

# United States Senate

WASHINGTON, DC 20510

**Docket No. DEA-443N**

August 22, 2016

The Honorable Chuck Rosenberg  
Acting Administrator  
United States Drug Enforcement Administration  
8701 Morrissette Dr.  
Springfield, VA 22152

Re: Docket No. DEA-443N - Proposed Aggregate Production Quotas for Schedule I and II  
Controlled Substances for 2017

Dear Acting Administrator Rosenberg:

We write to comment on the proposed 2017 aggregate production quotas for controlled substances that the Drug Enforcement Administration (DEA) published on July 22 and to urge DEA to issue final 2017 aggregate production quotas for schedule II opioids that are meaningfully reduced from 2016 levels.

As you know, our nation is in the midst of an unprecedented crisis of prescription opioid and heroin abuse. On July 19, we wrote you to express our concern regarding the substantial increases in the aggregate production quotas for schedule II opioids approved by the DEA over the past two decades. In our letter, we urged DEA to utilize its existing quota-setting authority to the fullest extent possible to combat this crisis, and we outlined specific recommendations and the legal authorities that we believe allow the DEA to appropriately reduce the number of opioids available nationwide.

We are pleased that in its proposed 2017 quotas DEA agreed with our recommendation to remove the 25 percent across-the-board aggregate production quota increase that DEA implemented in 2013. As DEA establishes its final 2017 quotas, we further urge DEA to take into specific consideration (1) the impact of the quotas of schedule II opioids (including oxycodone, hydrocodone, oxymorphone, hydromorphone, and fentanyl) on the downstream public health burden of opioid misuse and diversion; and (2) the recently-issued Centers for Disease Control and Prevention (CDC) Guideline for Prescribing Opioids for Chronic Pain, which we believe constitutes a “change in the currently accepted medical use” of opioids and provides grounds within the scope of DEA’s existing authority to take proactive steps to further lower quotas.

We also urge DEA to explain in its final order the analysis that DEA applied in establishing its 2017 quotas for schedule II opioids and the specific considerations DEA took into account in setting those final quota levels. Given the scope of the crisis we face, there should be as much transparency as possible when it comes to the setting of quota levels for opioids.

We appreciate DEA's commitment to addressing the problems of prescription opioid and heroin abuse, including through changes to aggregate production quotas. By using its quota-setting authority in a proactive way to combat the opioid and heroin crisis while preserving access for legitimate medical use, DEA has the opportunity to make a real and immediate difference that will benefit American communities and save lives.

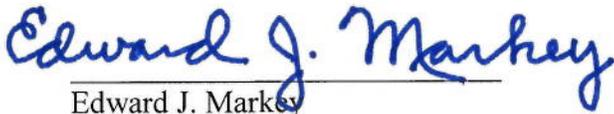
Sincerely,



Richard J. Durbin  
United States Senator



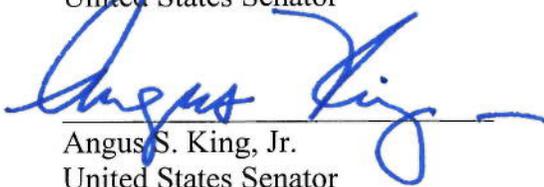
Sherrod Brown  
United States Senator



Edward J. Markey  
United States Senator



Amy Klobuchar  
United States Senator



Angus S. King, Jr.  
United States Senator



Joe Manchin III  
United States Senator