Office of National Drug Control Policy (ONDCP) cannot comment on Drug Enforcement Administration (DEA) policies or procedures and defers to DEA on this matter.

2. **Intelligence sharing between the United States and Mexico is essential and has yielded positive results. For instance, increased intelligence sharing and law enforcement cooperation can help capture high-profile criminals and lead to extraditions, including Joaquin "El Chapo" Guzman, one of the most notorious Mexican drug kingpins.**

NPR reported earlier this year that joint efforts between the U.S. and Mexico to target Mexican drug cartels are unraveling because of a breakdown in cooperation between law enforcement agencies and militaries in the two countries. In the article, a senior DEA agent stated, "[I]t's essential that we get Mexico's cooperation for the safety of American citizens as well as to stem the flow of violence in Mexico." The collapse of joint drug control efforts directly impacts the surge of illicit drugs coming into our country.

- **To your knowledge, is there an ongoing review of the DEA's policies and procedures with regards to confidential informants? Has any such review been mandated by the President?**
- **How does ONDCP plan to ensure that cooperation with Mexico prevents a surge in drug supply in the United States and increase in violence overall?**

RESPONSE: ONDCP cannot comment on DEA's policies and procedures and defers to DEA on this matter.

Guided by the Biden-Harris Administration's Drug Policy Priorities for Year One, ONDCP and the Department of State are working with Canada and Mexico under the framework of the established trilateral North American Drug Dialogue (NADD). During the June 2016 North American Leaders Summit, the heads of government from the United States, Mexico, and Canada agreed to participate in the NADD to address current and emerging drug threats facing North America. The Administration's Drug Policy Priorities place special emphasis on multilateral forums such as the NADD to shape a collective and comprehensive response to illicit drug production and use by deepening multilateral collaboration on public health approaches, expanding effective state presence, developing infrastructure, and disrupting the global flow of drugs and precursor chemicals.

The Administration and Mexico can use tools like the NADD to address concerns about activities to curb the production and trafficking of illicit drugs that may lead to increased violence and ensure that such activities adhere to the rule of law and respect human rights.

Questions from Senator Risch

- 1. Like the rest of my colleagues on this caucus, I'm deeply concerned about the drastic increase in drug overdose deaths in the United States during the pandemic. In my home state of Idaho, we have seen a sharp rise in the manufacturing and availability of methamphetamine and fentanyl.**

Drug overdoses and addiction disorders are among the most tragic public health crises facing our country. It's imperative that we work across the aisle to come up with effective and realistic solutions to this problem. According to a recent report from the Oregon-Idaho High Intensity Drug Trafficking Area, a large portion of fentanyl and methamphetamine imported into the United States originated in Mexico. In addition, the High Intensity Drug Trafficking Area task forces found that in 2020, 24 of the 28 drug trafficking organizations in the Oregon-Idaho region got their start in Mexico.

- What is the ONDCP doing to address the supply of drugs coming into the United States across the southern border?**
- How specifically is the ONDCP addressing Mexican drug cartels who exploit migrants to traffic dangerous drugs across our southern border?**

RESPONSE: As part of a comprehensive agenda that prioritizes prevention, treatment, recovery, and harm reduction, the Biden-Harris Administration's Drug Policy Priorities include reducing the supply of illicit substances. Most of the illicit substances harming Americans are produced outside the United States and brought through the Nation's ports of entry. These substances can be marketed and sold on the dark web using cryptocurrency, and they are delivered to the purchaser through the mail and commercial carriers, or brought across the Nation's geographic borders by multiple conveyances. The Office of National Drug Control Policy (ONDCP) is coordinating with the Federal interagency to shape a collective and comprehensive response to illicit drug production and use by deepening bilateral collaboration on public health approaches, and assisting in economic development to address the root causes of illicit drug cultivation, production, and smuggling. This ensures that activities to curb the production and trafficking of illicit drugs adhere to the rule of law and respect human rights. This comprehensive approach also includes using established forums to engage with Mexico to disrupt illicit drug trafficking into the United States from its ports of entry on the U.S. southern border. ONDCP and the Department of State are also working with Mexico under the framework of the multilateral North American Drug Dialogue to shape a collective and comprehensive response to disrupt the flow of drugs and precursor chemicals into North America, and more specifically the United States.

- 2. In Idaho, we've seen a rise in overdose deaths in many parts of the state. In May alone, Kootenai County experienced five fentanyl-related overdose deaths,**

including a 15-year-old boy who bought a fentanyl-laced pill marketed to him as Oxycodone.

- **Can you elaborate on the steps ONDCP is taking to address the rise in counterfeit prescription drugs and resulting overdoses?**

RESPONSE: The increased availability of illicit fentanyl pressed into pills is of utmost concern to ONDCP and other Federal drug control agencies. ONDCP is working with the interagency to develop evidence-based efforts to alert people to the dangers inherent in illicit pressed pills. In addition, ONDCP's High Intensity Drug Trafficking Areas program is working domestically to disrupt drug trafficking networks that include illicit pill press operations. The Department of State's Bureau of International Narcotics and Law Enforcement is also working to alert private companies to the illicit use of pill presses. ONDCP is leading coordination efforts across the interagency to assess the current situation, focusing on leveraging each agency's authorities to improve our ability and capacity to address this issue collaboratively and effectively, which will be reflected in next year's *National Drug Control Strategy*.