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ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE

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April 20, 2022

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Becerra:

The Committee on Energy and Commerce has a long-standing bipartisan interest in matters regarding substance use disorders in the United States. For example, in May 2017, the Committee investigated the distribution of opioids by wholesale drug distributors, with a specific focus on distribution practices in West Virginia, and enforcement practices by the Drug Enforcement Administration (DEA).¹ In December 2018, the Committee released a report that summarized its findings after concluding a bipartisan investigation into allegations of opioid-dumping in West Virginia.² Additionally, following reports of “patient brokers” serving as intermediaries and profiting from the recruitment of patients seeking treatment for substance use disorders, the Oversight and Investigations Subcommittee initiated an investigation in July 2017, highlighting a need for greater oversight and accountability of treatment centers.³ And, since February 2017, the Committee has continued its oversight of the government’s response to the threat of fentanyl—a synthetic opioid that is 50 times more potent than heroin and 100 times more potent than morphine.⁴

¹ H. Comm. on Energy and Commerce, *Combating the Opioid Crisis: Investigation*, available at <https://republicans-energycommerce.house.gov/opioids-pilldumping/>.

² H. Comm. on Energy and Commerce Report, “Red Flags and Warning Signs Ignored: Opioid Distribution and Enforcement Concerns in West Virginia” (Dec. 2018), available at <https://republicans-energycommerce.house.gov/wp-content/uploads/2018/12/Opioid-Distribution-Report-FinalREV.pdf>.

³ H. Comm on Energy and Commerce, *Combating the Opioid Crisis: Investigations*, available at <https://republicans-energycommerce.house.gov/opioids-investigations/>.

⁴ *Id.*

The Committee has also led legislative efforts to combat the opioid crisis.⁵ The Committee's legislative efforts include the passage of the Comprehensive Addiction and Recovery Act (CARA) and the 21st Century Cures Act in the 114th Congress. In the 115th Congress, the Committee helped to advance the \$4 billion appropriations in the 2018 omnibus and the \$6.7 billion included in the 2018 Defense-Labor-HHS appropriations package to boost programs that fight, treat, and stop substance abuse and support access to mental health services. Further, the Committee championed the Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act, a bipartisan bill that has been called the most significant congressional effort against a single drug crisis in history. Committee Republicans continue to work on a solution to place fentanyl-related substances in Schedule I of the Controlled Substances Act permanently.

Fortunately, after opioid-involved overdose deaths rose from 2010 to 2017, the number of deaths remained steady in 2018; the number of drug overdose deaths involving prescription opioids declined from 2017 to 2019; and since 2016, the number of deaths involving heroin was trending down.⁶ However, the Centers for Disease Control and Prevention (CDC) released a National Center for Health Statistics (NCHS) data brief in December that showed that the age-adjusted rate of drug overdose deaths increased 31 percent from 2019 to 2020.⁷ Furthermore, according to CDC's provisional overdose data, there were over 100,000 deaths from drug overdoses between April 2020 and April 2021.⁸ That is a nearly 30 percent increase from the previous 12-month period and the largest single-year increase ever in the U.S.—tragically marking a record high.⁹ Subsequently, CDC's provisional overdose data in the 12-month period ending in October 2021, shows that annual U.S. drug overdose deaths hit another record high with nearly 106,000 deaths.¹⁰ Furthermore, according to a study recently published in *JAMA*, overdose deaths among adolescents rose in 2020 and 2021.¹¹ Specifically, the study found that

⁵ H. Comm. on Energy and Commerce, *Combating the Opioid Crisis: Legislation*, available at <https://republicans-energycommerce.house.gov/opioids-legislation/>.

⁶ National Institute on Drug Abuse, *Overdose Death Rates*, available at <https://www.drugabuse.gov/drug-topics/trends-statistics/overdose-death-rates> (last visited Nov. 15, 2021).

⁷ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, *Drug Overdose Deaths in the United States, 1999-2000* (NCHS Data Brief, No. 428) (Dec. 2021), available at <https://www.cdc.gov/nchs/data/databriefs/db428.pdf>.

⁸ Kaitlin Sullivan and Reynolds Lewis, 'A staggering increase': Yearly overdose deaths top 100,000 for first time, NBC NEWS (Nov. 17, 2021), available at <https://www.nbcnews.com/health/health-news/yearly-drug-overdose-deaths-top-100000-first-time-rcna5656>.

⁹ *Id.*; Virginia Langmaid, *US reaches record high of more than 96,000 drug overdose deaths in a 12-month period, CDC data shows*, CNN (Oct. 13, 2021), available at <https://www.cnn.com/2021/10/13/health/overdose-deaths-march-2021/index.html>.

¹⁰ Centers for Disease Control and Prevention, National Center for Health Statistics, National Vital Statistics System, *Provisional Drug Overdose Death Counts*, available at https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axiosvitals&stream=top (last visited on Mar. 22, 2022).

¹¹ Joseph Friedman, MPH, Morgan Godvin, BA, et al., *Trends in Drug Overdose Deaths Among US Adolescents, January 2010 to June 2021*, JAMA NETWORK (Apr. 12, 2022), available at <https://jamanetwork.com/journals/jama/article-abstract/2790949>; Rhitu Chatterjee, *Teen drug overdose deaths rose sharply in 2020, driven by fentanyl-laced pills*, NPR (Apr. 12, 2022), available at https://www.npr.org/sections/health-shots/2022/04/12/1092309418/teen-drug-overdose-deaths-rose-sharply-in-2020-driven-by-fentanyl-laced-pills?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axiosvitals&stream=top.

fatal overdose deaths among adolescents nearly doubled--an increase of 94 percent--from 2019 to 2020 and increased an additional 20 percent from 2020 to 2021.¹²

Opioids accounted for the highest number of overdose deaths, followed by synthetic opioids (excluding methadone).¹³ Deaths from stimulant drugs, including methamphetamine and cocaine, also increased.¹⁴ Geographically, overdose deaths went down in only four states— Delaware, New Hampshire, New Jersey, and South Dakota.¹⁵ The biggest increases were seen in Vermont (70 percent increase), West Virginia (62 percent increase), Kentucky (55 percent increase), Louisiana (52 percent increase), and Tennessee (50 percent increase).¹⁶ This dramatic increase in overdose deaths is deeply concerning and our nation's overdose epidemic deserves the immediate attention of all levels of government.

The COVID-19 pandemic and the government's response to the pandemic are undoubtably a large factor as to why the number of overdose deaths have increased so dramatically. First, the pandemic contributed to the increase in drug overdose deaths because people were isolated, causing increases in anxiety and depression which exacerbated the risk of drug use for those who were already struggling with a substance use disorder and the risk of relapse for those in recovery.¹⁷ Isolation and loss of peer support also contributed to increases in those using drugs alone and overdosing without anyone nearby to intervene or call for help.¹⁸ Second, disruptions to our daily lives during the COVID-19 pandemic have resulted in things like reduced access to and the postponement of treatment, peer and recovery supports, and harm reduction services.¹⁹ Lastly, some reports have suggested that another reason overdose deaths have increased is because the drug supply has become increasingly more lethal.²⁰ For example, a recent report notes that the rise in adolescent overdose deaths appears to be because of fentanyl,

¹² *Id.*

¹³ Robert Preidt and Robin Foster, *CDC Reports Record High 12-Month Drug Overdose Death Toll*, U.S. NEWS & WORLD REPORT (Oct. 14, 2021), available at <https://www.usnews.com/news/health-news/articles/2021-10-14/cdc-reports-record-high-12-month-drug-overdose-death-toll>; Kaitlin Sullivan and Reynolds Lewis, 'A staggering increase': Yearly overdose deaths top 100,000 for first time, NBC NEWS (Nov. 17, 2021), available at <https://www.nbcnews.com/health/health-news/yearly-drug-overdose-deaths-top-100000-first-time-rcna5656>.

¹⁴ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, *Drug Overdose Deaths in the United States, 1999-2000* (NCHS Data Brief, No. 428) (Dec. 2021), available at <https://www.cdc.gov/nchs/data/databriefs/db428.pdf>; Dan Vergano, *More Lethal Drugs Caused US Overdose Deaths to Spike Dramatically*, BUZZFEED NEWS (Nov. 17, 2021), available at <https://www.buzzfeednews.com/article/danvergano/us-overdose-numbers-drug-deaths>.

¹⁵ Kaitlin Sullivan and Reynolds Lewis, 'A staggering increase': Yearly overdose deaths top 100,000 for first time, NBC NEWS (Nov. 17, 2021), available at <https://www.nbcnews.com/health/health-news/yearly-drug-overdose-deaths-top-100000-first-time-rcna5656>.

¹⁶ *Id.*

¹⁷ Dan Vergano, *Fatal Drug Overdoses Are Likely Increasing Again Because Of The Coronavirus Pandemic*, BUZZFEED NEWS (July 14, 2020), available at <https://www.buzzfeednews.com/article/danvergano/coronavirus-overdose-fentanyl>; Roni Caryn Rabin, *Overdose Deaths Reached Record High as the Pandemic Spread*, THE NEW YORK TIMES (Nov. 17, 2021), available at <https://www.nytimes.com/2021/11/17/health/drug-overdoses-fentanyl-deaths.html>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Dan Vergano, *More Lethal Drugs Caused US Overdose Deaths to Spike Dramatically*, BUZZFEED NEWS (Nov. 17, 2021), available at <https://www.buzzfeednews.com/article/danvergano/us-overdose-numbers-drug-deaths>.

not because of more adolescents using drugs.²¹ The report also notes that fentanyl related overdose deaths increased among adolescents from 2019 to 2020 and accounted for 77 percent of adolescent overdose deaths in 2021.²² In addition, a drug called nitazene was detected in the District of Columbia that is believed to be more powerful than fentanyl.²³ A drug with such high potency will likely require an increased amount of naloxone to be administered by first responders during an overdose in order to prevent death.²⁴ Furthermore, overdose deaths related to stimulants have also increased.²⁵

Accordingly, we are examining the causes of the staggering increase in overdose deaths so we can better prevent future overdoses and save lives. In addition, we are seeking information from the administration regarding the status of the large amounts of funding that the Department of Health and Human Services (HHS) has received over the past five years for substance use disorder prevention, treatment, and recovery. Please provide written responses and any relevant documentation to the following by May 4, 2022:

1. Please describe all of the factors that the administration believes have contributed to the recent, staggering increase in drug overdose deaths in the U.S.
 - a. Please describe how the President's Overdose Prevention Strategy addresses each of those contributing factors.
2. Has HHS taken steps to evaluate the impact that COVID-19 mitigation efforts, such as lockdowns and school closures, have had on the increase in drug overdose deaths in the U.S.? If so, please describe this impact and whether this information will help inform more balanced policy decisions regarding COVID-19 mitigation efforts moving forward.
3. What is HHS doing to address the concerns over reduced access to treatment and harm reduction services that have been reported during the COVID-19 pandemic?
4. Is HHS aware of nitazene? If so, please provide information regarding this drug, including its potency relative to fentanyl, how widespread it is in the U.S., and how much HHS believes it is contributing to overdose deaths across the nation.

²¹ Joseph Friedman, MPH, Morgan Godvin, BA, et al., *Trends in Drug Overdose Deaths Among US Adolescents, January 2010 to June 2021*, JAMA NETWORK (Apr. 12, 2022), available at <https://jamanetwork.com/journals/jama/article-abstract/2790949>; Rhitu Chatterjee, *Teen drug overdose deaths rose sharply in 2020, driven by fentanyl-laced pills*, NPR (Apr. 12, 2022), available at https://www.npr.org/sections/health-shots/2022/04/12/1092309418/teen-drug-overdose-deaths-rose-sharply-in-2020-driven-by-fentanyl-laced-pills?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axiosvitals&stream=top.

²² *Id.*

²³ Jess Arnold, *DC chemist finds drug more potent than fentanyl that's on city streets now*, WUSA9 (Nov. 22, 2021), available at <https://www.wusa9.com/amp/article/news/local/dc/new-powerful-opioid-found-on-dc-streets/65-7f37d942-3660-419f-9eab-d9f12ec9ca80>.

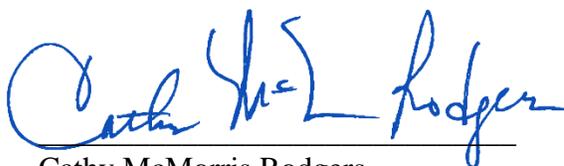
²⁴ *Id.*

²⁵ Roni Caryn Rabin, *Overdose Deaths Reached Record High as the Pandemic Spread*, THE NEW YORK TIMES (Nov. 17, 2021), available at <https://www.nytimes.com/2021/11/17/health/drug-overdoses-fentanyl-deaths.html>.

5. Does HHS know how much naloxone would need to be administered in a nitazene overdose?
 - a. Has the introduction of nitazene coupled with increasing amounts of fentanyl and fentanyl-related substances impacted the supply and distribution of naloxone across the U.S.?
6. How much of the funding that has been given to HHS since 2016 for substance use disorder prevention, treatment, and recovery been allocated to date?
7. To date, how much of the allocated funding has been spent, and how much remains available?
8. What performance measures are HHS using to monitor the impact of federal funds for substance use disorder prevention, treatment, and recovery to ensure that resources are being provided for evidence-based approaches?
9. How many grants exist across HHS to help address substance use disorder and substance use disorder overdoses?
 - a. What is HHS doing to communicate the availability of these funding opportunities and help communities who need assistance easily apply for and access these funds?
10. What innovation has HHS seen from the states and territories as a result of the Substance Abuse Prevention and Treatment block grants, including recovery services and prevention initiatives that have successfully reduced the demand for illicit drugs in the U.S.?
11. In addition to providing funding to the states and territories through block grants, how is HHS working with the states and territories to address the sharp increase in drug overdose deaths?

If you have any questions, please contact Brittany Havens or Kristen Shatynski with the Minority staff. Thank you for your attention to this matter.

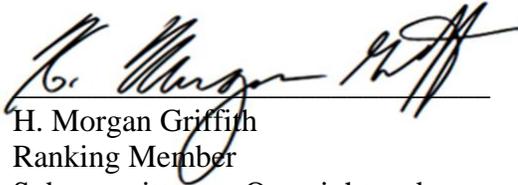
Sincerely,



Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce



Brett Guthrie
Ranking Member
Subcommittee on Health

A handwritten signature in black ink, appearing to read "H. Morgan Griffith", is written over a horizontal line. The signature is fluid and cursive.

H. Morgan Griffith
Ranking Member
Subcommittee on Oversight and
Investigations