



NATIONAL FRATERNAL ORDER OF POLICE

PATRICK YOES NATIONAL PRESIDENT

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17 November 2022

The Honorable Richard J. Durbin
Chairman
Senate Committee on Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member
Senate Committee on Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Jerrold L. Nadler
Chairman
House Committee on Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable James D. Jordan
Ranking Member
House Committee on Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairmen Durbin and Nadler and Ranking Members Grassley and Jordan,

I am writing once again on behalf of the members of the Fraternal Order of Police to urge Congress to pass legislation that would make permanent the temporary authority of the Drug Enforcement Administration (DEA) to execute class-wide scheduling of illicit fentanyl-related substances, or analogues, as Schedule I substances under the Controlled Substances Act (CSA).

Clandestine chemists create new synthetic variations of fentanyl by introducing minor structural modifications, resulting in new, non-controlled fentanyl analogues specifically engineered to skirt U.S. law. In 2018, the DEA used its authority under Section 201 of the CSA to place all non-scheduled fentanyl-like substances into Schedule I *temporarily*, on an emergency basis, for two years to combat this process based on their chemical structure and because they are purely illicit drugs with a high potential for abuse and no reasonable medical purpose. This means that anyone who possesses, imports, distributes, or manufactures any illicit fentanyl analogue is in violation of the CSA, which makes it easier for law enforcement to investigate and prosecute traffickers and criminal organizations.

These analogues are killing Americans. Data from the Centers for Disease Control and Prevention (CDC) has determined that approximately 100,000 Americans have died as a result of an overdose between April 2021 and February 2022. The vast majority of these deaths, more than 75,000, have come from opioids such as fentanyl and fentanyl-related substances. The CDC is also raising the alarm about fentanyl and fentanyl analogues being mixed with other illicit substances like cocaine and heroin.

Congress has repeatedly and overwhelmingly voted to extend this temporary authority, but this is not a temporary problem. If we are serious about attacking our nation's fentanyl problem and reducing the number of Americans who perish from taking these drugs, then it is time to make this authority permanent.

The Fraternal Order of Police strongly recommends an immediate permanent extension to ensure that illicit fentanyl and any analogues remain on Schedule I. Without granting the DEA the authority to permanently classify fentanyl analogues as they become available, our communities and American lives are in jeopardy.

On behalf of the more than 364,000 members of the Fraternal Order of Police, I urge Congress to act and address the growing illicit fentanyl overdose epidemic that has gripped this country by making the DEA's scheduling order permanent. If I can provide any additional information on this issue, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Yoes", with a large, stylized flourish extending to the right.

Patrick Yoes
National President