

Illicit Supply of Fentanyl and Other Synthetic Opioids: Transitioning Markets and Evolving Challenges

Addendum

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Illicit Supply of Fentanyl and Other Synthetic Opioids: Transitioning Markets and Evolving Challenges

Testimony of Bryce Pardo¹
The RAND Corporation²

Addendum to testimony before the Committee on Homeland Security
Subcommittee on Intelligence and Counterterrorism and Subcommittee on Border Security,
Facilitation, and Operations
United States House of Representatives

Submitted on August 19, 2019

Following the hearing on July 25, 2019, the committee sought additional information and requested answers to the questions in this document. The answers were submitted for the record.

Questions from Chairman Bennie Thompson

Question 1

Have you seen any indication of other emerging opioid threats aside from fentanyl's? For example, chemical producers may shift synthesis to non-fentanyl-based opioids to avoid scheduling.³ Additionally, what recommendations would you propose to combat this? What are you currently doing to combat these new novel opioids?

¹ The opinions and conclusions expressed in this testimony are the author's alone and should not be interpreted as representing those of the RAND Corporation or any of the sponsors of its research.

² The RAND Corporation is a research organization that develops solutions to public policy challenges to help make communities throughout the world safer and more secure, healthier and more prosperous. RAND is nonprofit, nonpartisan, and committed to the public interest.

³ Karen Steward, "Identifying Novel Opioid Agonists from Metabolites," Technology Networks, August 2, 2019, <https://www.technologynetworks.com/applied-sciences/blog/identifying-novel-opioid-agonists-from-metabolites-322453>.

Answer

An examination of federal and state law enforcement drug seizures suggests that the nature of the supply of synthetic opioids changes from year to year. Although fentanyl dominates these seizure counts, the emergence (and sometimes decline) of other fentanyl analogs (e.g., acryl fentanyl, carfentanil, 4-fluoroisobutyryl fentanyl) and non-fentanyl synthetic opioids (e.g., U-4770, AH-7921) is documented. Similarly, online vendor websites offer variations of non-fentanyl synthetic opioids, such as the U-series or AH-series, and their various analogs.

While a generic control (i.e., a blanket ban on all fentanyl-related structures) might help to future-proof drug control efforts aimed at fentanyl, it might also encourage chemists to move to non-fentanyl synthetic opioids. Although employed in parts of Europe, generic controls are relatively new and untested in the United States. That said, reducing the number of chemicals that are introduced to U.S. drug markets could help reduce product variability that increases risks that result in overdose.

Apart from generic controls, which focus on the chemical composition of the substance in question, alternative approaches may be warranted. Other countries have attempted, with mixed results,⁴ to control emerging substances based on their intended pharmacological effect. In some cases, a substance is subject to control if it has an effect or binds to a certain receptor in the central nervous system. This approach, circumscribed to a handful of structural classes, was introduced in the United States under the Synthetic Drug Abuse Prevention Act of 2012. The law added “cannabinimetic agents” to Schedule I of the Controlled Substances Act and defined them as any substance that is a “cannabinoid receptor type 1 (CB1) agonist as demonstrated by binding studies and functional assays within five structural classes.”

Question 2

Have the re-assignments of Office of Field Operations Officers to Border Patrol duties degraded the ability of ports of entry to identify and seize fentanyl and other narcotics?

Answer

I cannot speak to personnel decisions made by Customs and Border Protection, and my research has not examined the specific impacts of such decisions. But, in the abstract, any decision to reallocate resources comes with a trade-off. Good policymaking recognizes and is explicit about such trade-offs.

In general, reassigning personnel from one port of entry to another may affect the number or quantity of fentanyl or other narcotics seized. In my written testimony, I present Customs and Border Protection seizure data for fentanyl for fiscal year 2018, noting the amounts and estimated purity across various types of ports of entry. Based on these data—which may not be

⁴ Although blanket controls recently adopted in the United Kingdom were used to bring a wide range of new psychoactives under scheduling, the country faced substantial problems operationalizing enforcement and bringing cases to trial. Early assessments by the government point to mixed results (see UK Home Office, *Review of the Psychoactive Substances Act 2016*, London, November 2018).

representative of supply routes⁵—the majority of pure fentanyl seized (i.e., adjusted for purity) comes by air to mail and express consignment carrier facilities.

⁵ Peter Reuter, “Seizures of Drugs,” in Jane Smith and Bob Johnson, eds., *Encyclopedia of Drugs and Alcohol*, New York: MacMillan, 1995.