

April 13, 2021

Honorable Sen. John Cornyn

Committee on the Judiciary, member

517 Hart Senate Office Building

Washington, D.C. 20510



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Texas Association of
Crime Laboratory
Directors



HOUSTON FORENSIC

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Dear Sen. Cornyn,

As a Texas Senator who is intimately aware of border issues, the Texas Association of Crime Laboratory Directors and the Houston Forensic Science Center urge you to support an effort to have the Senate Committee on the Judiciary immediately extend the Drug Enforcement Administration's (DEA) temporary class-wide scheduling order for fentanyl-related substances before its expiration on May 6, 2021. As a member of the Committee on the Judiciary and chairman of the Subcommittee on Border Security and Immigration, we believe this issue will be of special interest to you.

This scheduling, extended by P.L. 116-114 through May 6, has helped law enforcement contend with a flow of Chinese-made fentanyl related substances that often make their way to the United States through the Mexican border. These substances are extraordinarily toxic and often 50 to 100 times more potent than heroin.

The situation has become even more dire during the past year as people have dealt with the impacts of the global COVID-19 pandemic, leading to a lack of needed resources for drug dependent populations, mentally and emotionally devastating social isolation and financial insecurity. Together, this has led to a dramatic increase in fatal drug overdoses nationally. The Centers for Disease Control and Prevention (CDC) estimates that by the end of August 2020 nearly 88,300 people had died of drug overdoses nationwide. That is more than a 26 percent increase compared to the same time period in 2019. Here in Houston, we experienced an 87 percent increase in fentanyl cases in 2020 compared to 2019, and that trend does not appear to be slowing down so far this year.

Drugs, especially deadly fentanyl-related opioids, are devastating communities nationwide. In addition to rehabilitation, social and other resources, law enforcement must also have the necessary tools available to seize these drugs and hold accountable those who would seek to illegally distribute them in our towns and cities. Forensic laboratories throughout the country are struggling to keep up with the demand for analysis. Absent the scheduling framework, labs will face greater difficulty completing the work, creating additional bottlenecks in the justice system.

The U.S. Department of Justice has noted that the DEA's regulatory authority, in conjunction with Chinese actions, resulted in a significant decrease in Chinese origin fentanyl in 2019. The DEA also recorded a 50-percent reduction in fentanyl encounters in the two years after the emergency order was enacted compared to the two years prior.

If the emergency rules are not extended, the DEA and other law enforcement agencies would not have available the tools they need to stop these dangerous substances from getting into the United States, likely leading to even more overdose deaths.

Texas, and especially Houston, serves as a drug trafficking corridor as dangerous, often deadly, substances make their way from the border into other, more central, parts of the country. It is crucial we stop that flow in order to save lives and help our communities fight this opioid crisis.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Stout', written in a cursive style.

Peter Stout, Ph.D., F-ABFT

CEO and president, Houston Forensic Science Center

President, Texas Association of Crime Laboratory Directors