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ONE HUNDRED FIFTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6115
Majority (202) 225–2927
Minority (202) 225–3641

November 15, 2017

Mr. Robert W. Patterson
Acting Administrator
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, VA 22152

Dear Mr. Patterson:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee continues its investigation of the nation's opioid crisis, in particular the problem of imported or domestic illicit pill presses that are capable of making thousands of pills an hour. As the Drug Enforcement Administration (DEA) stated in its testimony in a March 21, 2017 hearing before the Subcommittee on Oversight and Investigations, traffickers of fentanyl and fentanyl analogues ship industrial pill presses directly into the United States from China and operate fentanyl pill press mills domestically.[1]

As noted in the July 2016 DEA Intelligence Brief, traffickers purchase pill presses from China to create counterfeit pills to supply illicit U.S. drug markets.[2] Under U.S. law, the DEA must be notified of the importation of a pill press. However, foreign pill press vendors often mislabel the equipment or send it disassembled to avoid law enforcement detection. According to DEA's October 24, 2017 responses to questions for the record, industrial pill press machines are also widely available on the open internet. At the October 25, 2017 Full Committee hearing, questions were raised whether DEA needed additional authorities to help the DEA improve its enforcement actions against pill presses.

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[1] *Fentanyl: The Next Wave of the Opioid Crisis:* Hearing Before the H. Comm. on Energy & Commerce Subcomm. on Oversight and Investigations, 115th Cong., Testimony of Louis J. Milione, Assistant Administrator, Drug Enforcement Administration, March 21, 2017, *available at* http://docs.house.gov/meetings/IF/IF02/20170321/105739/HHRG-115-IF02-Wstate-MilioneL-20170321.pdf.

[2] U.S. Drug Enforcement Agency, Intelligence Brief, *Counterfeit Prescription Pills Containing Fentanyls: A Global Threat*, July 2016, *available at* https://www.dea.gov/docs/Counterfeit%20Prescription%20Pills.pdf.

To combat the fentanyl wave of the opioid crisis, it is vital that the Committee receive more detailed information about pill press machine commerce and seizure data.

As part of this oversight effort, please provide responses to the following by November 30, 2017:

1. Under current regulations, how does DEA define "tableting machine" and "encapsulating machine" and how do such definitions distinguish the use of "tableting machines" and "encapsulating machines" for different purposes, such as for industrial uses?

2. Under current regulations, who is required to submit records and reports related to the importation and exportation of tableting machines and encapsulating machines? What information must these records and reports include? How frequently must these records and reports be submitted to DEA? How are such requirements enforced?

3. On December 30, 2016, DEA published a final rule revising requirements for tableting and encapsulating machines. In this rule, DEA has estimated that 56 tableting and encapsulating machine importers and exporters and 46 tableting and encapsulating machine domestic suppliers would be impacted by the new requirements. Please provide further information regarding how DEA arrived at these estimates, and the names of the 56 tableting and encapsulating machine importers and exporters and the 46 tableting and encapsulating machine domestic suppliers DEA identified.[3]

4. Has the DEA Diversion Control Division approved the listing of the data elements of DEA Form 452, which will be filed electronically for all domestic transactions and import/export transactions involving tableting and encapsulating machines? If so, please provide the listing of the data elements. If not, what is the target date for DEA's approval of the listing and how long has the listing been pending for approval?

5. For all tableting and encapsulating machines seized since January 1, 2013, please provide the number of seized tableting and encapsulating machines or disassembled machine parts imported from each source country, and the number of seized tableting and encapsulating machines or disassembled machine parts shipped or exported domestically.

    a. Please also include a breakdown on the number of seized tableting and encapsulating machines that were ordered via an online transaction.

6. For each fiscal year starting with Fiscal Year (FY) 2013, how many legitimate shipments of tableting and encapsulating machines were transacted and from which source countries?

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[3] Drug Enforcement Administration, *Revision of Import and Export Requirements for Controlled Substances, Listed Chemicals, and Tableting and Encapsulating Machines, Including Changes To Implement the International Trade Data System (ITDS); Revision of Reporting Requirements for Domestic Transactions in Listed Chemicals and Tableting and Encapsulating Machines; and Technical Amendments*, 81 Fed. Reg. 96992 (December 30, 2016) (final rule).

7. In an October 3, 2017, email to Committee staff, DEA reported the agency had a listing of Chinese businesses that ship pill press machines and the legitimate U.S. customers receiving such shipments. Please provide the list of the Chinese businesses shipping pill press machines to legitimate U.S. customers and the names of the legitimate U.S. customers receiving the imported pill press machines.

8. Has the subject of illegal shipments of tableting and encapsulating machines been mentioned during meetings between the DEA or the Department of Justice and its Chinese counterparts? If so, when were these discussions, and what was the nature and outcome of these discussions?

9. Please provide a list of the five largest legitimate U.S. customers for imported tableting and encapsulating machines.

10. What actions has DEA taken to reduce the availability of industrial pill press machines over the open internet?

11. Please provide all internal DEA assessments of the fentanyl pill press machine issue since January 1, 2017.

An attachment to this letter provides additional information about complying with the Committee's request. If you have any questions regarding this request, please contact Alan Slobodin or Brittany Havens of the Majority staff at (202) 225-2927 or Kevin McAloon or Christina Calce of the Minority staff at (202) 225-3641.

Sincerely,

Greg Walden
Chairman

Frank Pallone, Jr.
Ranking Member

Diana DeGette
Ranking Member
Subcommittee on Oversight
and Investigations

Attachment