

# United States Senate

WASHINGTON, DC 20510

## Docket No. DEA-471N

September 6, 2017

The Honorable Chuck Rosenberg  
Acting Administrator  
United States Drug Enforcement Administration  
8701 Morrissette Dr.  
Springfield, VA 22152

Re: Docket No. DEA-471N - Proposed Aggregate Production Quotas for Schedule I and II Controlled Substances for 2018

Dear Acting Administrator Rosenberg:

We write to comment on the proposed 2018 aggregate production quotas for controlled substances that the Drug Enforcement Administration (DEA) published on August 8 and to urge DEA to issue final 2018 aggregate production quotas for schedule II opioids that are as least as meaningfully reduced from 2017 levels as the quotas proposed in the Federal Register notice.

As you know, our nation is in the midst of an unprecedented prescription opioid, heroin, and fentanyl epidemic—the worst overdose crisis in our nation’s history. On July 11, many of us wrote you to build upon progress in 2017 on reducing aggregate production quotas for schedule II opioids and further lower those levels for 2018, while enhancing transparency and accountability in the quota-setting process. That July 11 letter is attached to this comment letter.

We appreciate the important initial steps taken last year to reduce the aggregate production quotas for schedule II opioids. However, we remain deeply concerned that they remain far too high—the result of dramatic increases that were approved by DEA over the past two decades—which harms public health and feeds the current drug crisis. Given everything we now know about the threat posed by opioids and DEA’s downstream efforts to tackle this problem, there is no adequate justification for the volume of opioids approved for the market to be dramatically higher in 2017 than in 2007—55 percent higher today for oxycodone and 27 percent for hydrocodone.

In our letter and in our August 3 meeting, we urged DEA to proactively utilize its existing quota-setting authority to the fullest extent possible to combat this crisis, and we outlined specific recommendations and the legal authorities that we believe allow DEA to appropriately reduce the number of opioids available nationwide (including “changes in the currently accepted medical use” and the ability to set low initial quotas and make mid-year adjustments, if necessary). We are pleased that in its proposed 2018 quotas DEA agreed with our calls to further reduce the aggregate production quotas for schedule II opioids. We strongly support this proposed action.

As DEA publishes its final order, we also seek an explanation of the analysis and specific considerations DEA took into account when establishing the 2018 quotas for schedule II opioids. Given the scope of the crisis we face, there should be as much transparency as possible when it comes to setting quota levels for opioids.

We appreciate and support DEA's firm commitment to addressing the prescription opioid, heroin, and fentanyl epidemic, including through forceful changes to aggregate production quotas. By using its quota-setting authority in a proactive way to combat this crisis while preserving access for legitimate medical use, DEA has the opportunity to make a real and immediate difference that will benefit American communities and save lives.

Sincerely,



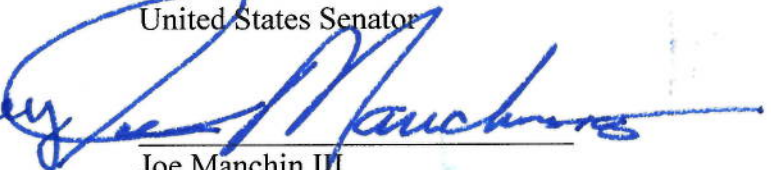
Richard J. Durbin  
United States Senator



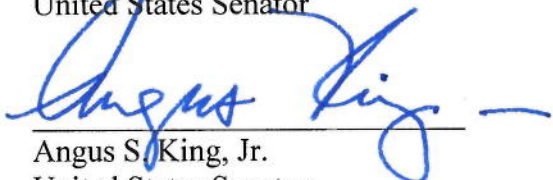
Sherrod Brown  
United States Senator



Edward J. Markey  
United States Senator



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United States Senator



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United States Senator



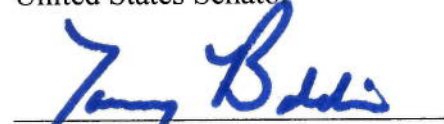
Amy Klobuchar  
United States Senator



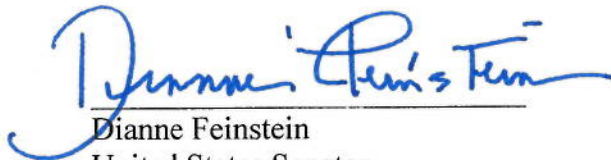
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