

I. Overview

A. Introduction

The illicit production of synthetic drugs is hardly a new problem in this country. For years, community leaders and law enforcement officials have understood the threat and expressed concern for the future based on the potential dangers of these drugs.

That uncertain future is now a disturbing reality. In the past five years, the use of synthetic drugs has climbed dramatically, a fact that lends urgency to the effort to control them. Recent drug-consumption studies indicate that substantial numbers of Americans are using these harmful substances. While the use of MDMA has fallen off significantly among young people in the last two years, its use remains at unacceptable levels. The gradual expansion in the use of methamphetamine may be continuing as well. These two drugs pose the most significant synthetic drug threats to the nation.

The expansion in the demand for these drugs is not limited to the United States. Several countries in Europe and Asia are similarly challenged by the spread of the synthetic drug trade. Encouraged and emboldened by the growing global demand for these drugs, traffickers are exploiting every available opportunity to produce, export, and market a wide variety of synthetic drugs. A large volume of precursor chemicals and synthetic drugs produced overseas is now smuggled into the United States to support domestic production and distribution as well.

The purpose of this document is to provide a blueprint for action under the President's National Drug Control Strategy that brings together the various strands of domestic and international efforts into a coherent plan for attacking and disrupting the trade in these dangerous drugs. This Action Plan focuses on illicitly manufactured synthetic drugs, including methamphetamine, amphetamine, MDMA, GHB, PCP, and LSD, which are not of primarily organic origin. It also discusses selected pharmaceutical products which are sometimes diverted from legitimate commerce, such as ketamine and oxycodone (particularly in the form of OxyContin), and the illegally imported depressant flunitrazepam (trade name Rohypnol). Regardless of the venues in which they are used, the problems posed by licitly produced pharmaceutical products are distinct from those pertaining to clandestinely produced drugs, and the approaches to prevent their illegal trafficking likewise vary.

Methamphetamine is the most widely used and clandestinely produced synthetic drug in the United States and, thus, receives the most attention in this Action Plan. Although methamphetamine is manufactured licitly for medical purposes, the vast majority of illegally trafficked methamphetamine is produced illegally in laboratories both here and abroad. The related synthetic stimulant amphetamine is typically trafficked interchangeably with methamphetamine and produced clandestinely by a similar process, and it has a similar effect on users.

While all of the drugs discussed in this paper are significant drugs of abuse, some of these substances—namely MDMA (“Ecstasy”), GHB, Rohypnol, and ketamine—are distinguished as “club drugs” because they are commonly encountered at nightclubs and late-night dance parties called “raves” or “circuit parties.”¹ MDMA (3,4-methylenedioxymeth-amphetamine) is a stimulant with

hallucinogenic properties that has surged in use in recent years. Gamma hydroxybutyric acid (GHB) and Rohypnol are depressants which are often used to incapacitate victims in sexual assaults; the instances of GHB use are increasing, while trafficking in Rohypnol appears to be decreasing.² Ketamine is a dissociative anesthetic which has also become popular among rave and circuit party attendees. Furthermore, there is a virtual alphabet soup of “designer drugs” that are not frequently encountered by law enforcement, but which may proliferate at raves and other youth-oriented settings at any time.

Additionally, the use of synthetic opiates, especially oxycodone, is growing, and the dissociative anesthetic phencyclidine (PCP) is still being used. The hallucinogen lysergic acid diethylamide (LSD) has seen major declines in youth use—to the lowest levels since surveys began in 1975. None of these drugs, however, is commonly associated with raves and circuit parties.

Synthetic drugs not only harm the bodies and minds of those who use them, they also threaten human health through the damage they inflict on the environment. For example, the process of making methamphetamine requires the use of hazardous chemicals, many of them flammable, corrosive, or explosive. Moreover, methamphetamine is made primarily by unscrupulous chemists, often operating in makeshift labs, with little regard for public safety or environmental health. Methamphetamine labs produce toxic byproducts that commonly end up in fields, public parks, and waterways. Some of these chemicals can cause disfigurement, illness, or even death on contact.³

As discussed in the National Drug Control Strategy, synthetic drugs by their very nature present special challenges to the agencies and organizations working to stop them. Because the drugs are made in laboratories and not harvested from fields, there are no crops to eradicate as in the cases of marijuana, heroin, and cocaine. Instead, supply reduction efforts must focus on limiting access to precursor chemicals, shutting down illegal labs, and breaking up organized criminal groups that manufacture and distribute the drugs. We need to strengthen international and domestic law enforcement mechanisms, emphasizing informal, flexible, and rapid communications at the operational level. Like the traffickers who fuel the market, we must ourselves become more nimble, developing policies and methods that allow us to adapt quickly and seize every opportunity to disrupt the trade.

This Action Plan begins with a general outline of demand and trafficking trends with respect to the drugs highlighted above. Next, it discusses the status of prevention, treatment, regulatory and law enforcement efforts, and provides recommendations for future actions in each of these areas. The Action Plan also includes six appendices. Appendix A is a proposed outline for an early warning and response system to identify and address the impact of emerging drugs of abuse. Appendix B provides an overview of the new Drug Abuse Warning Network (DAWN) system design and implementation plans. Appendix C is a Drug Enforcement Administration (DEA) Action Plan to Prevent the Diversion and Abuse of OxyContin. Appendix D outlines the schedules and regulatory measures that apply to the subject controlled substances and their chemical precursors. Appendix E summarizes the applicable sentencing guidelines. Appendix F summarizes precursor chemical control laws in Missouri and Oklahoma.

B. Plan for Implementation of Recommendations

Overarching responsibility for implementing the recommendations in this Action Plan will reside in a new Synthetic Drugs Interagency Working Group (SD-IWG), to be co-chaired by the Office of National Drug Control Policy and the Department of Justice. The SD-IWG can, at the discretion of

the co-chairs, refer recommendations to other pre-existing government working groups. The SD-IWG will meet within 30 days of the publication of this report, and thereafter on an as-needed basis. The group will submit a written implementation update to the Director of the Office of National Drug Control Policy and the Attorney General six months after publication of this Action Plan.

C. List of Recommendations

1. Prevention

Develop an Early Warning and Response System - (NDIC, DOJ, HHS, ONDCP)

Establish a comprehensive, interagency, early warning and response system to detect the emergence of new drugs and trends. Appendix A lays out the possible parameters of such a system in detail, but it should include increased research efforts to develop and disseminate accurate, reliable, and cost-effective tests for identifying new synthetic drug use trends. Particular focus should be given to earlier identification and routine detection of licitly produced drugs with high illicit use potential.

Enhance Public Outreach Efforts Focusing on Synthetic Drugs - (SAMSHA, DOJ, ONDCP)

Develop a multimedia education campaign on the consumption of synthetic drugs, focusing initially on methamphetamine. The program should, as appropriate, incorporate messages about the environmental threat and risks to children from clandestine labs. Ensure adequate dissemination of all pertinent materials and information on synthetic drugs through the Department of Education's Office of Safe and Drug-Free Schools.

Improve Education and Training on Pharmaceuticals - (DEA, FDA, SAMHSA, ONDCP)

Ensure product labeling that clearly articulates conditions for the safe and effective use of controlled substances, including full disclosure of safety issues associated with pharmaceuticals. Develop a mechanism for the wider dissemination and completion of approved Continuing Medical Education courses for physicians who prescribe controlled substances. Develop Internet public service announcements regarding the potential dangers and illegality of online direct purchase of controlled substances.

Develop Best Practices to Assist Drug-Endangered Children - (HHS, EPA, DOJ, DEA, ONDCP)

Develop protocols for assisting drug-endangered children that generally address staff training; roles and responsibilities of intervening agencies; appropriate reporting, cross reporting, information sharing, and confidentiality; safety procedures for children, families, and responding personnel; interviewing procedures; evidence collection and preservation procedures; medical care procedures; and community resource development.

Research and Develop Targeted Prevention Programs - (NIDA, ONDCP)

Support research on the initiation of methamphetamine use and the progression of use leading to addiction. Programs should be developed to target high-risk groups or communities and to increase community involvement in prevention efforts.

Improve Data on Afflicted Geographic Areas - (NDIC, SAMHSA, DOJ, ONDCP)

Build on existing Geographical Information System (GIS) resources and databases to integrate federally mandated drug test results, crime laboratory evidence analysis, population demographics, and

other meaningful data pertaining to synthetic drugs and diverted pharmaceuticals in a manner that supports geographically based prevention and intervention efforts.

Examine the Use of Prescription Narcotics - (NIDA, SAMHSA, FDA, NIJ, DEA)

Assess the scope and magnitude of the licit and illicit use of prescription narcotic analgesics, in particular OxyContin, including the pursuit of additional data sources in cooperation with the Food and Drug Administration (FDA), the National Institute for Justice (NIJ), private entities, and others.

2. Treatment

Increase Treatment Capacity - (HHS)

Assess treatment needs for synthetic and diverted pharmaceutical drug addiction and, if necessary, expand that capacity in the community and in correctional facilities. Particular emphasis should be given to the development of additional treatment capacity for methamphetamine users, to include follow-up services that address the protracted recovery period associated with methamphetamine dependency.

Research Treatment for Synthetic Drug Abuse - (HHS, NIDA, SAMHSA, ONDCP)

Increase research on the physical and psychological effects of methamphetamine and other synthetic drugs, as well as on the development of effective treatment protocols for synthetic drugs.

Develop Guidelines for Juvenile Drug Treatment - (NIDA, SAMHSA)

Fund research on and pursue the development of guidelines with respect to the treatment of juveniles, who often are not adequately served in existing drug treatment programs designed for adults.

Develop Early Response Treatment Protocols - (NIDA, SAMHSA)

Develop and disseminate early-response protocols addressing requests for treatment of dependency on emerging synthetic drugs and diverted pharmaceuticals.

Study Options for Criminal Justice System Treatment - (NIDA, SAMHSA, NIJ)

Invest in additional studies on the efficacy of various comprehensive treatment programs for synthetic drug abuse and on their adaptability to diverse individual and community needs, especially those unique to the criminal justice system.

Expand Dissemination of Treatment Best Practices - (NIDA, SAMHSA, ONDCP, DEA)

Expand capabilities to disseminate pertinent research results and best-practices training techniques as part of the overall effort to increase access to effective treatments for dependencies on synthetic and diverted pharmaceutical drugs.

3. Regulation of Chemicals and Drugs

Support Stronger State Controls on Precursor Chemicals - (DOJ, ONDCP, DEA)

States that face significant levels of clandestine lab activity and chemical diversion are urged to consider the imposition of more stringent controls than those currently in place at the federal level. Several states, notably Oklahoma, have recently enacted strict retail-level controls. (See Appendix F). Additional state-level controls could include, for example: allowing only licensed pharmacists and pharmacy technicians to sell products containing precursor chemicals; placing such products behind the sales counter and/or in a locked display case; purchase limits imposed on a transaction

and/or monthly basis (with an appropriate tracking mechanism); and requirements of customer identification sales record keeping.

Remove the Blister Pack Exemption - (DEA, DOJ)

Support legislation that removes the blister pack exemption and eliminates distinctions based on the form of packaging, as recommended in DEA's November 2001 report to Congress.

Regulate Chemical Spot Market - (DEA, DOJ)

As an extension of existing authority over imports, law enforcement should seek the legislative authority to regulate sales of bulk chemicals on the domestic spot market by notification and approval of any deviations in quantity or customer from the import declaration.

Determine Licit Chemical Needs - (DEA, DOJ, ONDCP)

In cooperation with industry, commission a statistical analysis to estimate the legitimate needs for pseudoephedrine and ephedrine products—including combination products such as ephedrine with guaifenesin—both nationwide and regionally.

Enable Import Controls on Bulk Ephedrine and Pseudoephedrine - (DEA, DOJ, ONDCP)

Seek legislation that would treat the post-importation handling of bulk ephedrine and bulk pseudoephedrine in a similar manner, for regulatory purposes, as federal laws now treat the post-importation processing of Schedule I and II controlled substances. Impose such controls on these critical precursors as are needed to limit imports to those necessary for legitimate commercial needs and for maintenance of effective control over chemical diversion.

Limit Online Chemical Sales - (DEA, DOJ)

Continue ongoing efforts to advise the owners and operators of major on-line auction websites of the use of precursor chemicals in clandestine labs, and urge them to consider banning the sale of precursor chemicals over their websites.

Strengthen Cooperation with Mexico - (DEA, DOJ, State, ONDCP)

Solidify significant recent advancements by Mexico to increase the effectiveness of bilateral chemical control with the United States through continued partnership and meetings with the pertinent Mexican components, including their drug intelligence center (CENAPI), the Federal Investigative Agency (AFI), the chemical regulatory entity in the Ministry of Health (COFEPRIS), and the Health Commission.

Enhance Coordination and Information Exchange with Canada - (DHS, ICE, CPB, DEA)

Enhance ongoing coordination with Canada Customs and Revenue Agency on border detection, targeting, and interdiction efforts, and ensure appropriate focus by Canada-U.S. joint Integrated Border Enforcement Teams on the precursor chemical and synthetic drug threats. Further expand the ongoing exchange of information concerning Canadian businesses involved in the importation, production, and distribution of pseudoephedrine—particularly those firms whose products have frequently been diverted or smuggled into the United States.

Strengthen the Multilateral Chemical Control System - (DEA, DOJ, State, ONDCP)

Garner international support for making existing multilateral chemical controls more universal, formal, and well-supported by international institutions, including UN bodies such as the International

Narcotics Control Board and regional bodies such as the Organization of American States' Inter-American Drug Abuse Control Commission (CICAD). Work to realize the full potential of Project PRISM, and build support for the application of the 1988 UN Convention to pharmaceutical preparations containing precursor chemicals that can be easily recovered for use in illicit drug production.

Exchange Information with Chemical Producing Countries - (DEA, DHS, State, USTR)

Continue ongoing information-sharing efforts with the countries that produce precursor chemicals used to make amphetamine-type stimulants, particularly China, India, Germany, and the Czech Republic.

Educate Store Employees - (DEA, DOJ)

Building on efforts begun in a number of states, work to develop a model training program for pharmacists, retail management, and store employees concerning suspicious pseudoephedrine purchases, as well as suspicious sales of chemicals and items used in the manufacture of methamphetamine.

Encourage Voluntary Controls by Retail Pharmacies and Stores - (DEA, DOJ, ONDCP)

Seek the voluntary participation of major retail chains in programs to control pseudoephedrine products through restrictions on the quantity that can be purchased at a single time. Also support the voluntary movement of pseudoephedrine products from stores' open shelves to behind pharmacy counters or other manned counters in retail settings where pharmacies are not on site.

Work with Manufacturers to Reformulate Abused Pharmaceutical Products - (DEA, FDA)

Continue to support the efforts of firms that manufacture frequently diverted pharmaceutical products to reformulate their products so as to reduce diversion and abuse. Encourage manufacturers to explore methods to render products containing key precursors such as pseudoephedrine ineffective in the clandestine production of methamphetamine and pain control products such as OxyContin less suitable for snorting or injection.

Support State Prescription Monitoring Programs - (DEA, ONDCP)

Support states' creation of prescription monitoring programs designed to detect inappropriate prescribing patterns and prescription fraud. Law enforcement and regulatory entities should have access to information in case of apparent diversion or inappropriate prescribing of controlled substances, and some provision for state-to-state communication of adverse information should be examined. Supporting legislation should be explored.

4. Law Enforcement

Target Pseudoephedrine and Iodine Smuggling to and from Mexico - (DEA, ICE, CBP)

Focus law enforcement resources on stopping the recently-noted flow of suspicious shipments of precursor chemicals, notably pseudoephedrine, from Asia to Mexico, apparently destined for clandestine methamphetamine labs in Mexico and the United States. Also focus on the smuggling of iodine from Mexico. In all such cases, law enforcement should identify and aggressively pursue the persons and firms responsible.

Focus on Canadian Synthetics and Chemical Smugglers - (DEA, ICE, DOJ)

Expand joint U.S.-Canadian investigations into the smuggling of chemicals, methamphetamine, MDMA, and other club drugs and diverted pharmaceuticals. Assign high priority to investigations of

large seizures of pseudoephedrine and ephedrine from Canada, and develop prosecutable cases against rogue Canadian companies and their principals.

Investigate Ties between Canadian and Mexican Criminals - (DOJ, DEA, ICE, NDIC)

Analyze law enforcement reporting and intelligence with respect to Canadian pseudoephedrine and ties between Canadian sellers and Mexican lab operators in California. Analysis of the flow of funds generated from sales of pseudoephedrine in Canada and the United States should be coordinated by the appropriate agencies within the concerned Departments.

Investigate Asian and European Sources of Synthetic Drugs - (DEA, ICE, State)

Work with international law enforcement partners and regional groups to investigate Asian criminal groups in North America and in Asia that increasingly may be engaged in producing and trafficking synthetic drugs and their precursor chemicals. Enhance bilateral efforts with the Netherlands and other MDMA-producing countries in Europe to build investigations, share information, and extradite criminals where appropriate.

Enhance Methamphetamine Profiling Efforts - (DEA, DOJ, ONDCP)

Increase the number of samples available for analysis in DEA's methamphetamine profiling program by incorporating samples of the drug seized by state and local law enforcement at super labs, or from shipments strongly suspected of originating from such large-scale operations. Also leverage information on chemicals, adulterants, cutting agents, and equipment found at the site.

Review Lab Cleanup Resources - (DEA, DOJ, EPA)

Ensure adequate funding sources for clandestine laboratory and dumpsite cleanups, including funding for sufficient personnel to support laboratory cleanups and hazardous waste disposal, so that cleanup costs are not a disincentive to laboratory investigations or takedowns. Federal officials, in collaboration with state agencies, should conduct a needs assessment to identify potential program improvements and make recommendations on the specific support needed and the funds required.

Apply Updated Clandestine Lab Cleanup Guidelines - (DEA, EPA)

Disseminate and apply the latest guidelines for the cleanup of clandestine methamphetamine labs and, where necessary, coordinate environmental remediation by appropriate entities. These protocols for adulteration and destruction of precursor and essential chemicals, glassware, and methamphetamine waste should be part of clandestine laboratory certification training.

Increase Prosecutor and LEA Training - (DOJ, DEA, CBP)

Recognizing the unique issues presented by chemical and methamphetamine cases, the Federal Government should, as resources permit, offer training for criminal and civil prosecutors and federal, state, and local law enforcement agents more frequently and in different regions of the country.

Make Full Use of Charging and Sentencing Options - (DOJ, DEA)

Prosecutors should make full use of federal Sentencing Guidelines provisions, which set a sentencing floor (of 70-87 months) for any case involving methamphetamine manufacture that creates a substantial risk of harm to human life. Federal prosecutors should also make greater use of the environmental enhancement for clandestine drug manufacturing involving "unlawful discharge, emission, or release into the environment of a hazardous or toxic substance or for the unlawful transportation, treatment, storage, or disposal of a hazardous waste."

Increase Access to Civil Penalty Case Experts - (DOJ)

The Department of Justice should develop and disseminate a list of attorneys who have experience in civil penalty cases under the Controlled Substances Act and who are available to assist U.S. Attorney's Offices in districts where such cases have never or rarely been referred or pursued.

Prevent Exploitation of Mail Services - (DEA, CBP, ICE, State, NDIC)

Work with the U.S. Postal Service and private express mail delivery services to target illegal mail-order sales of chemical precursors, synthetic drugs, and pharmaceuticals, both domestically and internationally.

Improve Intelligence Efforts Related to Synthetic Drugs - (NDIC, DEA, CIA, CBP, ICE, State)

Intensify intelligence components' focus on gathering and sharing information regarding the nature and scope of synthetic drugs trafficking. Make full use of NDIC's real-time analytical database for both pre- and post-operation link analysis and document exploitation. Strengthen mechanisms for sharing actionable intelligence, trend analysis, and information on criminal organizations among the United States and concerned Western European countries.

Target Raves Where Drug Use is Facilitated - (DEA, DOJ)

Focus attention on the promoters and operators of rave events that facilitate the trafficking and abuse of MDMA and other club drugs, making innovative and effective use of the federal "crack house" statute, including amendments in the Rave Act.

Consider New Legislation on Club Drugs - (DOJ, DEA)

Federal officials should continue efforts to develop additional legislation to address legal issues that often arise with respect to club drugs and rave-type events. For example, the distribution of imitation controlled substances could be explicitly criminalized at the federal level, and the provisions governing controlled substance analogues and counterfeits could be clarified.

Strengthen Controls on Internet Sales - (DOJ, DEA)

Support legislation that regulates the burgeoning business of Internet sales of drugs, particularly controlled substances, by prohibiting the dispensing of controlled substances online without a valid prescription. The new law would define a valid prescription as one issued for a legitimate medical purpose in the usual course of professional practice, and would require at least one in-person medical evaluation by the prescribing doctor.

Increase Internet Investigations - (DEA, DOJ, NDIC, ICE, FDA, State)

Expand investigations and prosecutions of Internet-based synthetic and pharmaceutical drug diversion and sales, to include the establishment of task forces and coordination mechanisms dedicated to this purpose. Agencies should work with Internet Service Providers to assist them in limiting children's access to illegal drug sites.

Target OxyContin and Vicodin Diversion - (DEA, DOJ)

Support efforts to target individuals and organizations involved in the diversion, illegal sale, pharmacy theft, fraud, and abuse of OxyContin and other drug products containing oxycodone, hydrocodone, or hydromorphone, such as Vicodin and Lorcet.

Seek Updated Sentencing Guidelines for Club Drugs - (DEA, DOJ)

Work with the U.S. Sentencing Commission to review data on the impact and effectiveness of current sentences for trafficking in ketamine, GHB and its precursors and analogues, and other club drugs, and, if advisable, propose enhanced guidelines sentences.

Share Law Enforcement Best Practices - (DEA, DOJ)

Based on the successes achieved by local law enforcement in Southern California using reverse-buy investigations and by communities in the Midwest that have set more strenuous penalties and regulations regarding synthetic drugs, establish a mechanism for sharing best practices among federal, state, and local law enforcement as well as with international partners who are confronting synthetic drug threats.