



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF NATIONAL DRUG CONTROL POLICY  
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**“Tackling the Opioid Crisis:  
A Whole-of-Government Approach”**

Committee on the Judiciary  
United States Senate

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226 Dirksen Senate Office Building

Statement of  
Kemp L. Chester  
Assistant Director of the National Opioids and Synthetics Coordination Group  
Office of National Drug Control Policy

Chairman Graham, Ranking Member Feinstein, and Members of the Committee, thank you for inviting me to testify today on the dynamic and challenging illicit drug environment we continue to face in the United States.

## **Introduction**

The illicit drug environment is an ever-evolving threat that requires the synchronization of international, Federal, state, local, and tribal partners across the public health, law enforcement, national security, and intelligence communities to enable the United States Government to quickly identify and rapidly close gaps in our capability as they emerge. As the drug trafficking and use environments continue to shift and new vulnerabilities are exposed, we will continue to leverage this integrated approach in order to shorten our future response-time as new and emerging threats present themselves.

The Office of National Drug Control Policy (ONDCP) accelerated its focused effort against this problem in late 2015 with the establishment of the organization I lead and what was then called the National Heroin Coordination Group,<sup>1</sup> and interagency concurrence with the Heroin Availability Reduction Plan (HARP).<sup>2</sup> The HARP was the first document that brought together, contextualized, and synchronized current and planned availability reduction

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<sup>1</sup> The coordination group began work on October 26, 2015, and is composed of ONDCP staff specializing in research and data, state, local, and tribal affairs, and source country and global drug flows, along with interagency detailees from the military services, a former Federal prosecutor from the Department of Justice (DOJ), an experienced Special Agent from the (FBI), and a research pharmacologist from the Drug Enforcement Administration (DEA). Over the past several years, a CBP chemist, a U.S. Postal Inspection Service (USPIS) senior investigator, and public health experts have been added to the staff of the National Opioids and Synthetics Working Group (NOSCG). This small group serves as the hub of a network of colleagues and partnerships across the interagency community who can leverage their home agency authorities and resources to disrupt the global heroin supply chain.

<sup>2</sup> Approved June 22, 2016, by a Deputies Committee, the Heroin Availability Reduction Plan (HARP) detailed actions, goals, and measures to provide a roadmap to guide and synchronize interagency activities.

activities across the heroin and illicit fentanyl problem set.<sup>3</sup> When drafting the HARP over four years ago we established some key themes that shaped our approach to the illicit opioid problem and remain with us today. First, although heroin was the principal driver of overdose deaths at that time, we decided we would also consider synthetic opioid fentanyl as part of the same problem in a singular fashion. Second, true effectiveness needed to be measured in the public health domain as reflected in decreased overdoses, decreased deaths, and increased availability of treatment. And finally, we decided that truly understanding this problem required us to reach well beyond a few readily available Federal datasets and build a network of partners at the Federal, state, local, and tribal levels to share their experiences with one another and shape our understanding of what was happening in communities across America. All three of these principles remain fundamental to the work we do today.

### **NOSCG Coordination Activities**

Today, what is now called the National Opioids and Synthetics Coordination Group (NOSCG) leads ten monthly stakeholder meetings or webinars, which allow us to understand the environment, identify trafficker vulnerabilities and public health challenges, and close the gaps in our own capability.

ONDCP leads a classified video teleconference with Federal drug enforcement agencies for updates on the progress of Federal law enforcement actions focused on the heroin and illicit fentanyl problem, as well as candid discussions of current and planned activities.

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<sup>3</sup> In line with the understanding of the threat at the time, traffickers were adding fentanyl as an adulterant to boost the effect of heroin or mixing it with diluents to create and sell the product as synthetic heroin, likely utilizing the same supply chains and distribution mechanisms for both drugs. In addition, heroin and fentanyl belong to the same class of opioids and create a similar effect in the user, often making their user populations one and the same. Finally, addressing both drugs as a single problem set provided the ability to address the heroin crisis without inadvertently compounding the fentanyl one.

Participants use this meeting to discuss major operational efforts, successes, lessons learned, and broader strategic-level trends relevant to HARP implementation. This forum has met more than 34 times and has consistent participation from the National Security Council (NSC), Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), the Department of Justice (DOJ) Criminal Division, the Executive Office for United States Attorneys, U.S. Customs and Border Protection (CBP), Department of Homeland Security (DHS) Policy, U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI), Department of Treasury's Office of Foreign Asset Control (OFAC) and Financial Crimes Enforcement Network (FinCEN), U.S. Marshals Service, U.S. Postal Inspection Service (USPIS), and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

To focus on disrupting the flow of illicit fentanyl and synthetic opioids originating from China, ONDCP hosts the Synthetics Opioids Working Group (SOWG) with U.S. Embassy Beijing to serve as the principal forum for information sharing and coordination among ONDCP, NSC, the Department of State (DOS), and the Embassy regarding U.S.-China bilateral counternarcotic priorities. The SOWG played a key role in President Trump's meetings with President Xi Jinping at the 2018 G20 in Buenos Aires, Argentina, which led to China's announcement of class scheduling of all fentanyl-related substances,<sup>4</sup> and at the 2019 G20 in Osaka, Japan.

ONDCP also co-leads an interagency working group with U.S. Embassy Mexico City, which includes DEA headquarters, U.S. Northern Command, and the DOS Bureaus of

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<sup>4</sup> *Statement on China's Class Scheduling of Fentanyl*, Office of National Drug Control Policy, The White House (April 3, 2019), <https://www.whitehouse.gov/briefings-statements/statement-chinas-class-scheduling-fentanyl/>

Western Hemisphere Affairs and International Narcotics and Law Enforcement Affairs. It is the most effective tool for synchronizing policy formulation and implementation between Mission Mexico and ONDCP, so the Federal Government speaks with one voice and maintains critical security relationships with our Mexican partners.

ONDCP leads nationwide webinars to address strategic level trends and to link actions and plans at the Federal level with those taking place at the state level and below. During these meetings, which focus on a different census region each month, state, local, and tribal officials provide updates on the trends they are seeing, the actions they are taking in response, and planned activities pertinent to achieving the HARP's strategic end state of reducing the number of Americans dying from opioid overdose. Additionally, our partner states use this forum to share new public health initiatives their states are implementing to include state legislation, drug data dashboards, and public awareness campaigns. One of the more tangible benefits of this forum has been allowing states to posture themselves for the illicit opioid crisis as it develops in their state or region.

ONDCP and CBP Laboratories and Scientific Services co-chair the monthly Scientific Trends Open Network Exchange call to share trend data and information among forensic scientists, medical examiners, coroners, intelligence analysts, and members of the law enforcement community on newly identified substances seized by CBP.

Finally, ONDCP leads a classified Compartmentalized Information (TS-SCI) video teleconference, the principal forum for information sharing and coordination within the Intelligence Community (IC) for addressing the opioid crisis and cocaine consumption in our Nation. It has occurred weekly since November 2015, with more than 20 outstations to synchronize IC and law enforcement intelligence collection, analysis, and production efforts

to support implementation of the HARP and broader drug control policy. The newest outstations include The Interdiction Committee (TIC); Department of Health and Human Services (HHS) Office of National Security; DHS Office of Intelligence and Analysis; Department of Defense National Targeting Center; and Joint Inter-Agency Task Force-West (JIATF-W).

And because ONDCP's coordination groups bring together the national security, law enforcement, and public health aspects of drug issues, the NOSCG also co-chairs, with the White House Domestic Policy Council (DPC), meetings on public health-related topics such as prescription drug monitoring programs (PDMPs), safe prescribing, naloxone availability and use, and increasing the availability of medication-assisted treatment (MAT) for opioid use disorder. The NOSCG also organizes, leads, or participates in White House stakeholder events on specific topics for private sector partners such as private sector cooperation on stemming the flow of counterfeit prescription drugs into the United States, and overdose response and naloxone availability in colleges and universities. Finally, the NOSCG works closely with HHS and other interagency partners to implement the 2019 *National Drug Control Strategy*, providing subject matter and policy expertise on those strategy objectives related to all three lines of effort.

### **Efforts to Address the Opioid Problem Set with Interagency Partners**

As ONDCP entered the second year of implementing the HARP, The President's Commission on Combating Drug Addiction and Opioid Abuse (Commission),<sup>5</sup> commissioned

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<sup>5</sup> Established by Executive Order on March 29, 2017 *The President's Commission on Combating Drug Addiction and the Opioid Crisis* released its final report on November 1, 2017; see [https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Final\\_Report\\_Draft\\_11-1-2017.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Final_Report_Draft_11-1-2017.pdf)

by President Trump in the first months of his Administration, issued its final report in November 2017 providing 56 recommendations and advocating a holistic approach across public health and public safety to increase prevention, improve treatment and recovery, and reduce the availability of illicit drugs in the United States. The *Commission's* final report outlined specific needs and outcomes across the interagency, including the declaration of the opioid crisis as a nation-wide public health emergency (which the President's Administration had already announced),<sup>6</sup> the need for law enforcement safety when handling fentanyl, a plan to tackle the sale of illicit drugs on the internet, and reducing barriers to treatment.

For example, in early 2017, limited knowledge on the safe handling of fentanyl was having a chilling effect on U.S. law enforcement interdiction efforts. ONDCP co-led an interagency process that developed the *Fentanyl Safety Recommendations for First Responders*,<sup>7</sup> and a CBP-led effort produced a companion video *Fentanyl: The Real Deal*. As recommended in the *Commission's* report, both have been widely circulated to Federal, state, tribal, and local law enforcement and contain practical, science-based handling information developed by Federal environmental and workplace safety, emergency response, medical, health, and law enforcement experts in consultation with and supported by national stakeholder organizations.

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<sup>6</sup> The public health emergency declaration had been announced on October 26, 2017, and was renewed in January, April, and July of 2018. This has allowed new authorizations and ensure the opioid threat remained a national focus. Since declaring the opioid crisis a public health emergency, the Federal Government has used three available authorities. According to HHS officials, one of them allowed HHS to quickly field a survey of more than 13,000 providers to assess prescribing trends for a medication used to treat opioid use disorder and to identify any barriers to prescribing it. HHS used another authority to waive the public notice period for approval of two state Medicaid demonstration projects related to substance use disorder treatment, which is intended to speed up implementation of these projects. HHS also took steps to expedite support for research on opioid use disorder treatments and to disseminate information on opioid misuse and addiction, as required by another authority.

<https://www.gao.gov/assets/700/694745.pdf>

<sup>7</sup> *Fentanyl Handling Guidelines for First Responders*, Office of National Drug Control Policy, The White House, <https://www.whitehouse.gov/ondcp/key-issues/fentanyl/>

The *Commission's* report also highlighted the use of the internet as a new feature in the illicit drug environment and the need to combat marketplaces like AlphaBay. Before its takedown in July 2017, AlphaBay connected more than 200,000 users with over 40,000 vendors and contained more than 250,000 listings for illegal drugs and toxic chemicals. In response to this shift in trafficking patterns, the DOJ established the Joint Criminal Opioid and Darknet Enforcement (JCODE) team to lead targeting efforts against the trafficking of fentanyl and other synthetic opioids on both the darknet and clearnet. JCODE includes representatives from the FBI, USPIS, DEA, DOD, CBP, FinCEN, and ICE with expertise in transnational organized crime, virtual currency, money laundering, cyber-enabled crime, drugs, gangs, and healthcare fraud that work to disrupt the sale of drugs via high-tech platforms and dismantle criminal enterprises that facilitate illicit trafficking.

On the heels of the *Commission's* report, Congress passed the International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology (INTERDICT) Act (P.L. 115-112), which authorized for appropriation \$9 million for CBP to establish a 24-hour/7-day teleforensics capability to rapidly identify new synthetic opioids as they are seized in the mail or at our borders. The INTERDICT Act has enabled the increased detection of contraband and illicit substances by providing detection capabilities using technical instrumentation at our borders, express carrier consignment facilities, and international mail facilities that are necessary to interdict shipments of fentanyl and other synthetic opioids before they enter the United States supply chain.

ONDCP also worked closely with CBP to close one of our earliest identified gaps, the lack of capacity in canine fentanyl detection at ports of entry and international mail facilities. Previous generations of drug detection dogs were trained to detect the major plant-based drugs



such as heroin, cocaine, and marijuana. In June 2017, CBP ran tests to determine if narcotics detection canines were capable of being trained to alert to the presence of fentanyl. The pilot program was very successful, and a train-the-trainer initiative was launched where canine trainers in various field locations began imprinting the odor of fentanyl on all narcotics detection canines within the CBP Office of Field Operations (OFO). By March of 2018, over 450 existing OFO drug canine teams had been trained and all new OFO drug dog teams are being trained to detect fentanyl and various fentanyl analogues. These dog teams work at most major ports of entry, including international mail facilities and express consignment hubs, and along the Southwest Border.

In March 2018, the President announced *President Donald J. Trump's Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand (Initiative)*,<sup>8</sup> which identified specific interagency targets to tackle factors fueling the opioid crisis. The *Initiative* focused on reducing drug demand through education, awareness, and preventing over-prescription; cutting off the flow of illicit drugs across our borders and within our communities; and saving lives by expanding opportunities for proven treatments for opioid and other drug addictions. The *Initiative* also called for “strengthening criminal penalties for dealing and trafficking in fentanyl and other opioids.” Many of the *Initiative's* priorities were bolstered by the bipartisan and bicameral support of Congress through its passage of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act (P.L. 115-271), which contained a broad set of public health and public safety measures to address the opioid crisis, in late 2018.

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<sup>8</sup> President Donald J. Trump's Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand (March 19, 2018), <https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-initiative-stop-opioid-abuse-reduce-drug-supply-demand/>

Working with the DOJ and the DEA, the U.S. Sentencing Commission also played a significant role in strengthening criminal penalties for trafficking in fentanyl and fentanyl analogues by amending the Federal Sentencing Guidelines in 2018, by a unanimous vote. The amended Guidelines now provide an increased penalty when a drug trafficking defendant has “knowingly misrepresented or knowingly marketed as another a substance a mixture or substance containing fentanyl ... or a fentanyl analogue.”<sup>9</sup> The guidelines now also treat all fentanyl analogues as a single class, no matter which chemical variation is substituted into a bag of heroin or counterfeit pills.

Since ONDCP began its work on this issue, we have seen the opioid environment evolve on an almost constant basis. The threat that began with misuse of prescription opioids started to include wider use of heroin, which in purer forms allowed for non-intravenous use,<sup>10</sup> at a relatively low price,<sup>11</sup> and created an easy transition from controlled prescription opioids to illicit opioids.<sup>12</sup> Illicit fentanyl emerged initially as an adulterant in heroin, but by mid-2017 many states had witnessed a heroin-fentanyl “crossover”<sup>13</sup> where more people were overdosing and dying from fentanyl than heroin.<sup>14</sup> Since then, the illicit opioid market has continued to diversify, with a variety of fentanyl, fentanyl analogues, and non-fentanyl

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<sup>9</sup> U.S. Sentencing Commission, Amendments to the Sentencing Guidelines, Effective Date November 1, 2018, 26 (April 30, 2018), [https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/20180430\\_RF.pdf](https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/20180430_RF.pdf).

<sup>10</sup> U.S. Department of Justice Drug Enforcement Administration. 2018 National Drug Threat Assessment <https://www.dea.gov/sites/default/files/2018-11/DIR-032-18%202018%20NDTA%20final%20low%20resolution.pdf>.

<sup>11</sup> U.S. Department of Justice Drug Enforcement Administration. System to Retrieve Information from Drug Evidence (STRIDE), Price and Purity Data, 2015.

<sup>12</sup> Muhuri P.K., Gfroerer J.C. & Davies M.C., *Associations of Nonmedical Pain Reliever Use and Initiation of Heroin Use in the United States*, Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Behavioral Health Statistics and Quality (CBHSQ) (2013), <https://www.samhsa.gov/data/sites/default/files/DR006/DR006/nonmedical-pain-reliever-use-2013.htm>.

<sup>13</sup> The transition from greater mortality associated with heroin to synthetic opioids other than methadone (SOOTM) is termed, “crossover”.

<sup>14</sup> Multi-drug overdoses cannot be specifically isolated; categories for “crossover” are fentanyl with or without other drugs compared to heroin with or without other drugs.

synthetic opioids now available, some of which are pressed into highly sophisticated counterfeit pills. This environment is further intensified by fentanyl being mixed into various drugs, traffickers' adapting to DEA regulatory controls and law enforcement investigative efforts by repeatedly substituting new chemical formulations of fentanyl and synthetic drugs, and user transference among drug types and across synthetic opioids and non-opioid drugs. Testing positive for cocaine and fentanyl together spiked 1850% between 2013 and 2018, with nearly 1 in 5 cocaine users also testing positive for fentanyl in 2018.<sup>15</sup> Testing positive for methamphetamine with fentanyl spiked nearly 800% during the same 5-year span.<sup>16</sup> To combat the evolution of the illicit opioid problem, ONDCP Director Jim Carroll, in conjunction with the release of the Administration's 2019 *National Drug Control Strategy*,<sup>17</sup> transformed ONDCP to fully align public health, public safety, and law enforcement efforts to address the opioid crisis with the Nation's response to synthetic drugs, to include methamphetamine.

We are advancing our goal by clearly articulating three lines of effort: prevent drug use before it starts; improve access to treatment leading to long-term recovery; and reduce the availability of illicit drugs in the United States. We synchronize all Federal Government actions on the entirety of the drug problem by providing the ends, ways, and means to achieve our strategic end-state of saving lives – the only criterion that truly matters and by which the American people will measure the success of our efforts. Most recently, this synchronized and coordinated Federal Government approach proved instrumental in securing China's

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<sup>15</sup> <https://www.ncbi.nlm.nih.gov/pubmed/31026029>

<sup>16</sup> <https://www.ncbi.nlm.nih.gov/pubmed/31026029>

<sup>17</sup> The 2019 *National Drug Control Strategy* will be referenced as *Strategy* from this point forward in document, <https://www.whitehouse.gov/briefings-statements/white-house-releases-national-drug-control-strategy/>

announcement to class schedule all fentanyl-related substances,<sup>18</sup> and created greater coordination with the private sector through the release of the *21st Century Drug Trafficking Advisories on Fentanyl and Other Synthetics*.<sup>19</sup>

## **Conclusion**

To be certain, the illicit drug environment continues to present daunting challenges. Synthetic opioids shipped in very small quantities are making detecting and seizing these drugs as they move through the mail system and across our borders monumentally difficult. Additionally, new production and distribution vectors are emerging as China's efforts to address illicit production through class-wide fentanyl scheduling have begun to take hold. Prevention and treatment efforts are being impacted by the rise of poly-pharmaceutical users, counterfeit pills, and the rapid emergence in non-fentanyl synthetic opioids that are highly addictive, deadly, and all too available. These challenges are not insurmountable, but they cannot be solved by the Federal Government alone or by individual Federal departments and agencies. Now more than ever, our efforts must remain synchronized across the entire Federal Government, with our partners in the private sector and at the state, local, and tribal levels to produce the complementary effects we need to end this crisis.

I must also add that the combination of the President's leadership on this critical issue, close cooperation among Federal departments and agencies, the partnership between the Federal Government and our partners at the state level and below, and the work that all of you and your colleagues in Congress have done to keep this issue at the forefront of our national

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<sup>18</sup> *Statement on China's Class Scheduling of Fentanyl*, Office of National Drug Control Policy, The White House (April 3, 2019), <https://www.whitehouse.gov/briefings-statements/statement-chinas-class-scheduling-fentanyl/>

<sup>19</sup> *21st Century Drug Trafficking Advisories on Fentanyl and Other Synthetics*, Office of National Drug Control Policy (Aug. 21, 2019), <https://www.whitehouse.gov/wp-content/uploads/2019/08/White-House-Fentanyl-Advisories-Summary.pdf>

consciousness, have made a tremendous impact in this fight and will for years to come.

I would like to thank the Committee and your Congressional colleagues for your foresight and leadership in addressing this critical national security, law enforcement, and public health challenge. On behalf of the Administration, ONDCP looks forward to continuing to work with you to address this extremely complex issue.