

# NATIONAL ALLIANCE OF STATE DRUG ENFORCEMENT AGENCIES

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**April 30, 2010**

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Missouri State Highway Patrol Division  
of Drug & Crime Control

Dear Sir or Madam:

NASDEA strongly supports the scheduling of pseudo-ephedrine by federal law as a schedule III controlled substance.

The National Alliance of State Drug Enforcement Agencies (NASDEA) has been in existence since 1975. Its member agencies are State level drug enforcement agencies from the nation's state police, highway patrol departments, or from each state agency responsible for statewide criminal investigations. The working members of NASDEA come from command level staff. All fifty states are represented within NASDEA.

NASDEA seeks to identify national quality of life issues. One such issue is the need to suppress the spread of methamphetamine as well as reducing the number of dangerous clandestine methamphetamine lab incidents nationally. To that end, NASDEA advocates the federal scheduling of pseudoephedrine (PSE) as a schedule III controlled substance. PSE is the cold and allergy drug from which methamphetamine is formed. The difference between PSE and methamphetamine is one oxygen molecule. By removing that one molecule through a dangerous and toxic chemical process, PSE is converted from a legal medication into a highly addictive illegal drug. Limiting the availability of PSE is directly proportional to limiting the methamphetamine manufacturing process, which, in turn, diminishes the number of hazardous and toxic clandestine labs covertly embedded in our communities.

NASDEA recognizes the steady national increase in the number of clandestine methamphetamine labs from the late 1990's through the mid 2000's. The Federal Combat Methamphetamine Epidemic Act of 2005 resulted in decreasing clandestine lab numbers by nearly 50 percent. These decreases resulted from statutory requirements that took cold and allergy products containing PSE off the shelves and placed them behind the counter. These laws

also mandated that individuals purchasing PSE must be identified and recorded. These statutes were initially effective at reducing meth lab incidents throughout 2006 and 2007, but are now rendered ineffective by organized groups that have learned to manipulate this system by a black market technique known as "smurfing," the practice of purchasing lawful amounts of PSE products at one retail outlet while making additional purchases at others. These purchases, in aggregate, exceed the limit allowed by law.

NASDEA also recognizes that several state governments have implemented electronic PSE monitoring systems that may provide real time information to law enforcement about the purchasers of pseudoephedrine products and block the sale of any amount over the legal limit. The overwhelming numbers of highly organized smurfers have rendered these systems ineffective.

In addition, new more efficient meth lab cooking methods allow for the generation of methamphetamine without requiring the purchase of PSE product amounts in excess of legal purchasing limits or triggering a blocked sale. Moreover, this simplified and accelerated production method continues to severely hamper law enforcement's chance of intervening in the production process before a dangerous clandestine methamphetamine lab is created.

NASDEA has identified a better system. In 2006, Oregon enacted a statute requiring a schedule III controlled substance prescription for all PSE products. As a result, Oregon's meth lab response numbers plummeted 89 percent from 2005 to 2008. Most significantly, Oregon meth lab incidents continue to remain low, 21 in 2008, while they increased in many other states. NASDEA further recognizes the simplicity and effectiveness of the Oregon model and considers it the best method to substantially reduce the number of meth labs that devour millions of dollars in law enforcement and emergency services. These labs are increasingly found in apartment buildings, hotels, rental properties, and near schools. The dangers of fire and explosion, the exposure to hazardous chemicals, and the environmental contamination of clandestine meth labs impact innocent citizens to a greater extent than any other illegal drug.

NASDEA, therefore, strongly encourages the scheduling of PSE as a schedule III controlled substance by federal law. PSE would, therefore, be available by prescription only. This will virtually eliminate, or greatly reduce, the ever increasing hazards to the health and security of the communities served by our member agencies.

NASDEA also pledges to Congress our support, through testimony based on the research and experience of our members, to encourage the scheduling of PSE as a schedule III controlled substance.



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Thomas H. Carr

August 28, 2009

The Honorable Ron Wyden  
United States Senator  
223 Dirksen Senate Office Building  
Washington, D.C 20510-3703

Dear Senator Wyden:

On behalf of the National HIDTA Directors Association (NHDA), I am writing to express our support of the Meth Lab Elimination Act of 2009.

The NHDA is a national, nonprofit, nonpartisan membership organization consisting of 48 Directors and Deputy Directors from the 28 HIDTAs and 4 Southwest Border Partnerships, all of whom share the common goal of reducing drug availability and its harmful effects in the United States. The primary purpose of the NHDA is to address and educate local, state and national leaders as well as the public on issues that affect drug law enforcement.

The HIDTA Program supports and facilitates coordination among federal, local, state and tribal law enforcement to combat the most pressing threat in the region. In many of the HIDTA regions that threat is methamphetamine, which is often manufactured in small methamphetamine laboratories by methamphetamine users who obtain pseudoephedrine, one of the necessary precursor ingredients, from over-the-counter cold medications.

As the Meth Lab elimination Act of 2009 so effectively illustrates, the harmful impacts of methamphetamine are not limited only to the effects the drug has on users, but also include the dangerous effects of the chemicals and wastes involved in making methamphetamine. These labs are highly toxic and extremely dangerous to everyone who comes into contact with them as well as the locations where their waste has been dumped.

Oregon's rescheduling of pseudoephedrine and prescription purchase requirement in 2006 has had a profound impact on the number of labs encountered by Oregon law enforcement and the citizens that they serve. The action taken by the Oregon legislature resulted in an immediate and continued 96% reduction in methamphetamine labs in Oregon. The labs that have been discovered since that time are likely the result of pseudoephedrine purchased in bordering states that have less stringent controls on its sales.

The NHDA believes that a national law modeled after Oregon legislation requiring a physician's prescription to purchase pseudoephedrine would greatly reduce the number of clandestine methamphetamine labs and their inherent dangers throughout the United States. The NHDA strongly supports the Meth Lab Elimination Act of



2009 as it would result in a marked reduction in methamphetamine labs in communities throughout the nation.

The threat and dangers posed by clandestine methamphetamine labs in the United States require immediate and effective action. Thank you for your attention to this critical issue.

Sincerely,

*Thomas J. Gorman*

President

TG: cp

cc: NHDA Membership