



TESTIMONY OF

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*“Stopping the Shipment of Synthetic Opioids:
Oversight of U.S. Strategy to Combat Illicit Drugs”*

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Introduction

Chairman Portman, Ranking Member Carper, and distinguished Members of the Subcommittee. Thank you for the opportunity to appear today to discuss the role of U.S. Customs and Border Protection (CBP) in combating the flow of dangerous synthetic opioids, particularly illicit fentanyl, into the United States.

Since 2014, there has been an escalation of fentanyl use in the United States. Fentanyl is a synthetic opioid drug that depresses the central nervous system and respiratory function to alleviate pain without the loss of consciousness. In its pure powder form, fentanyl is approximately 50-100 times more powerful than morphine. At first glance, it is often mistaken for other drugs which appear as white powders such as cocaine or heroin.

As America's unified border agency, CBP plays a critical role in the Nation's efforts to keep dangerous synthetic drugs like fentanyl out of the hands of the American public. Interdicting drugs at and in between our Ports of Entry (POEs), leveraging targeting and intelligence-driven strategies, and working with our partners to combat Drug Trafficking Organizations (DTOs) are key components of our multi-layered, risk-based approach to enhance the security of our borders. This layered approach reduces our reliance on any single point or program, and extends our zone of security outward ensuring our physical border is not the first or last line of defense, but one of several.

Fentanyl Trends, Interdictions, and Challenges

Interdicting illicit drugs, particularly synthetic opioids, is both challenging and complex. The majority of U.S. trafficked illicit fentanyl is produced in other countries such as China, and is principally smuggled through international mail facilities, express consignment carrier facilities (e.g., FedEx and UPS), or through POEs along the Southern land border.

In Fiscal Year (FY) 2016, CBP officers and agents seized or disrupted more than 3.3 million pounds of narcotics across the country¹ including approximately 46,000 pounds of methamphetamine and approximately 4,800 pounds of heroin. CBP seizures of fentanyl remain relatively small compared to heroin, but have significantly increased over the past three years, from approximately 2 pounds seized in FY 2013 to approximately 440 pounds seized in FY 2016. Fentanyl is the most frequently seized illicit synthetic opioid, but CBP has also encountered various types of fentanyl analogues.²

Fentanyl is also smuggled into the United States from China and other countries. DTOs and individuals purchase powdered fentanyl online and can access open source and dark web marketplaces for the tools needed for manufacturing. Fentanyl, pill presses and binding agents are then shipped into the United States primarily using the U.S. Mail or express consignment couriers,

¹ FY 2016 Border Security Report, U.S. Customs and Border Protection, <https://www.cbp.gov/sites/default/files/assets/documents/2016-Dec/CBP-fy2016-border-security-report.pdf>

² These include: acetylfentanyl, butyrylfentanyl, beta-hydroxythiofentanyl, para-fluorobutyrylfentanyl, pentanoylfentanyl, alpha-methyl acetylfentanyl, para-fluoroisobutyrylfentanyl, para-fluorofentanyl, carfentanil, furanylfentanyl, and most recently benzodioxolefentanyl, acrylfentanyl, and methoxyacetylfentanyl.

such as FedEx, UPS, and DHL. We assess these transactions made over both the open and dark webs and comprised of smaller quantities of fentanyl (less than 1 kilogram) will likely continue in FY 2017. Based on increased flow and improved detection capabilities, CBP anticipates that both heroin and fentanyl seizures will rise over FY 2017.

U.S. law enforcement suspects that there are also some clandestine fentanyl production labs present in Mexico that likely obtain production chemicals from China. Heroin is often spiked with fentanyl to increase drug potency, or fentanyl is mixed with adulterants and sold as “synthetic heroin.” This practice stretches the product of DTOs, increasing profits. The practice also increases the safety risk to heroin users, who are sold heroin of unpredictable strengths and compositions. Additionally, mixtures are primarily exploited on the Southwest Border, making it more challenging for CBP to pinpoint exactly how much fentanyl is seized at the border.

In the mail and express consignment environments, DTOs and individual purchasers move fentanyl in small quantities to try to evade detection. CBP operates within nine major International Mail Facilities (IMF) inspecting international mail arriving from more than 180 countries, but is challenged in interdicting fentanyl and other synthetic drugs by a lack of advanced manifest data which would aid in targeting shipments, and challenged by the sheer volume of mail and the hazardous nature of various types of synthetic drugs. Due to the lack of advance data, the processing of inbound international mail is primarily manual, requiring CBP Officers to sort through large bags or bins of parcels. This manual process, again coupled with the tremendous volume of inbound mail to the United States, creates a daunting task for CBP.

Despite these challenges in the mail environment, CBP officers continue to utilize experience and trained intuition to target suspect packages for inspection. On April 20, 2017, CBP Officers working at the IMF in Chicago, Illinois intercepted a package from China destined for LaFayette, Indiana that was not manifested and had no declared value. CBP Officers selected the package for further examination due to prior seizures utilizing similar packaging. A physical examination of the package revealed 2.27 pounds of a fentanyl analogue.

In the land border environment, CBP uses the same drug-interdiction methodology to seize fentanyl arriving from Mexico as it uses to detect other illicit drugs. However, the detection of fentanyl remains challenging due to limited field testing capabilities and the myriad of fentanyl analogues on the market. Just as the illicit drug manufacturers seek to outpace the law with new drug analogues, new drug analogues can come and go faster than the canine training needed to detect these emerging drugs. Currently, all suspect substances must be sent to CBP’s Laboratories and Scientific Services Directorate (LSSD) for identification.

CBP Resources and Capabilities to Detect, Target and Interdict Fentanyl

CBP, with the support of Congress, has made significant investments and improvements in our drug detection technology and targeting capabilities. These resources, along with enhanced information sharing and partnerships, are critical components of CBP’s ability to identify and deter the entry of dangerous illicit drugs in all operational environments.

CBP's National Targeting Center (NTC)

Global trade and travel continue to increase in pace and threats to the United States and our allies continue to evolve. Adversaries are always attempting to exploit vulnerabilities in global travel and supply chains. The NTC is the entity within CBP where advance data and access to law enforcement and intelligence records converge to facilitate the targeting of those travelers and items of cargo which pose the highest risk to our security. The NTC employs a layered enforcement strategy taking in large amounts of data, and using sophisticated targeting tools and subject matter expertise to analyze, assess, and segment risk at every stage in the trade and travel life cycles. As the focal point of that strategy, the NTC leverages classified, law enforcement, commercial, and open-source information in unique, proactive ways to identify high-risk travelers and shipments at the earliest possible point prior to arrival in the United States.

CBP's NTC – Cargo (NTC-C) Narcotics Targeting team addresses illicit narcotics smuggling on a global scale through an aggressive targeting and analysis program, identifying narcotics smuggling schemes in all modes of inbound transportation. NTC-C has the lead role for CBP of identifying global trends and patterns in the narcotics trade and in responding accordingly. NTC-C narcotics analysts have identified numerous smuggling trends and combated DTOs by successfully identifying shipments of drugs, pill presses, and precursor chemicals.³

To bolster its targeting mission, the dedicated men and women of the NTC collaborate with critical partners on a daily basis including U.S. Immigration and Customs Enforcement – Homeland Security Investigations (ICE-HSI), the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation, other members of the Intelligence Community, and the United States Postal Inspection Service (USPIS). Moreover, NTC works in close coordination with several pertinent taskforces including the Organized Crime Drug Enforcement Task Force, the High Intensity Drug Trafficking Areas, and the Joint Interagency Task Force-West, as well as the Department's Joint Task Force-West and Joint Task Force–Investigations.

³ The two main materials that are used to produce fentanyl, NPP and ANPP, are federally regulated. However, other precursor chemicals used to produce fentanyl are currently non-regulated and have legitimate uses. CBP has the authority to seize precursors if they can be identified as having illicit end-uses, including the production of illicit drugs. CBP targets precursor chemicals transiting the United States with destinations to Mexico and other countries. When these shipments are identified through interagency collaboration as having illicit end-uses, the shipments are offloaded for further inspection and enforcement action by external agencies such as the DEA and ICE-HSI.

In addition to targeting illicit substances directly, CBP also targets related equipment such as pill presses and tablet machines. DEA regulates pill press/tablet machines. Additionally there is an ICE Diversion Coordinator assigned to the DEA Special Operations Division (SOD) who oversees the investigations of pill press/tablet machine imports being diverted for illicit uses. The Diversion Coordinator works closely with the NTC to identify and target individuals importing and diverting pill press/tablet machines to produce fentanyl and other synthetic drugs. In FY 2014, 24 pill press/tablet machines were seized by CBP, and the number increased to 51 in FY 2015 and 58 in FY 2016.

Non-Intrusive Inspection Equipment

CBP's Office of Field Operations (OFO) utilizes technology, such as non-intrusive inspection (NII) x-ray and gamma ray imaging systems, and Fourier Transform Infrared Spectroscopy (FT-IR) equipment to detect the illegal transit of synthetic drugs hidden on people, in cargo containers, and in other conveyances entering through POEs, and at international mail and express consignment carrier facilities. Since September 11, 2001, NII technology has been a cornerstone of the CBP multi-layered enforcement strategy. As of May 1, 2017, 304 Large-Scale (LS) NII systems are deployed to, and in between, our POEs. In FY 2016, LS-NII systems were used to conduct more than 6.5 million examinations resulting in more than 2,600 seizures and over 163,128 kilograms (359,636 pounds) of seized narcotics.⁴

Laboratory Testing

Due to the risk of unintentional exposure and subsequent hazardous drug absorption and/or inhalation, the testing for the presence of fentanyl is best executed in a laboratory by trained scientists and technicians. Expedited analysis can have a turnaround time of a day or two; however, the turnaround time for non-expedited samples can take up to two months.⁵ LSSD has adequate laboratory technology and resources to test for fentanyl and its analogues. CBP's most effective means of performing fentanyl detection in the field is its triage program which is deployed at the IMFs and Express Courier Consignment Facilities (ECCF). The triage program utilizes ruggedized FTIR equipment whose data is transmitted to scientific personnel to provide presumptive results within one business day. LSSD is working to expand the field testing program, along with the scientific assets and personnel who are able to provide real time chemical composition determinations.⁶

The composition and size smuggled packages seized at the Land Ports of Entry (LPOE) are different than those at the ECCFs and IMFs. The narcotics seized at the IMFs and ECCFs usually have a purity of greater than 90 percent, while the purity of seizures along the Southwest border average around 7 percent controlled substance content due to DTO's practice of mixing fentanyl with other substances. Additionally, DTOs continually adjust their operations to circumvent detection and interdiction by law enforcement, quickly taking advantage of technological and scientific advancements and improving fabrication and concealment techniques. Smugglers use a wide variety of tactics and techniques for concealing drugs. CBP Officers regularly find drugs concealed in body cavities, taped to bodies (body carriers), hidden inside vehicle seat cushions,

⁴ Recent specific examples include: On May 8, 2017, CBP Officers at the Port of San Ysidro, California, discovered 23.99 pounds of fentanyl and 23.90 pounds of methamphetamine concealed in the spare tire of a privately owned vehicle. On April 26, 2017, CBP Officers at the Port of Nogales, Arizona, seized 23.15 pounds of fentanyl concealed within the dashboard of a privately owned vehicle.

⁵ Routine samples are treated as non-expedited. Samples that are treated as expedited are samples that are destined for controlled deliveries, have an impending court date, person or persons under arrest or detention, or generally having a very good reason to be placed in the front of the line.

⁶ LSSD has provided reachback on 5,299 submissions during FY 2015, and 8,384 submissions for FY 2016. Since the inception of the program, LSSD has triaged 20,158 submissions within a business day and has generated many controlled deliveries because of the rapid turnaround.

gas tanks, dash boards, tires, packaged food, household and hygiene products, in checked luggage, and concealed in construction materials on commercial trucks.

Accordingly, different techniques and instrumentation are used to detect illicit drugs at the different venues. At the IMFs and ECCFs, the data is transmitted to LSSD for interpretation, without the instrument providing an analysis directly to the officer, while at the LPOEs, the instruments provides a read out to the officer and agents. The low purities of fentanyl found along the Southwest border, the detection limits of the instruments, and the instrument's ability to correctly interpret chemical spectra at these low levels, all add to the difficulty of detecting fentanyl in this environment.

Canines

Canine operations are an invaluable component of CBP's counternarcotic operations. CBP deploys approximately 1,227 Concealed Human and Narcotic Detection Canine teams at and between our Nation's POEs. Synthetic opioids present unique challenges to canine teams due to the potency of the drug and the associated danger to the health and safety of the canines and their handlers. Thus, CBP's LSSD has been conducting special research to determine the detection and identification of signature odor profiles for fentanyl compounds. The relevant CBP components are working together to conduct a pilot course to assess the feasibility of safely and effectively adding fentanyl as a trained odor to OFO's deployed narcotic detection canine teams. The project will continue through the remainder of FY 2017, with evaluations conducted at scheduled benchmarks.

Advance Information, Targeting, and Information Sharing

Substantive and timely information sharing is critical in targeting and interdicting shipments as well as individuals who move drugs and illicit merchandise from the POEs to their destinations throughout the United States. CBP contributes to the whole-of-government effort to identify and disrupt sophisticated routes and networks used by DTOs for the smuggling of illicit drugs by sharing critical information on individuals and cargo with investigative and intelligence partner agencies.

An important element of CBP's layered security strategy is obtaining advance information to help identify shipments that are potentially at a higher risk of containing contraband. Under the *Security and Accountability for Every Port Act* or *SAFE Port Act of 2006*, (Pub. L. No. 109-347), CBP has the legal authority to collect key air and maritime cargo data elements provided by air, sea, and land commercial transport companies (carriers) — including express consignment carriers and importers. This information is automatically fed into CBP's Automated Targeting System, an intranet-based enforcement and decision support system that compares cargo and conveyance information against intelligence and other enforcement data.

CBP is working to implement the same effective module in the international mail environment. USPS receives mail from more than 180 countries, the vast majority of which arrives via commercial air or surface transportation. As discussed above, inbound international mail inspections are largely conducted by hand. The international mail system is not integrated and

there are few opportunities for foreign postal administrations to provide advance manifest data to USPS (which may then be passed on to CBP).

Hence within the mail environment, CBP Officers must rely on intelligence, selectivity, risk management, and physical or X-ray examinations to carry out their enforcement mission. CBP and the USPS have been conducting an advance data pilot on express mail and e-packets from some countries. CBP and USPS continue to work together to improve this metric to meet both agencies' performance expectations, and CBP continues to work with the USPS and the Universal Postal Union to address the issue of electronic advanced data.⁷

Because of the complex tracking used by express consignment carriers, when CBP identifies a high risk shipment in the express consignment environment, it has the ability to place an electronic hold and to notify the carriers that a particular parcel needs to be presented to CBP for inspection. The major international air shipping carriers have a tracking number system that allows them to pull these parcels for inspection when they are scanned into the computer system as arriving at their particular air hubs.

Operational Coordination

CBP works extensively with our Federal, state, local, tribal, and international partners and provides critical capabilities toward the whole-of-government approach to address drug trafficking and other transnational threats at POEs and along the Southwest border, Northern border, and coastal approaches. Our targeting, detection and interdiction efforts are enhanced through special joint operations and task forces conducted under the auspices of multi-agency enforcement teams. These teams are composed of representatives from international and Federal law enforcement agencies who work together with state, local, and tribal agencies to target drug and transnational criminal activity, including investigations involving national security and organized crime. We noted some of NTC's key partnerships above, and of note as of April 2017, the NTC has two permanent USPIS employees working within the NTC narcotic targeting units under a recent Memorandum of Understanding (MOU).

CBP continues to collaborate and strengthen ties with investigative partners from the USPS, ICE, and DEA. CBP is sharing information with these agencies and conducting joint enforcement

⁷ Per Transportation Security Administration (TSA) regulation, international mail destined for the United States is considered air cargo and, as a result, is subject to all existing security controls. These security controls, which include screening for explosives and other unauthorized incendiaries items in accordance with TSA regulations and security program requirements, are applied outside the United States prior to transporting international mail on aircraft regulated by TSA. These requirements are not dependent on advance electronic manifest data, as provided by express consignment operators and other participants in the Air Cargo Advance Screening (ACAS) pilot program.

Upon arrival in the United States, all international mail requested for inspection by CBP is turned over to CBP by USPS. CBP screens all international mail for radiological threats, x-rays all international mail packages presented by USPS, and physically examines those deemed to be high-risk. Although this process is largely manual and labor intensive, CBP is able to identify items that pose a risk to homeland security and public safety while facilitating legitimate mail.

initiatives including intelligence-driven special operations designed to identify and disrupt drug smuggling at the border. CBP is also actively working with DEA's Special Operations Division to link foreign synthetic drug mail shipments and suppliers to domestic distribution networks in furtherance of investigative cases and to identify new shipments.

For example, in January 2017, CBP Officers at the John F. Kennedy (JFK) International Airport, International Mail Facility, partnered with ICE-HSI, DEA, U.S. Food and Drug Administration, U.S. Fish and Wildlife Service, and the U.S. Consumer Product Safety Commission to launch "Operation Mail Flex." This five-day joint operation targeted and interdicted illicit fentanyl and other opioids shipments that posed a health and safety risk to consumers. Operation Mail Flex focused on express mail originating in China and Hong Kong. This successful operation resulted in the seizure of 2.4 kilograms (5.31 pounds) of fentanyl and 134 other controlled substances. It also resulted in the seizure of 1,297 non-compliant imports and provided law enforcement officers with the opportunity to conduct eight controlled deliveries to unsuspecting drug smugglers.

DTOs are known to use legitimate commercial modes of travel and transport to smuggle drugs and other illicit goods. Therefore, CBP also partners with the private sector to provide anti-drug smuggling training to carriers to assist CBP with stopping the flow of illicit drugs; to deter smugglers from using commercial carriers to smuggle drugs; and to provide carriers with the incentive to improve their security and drug smuggling awareness. Participating carriers sign agreements stating that the carrier will exercise the highest degree of care and diligence in securing their facilities and conveyances, while CBP agrees to conduct site surveys, make recommendations, and provide training.

Officer Safety

Fentanyl presents a significant safety threat to CBP Officers. Explicit instructions, including to canine handlers, have been distributed to the field regarding the safe handling of fentanyl. Additionally, in response to the upsurge in the use of heroin (which is increasingly cut with fentanyl) across the nation and increased seizures at POEs, in October 2015, CBP completed Phase 1 of a pilot program to train and equip CBP Officers with naloxone, a potentially life-saving drug for the treatment of opioid overdoses. During Phase I, CBP Officers, at seven participating POEs⁸ received training in recognizing the signs and symptoms of an opioid overdose, administering naloxone, and were certified as CPR instructors. In February 2016, CBP initiated Phase 2 of the Naloxone Initiative Pilot Program, expanding the pilot to an additional eight POEs and deploying 602 dual-dose Narcan Nasal Spray® kits to the field.⁹ The naloxone program has also expanded to LSSD to help protect its scientists both in its main and satellite laboratories. CBP was the first Federal law enforcement agency to implement such a program.

⁸ Phase 1 Naloxone Pilot Program POEs include El Paso; Laredo; Fort Lauderdale International Airport; John K. Kennedy International Airport; San Luis: San Ysidro; and Seattle/Blaine.

⁹ Phase 2 Naloxone Pilot Program POEs include Miami Int'l/Miami Seaport; Boston; Buffalo; Detroit; Newark; Chicago; Houston Int'l/Houston Seaport; and Dallas.

Conclusion

With continued support from Congress, CBP, in coordination with our partners, will continue to refine and further enhance the effectiveness of our detection and interdiction capabilities to combat transnational threats and the entry of fentanyl and other dangerous synthetic drugs into the United States. We will continue to work with our law enforcement partners to improve the efficiency of information sharing, guide strategies, identify trafficking patterns and trends, develop tactics, and execute operations to address the challenges and threats posed by DTOs to the safety and security of the American people. CBP will continue to work with USPS and USPIA to improve interdiction in the mail environment through improved advanced data, and other security best practices at the nation's International Mail Facilities.

Chairman Portman, Ranking Member Carper, and distinguished Members of the Subcommittee, thank you for the opportunity to testify today. I look forward to your questions.