



TESTIMONY OF

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ON

“Examining DHS’s Efforts to Combat the Opioid Epidemic”

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Introduction

Chairwoman Barragán, Ranking Member Higgins, and distinguished Members of the Subcommittee, thank you for the opportunity to appear today to discuss U.S. Customs and Border Protection's (CBP) efforts to combat the flow of illicit drugs, including synthetic drugs like methamphetamine and fentanyl, into communities across the United States.

The reach and influence of Transnational Criminal Organizations (TCOs) continues to expand across and beyond the Southwest Border. TCOs, such as Mexican cartels, increasingly demonstrate the ability to produce synthetic drugs and their analogues that are difficult to detect and identify. They also continually adjust their operations to circumvent detection and interdiction by law enforcement by shifting to drugs that can be transported in small quantities and improving fabrication and concealment techniques.

CBP recognizes the significant impact opioids and other illicit drugs have on our local communities. We work with our federal, state, local, tribal, and international partners daily to identify and disrupt TCOs and stem the flow of illegal narcotics. We dedicate significant resources and capabilities to the whole-of-government effort to thwart the illicit drug supply chain and those networks promoting it.

CBP's efforts to combat the flow of illicit drugs are guided by the *CBP Strategy to Combat Opioids*¹ and implemented through a multifaceted approach that includes collaboration and enhanced intelligence sharing with other agencies and foreign partners, advanced laboratory capabilities, specialized canines, nonintrusive inspection technology, and dedicated, highly trained law enforcement personnel.

Our strategy and enforcement approach enables the agency to nimbly shift resources and swiftly respond to emerging threats, such as the deadly threat posed by fentanyl, fentanyl analogues, other synthetic opioids, methamphetamine, and precursor and other chemicals used in illicit drug production.

Trends and Interdictions

CBP's Office of Field Operations (OFO) works in tandem with the U.S. Border Patrol (USBP) and Air and Marine Operations (AMO) to combat the flow of illicit narcotics across the border. CBP officers screen all foreign visitors and returning U.S. citizens and inspect conveyances and cargo that enters the United States at 328 sea, air, and land ports of entry (POEs). Between the POEs, USBP and AMO agents detect, interdict, and prevent the unlawful movement of people, illegal drugs, and other contraband toward or across our borders.

On a typical day,² CBP seizes approximately 5,000 pounds of illegal drugs that would otherwise make their way into American communities. Since October 1, 2021, CBP has seized nearly

¹ <https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/CBP-Opioid-Strategy-508.pdf>

² <https://www.cbp.gov/newsroom/stats/typical-day-fy2021>

340,000 pounds of illegal drugs nationwide.³ Marijuana, methamphetamine, heroin, and cocaine remain top-seized drugs by weight, but shifting trends over recent years produced significant increases in synthetic drugs like fentanyl, a synthetic opioid analgesic that is 80-100 times stronger than morphine. Fentanyl is the most frequently seized illicit synthetic opioid, but CBP observed fentanyl and 29 of its analogues, as well as 50 unique synthetic opioids that are not from the fentanyl class.⁴

During the past several years, the weight of CBP seizures of fentanyl has increased sharply. In Fiscal Year (FY) 2021, CBP seized 11,201 pounds of fentanyl, more than twice the 4,791 pounds seized in FY 2020 and approximately four times as much as FY 2019 (2,804 pounds). In FY 2022, since October 1, 2021, CBP has seized 5,310 pounds of fentanyl nationwide.⁵ CBP estimates we interdicted 1.2 billion potential doses of fentanyl in FY 2020 and 2.6 billion potential doses of fentanyl in FY 2021. By the measure of potential doses, CBP fentanyl seizures were only second to methamphetamine, of which an estimated 16 billion doses in FY 2020 and 17 billion doses in FY 2021 were seized. For reference, Earth's population is approximately 7.9 billion people.⁶

Most illicit drugs, including fentanyl, enter the United States through our Southwest Border POEs. They are brought in by privately owned vehicles, commercial vehicles, and even pedestrians. Although less frequent, fentanyl and other synthetic opioids are also encountered in international mail facility (IMF) and express consignment carrier (ECC) environments. Fentanyl shipments largely originate, and are likely synthesized, in Mexico and are often concealed within larger shipments of other commodities. Illicit fentanyl can also be purchased from online sellers and then shipped via international mail packages or ECCs.

The shift in the illicit drug market toward primarily fentanyl, its analogues, and other synthetic opioids, led CBP to develop and implement the *CBP Strategy to Combat Opioids*.⁷ CBP's enforcement efforts are guided by the *Strategy's* four key objectives that focus on ensuring CBP can quickly anticipate and adapt to changing tactics and techniques used by cartels, traffickers, smugglers, and their networks; enhance collaboration among key partners; produce actionable intelligence to target the illicit opioid supply chain; and protect CBP personnel from exposure to opioids.

Collaboration and Information-Sharing

Shifting trends and sophisticated TCO tactics mean that now, more than ever, efforts to counter TCO activity require coordination and cooperation across the law enforcement community. CBP works extensively with our federal, state, local, tribal, and international partners to address drug

³ As of March 31, 2022. <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>

⁴ A complete list can be made available by CBP Laboratories and Scientific Services

⁵ As of March 31, 2022. <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>

⁶ CBP would be happy to brief the Subcommittee on its illicit drug dose estimation tool and how it derived at these estimates.

⁷ <https://www.cbp.gov/document/publications/cbp-opioid-strategy>

trafficking and other transnational threats at POEs, and in the mail and express consignment environments, along our land borders and coastal approaches.

CBP works closely with U.S. Immigration and Customs Enforcement's Homeland Security Investigations (ICE HSI) and Department of Justice's Drug Enforcement Administration (DOJ DEA) to facilitate all available investigative actions regarding CBP seizures. For seizures that do not meet a federal threshold, intelligence and information derived from these seizures are provided to local, state, and regional task forces for situational awareness and further investigative actions.

Key partners, including ICE, DEA, the United States Postal Inspection Service (USPIS), the Federal Bureau of Investigation (FBI), alongside other federal, state, local, tribal, and international partners, regularly share information from the headquarters level down to local POEs and coordinate investigative and enforcement actions.

CBP regularly hosts briefings with federal, state, local, and tribal partners regarding the current state of the border, providing a cross-component, multi-agency venue for discussing trends and threats. Engagements focus on interdictions and arrests at the border and interior areas within United States. These briefings also include participants from the Governments of Canada and Mexico.

CBP also participates in joint operations and multi-agency enforcement teams, composed of representatives from international and federal law enforcement agencies. Working together with state, local, and tribal agencies, these operations target drug and transnational criminal activity, and often contribute to investigations involving national security and organized crime.

Advance Information and Targeting

Advance electronic shipping information, actionable intelligence, and information sharing partnerships are critical components of CBP's ability to quickly identify, target, and deter the entry of dangerous illicit drugs in all operational environments.

Authorities and mechanisms that enable CBP to obtain advance electronic shipping information is a critical element of CBP's ability to identify shipments that are potentially at a higher risk of containing contraband. Under section 343 of the *Trade Act of 2002* (Pub. L. No. 107-210), as amended, and 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 cargo data elements provided by air, sea, and land commercial transport companies (carriers), including ECCs and importers.⁸ This information is automatically fed into CBP's Automated Targeting System

⁸ Under TSA regulations, international mail destined for the United States is subject to security controls. These security controls, which include screening for unauthorized explosive, incendiary, and other destructive substances or items in accordance with TSA regulations and security program requirements, are applied to international mail prior to transporting on aircraft at Last Point of Departure locations to the United States. 49 U.S.C. 44901(a) states:

(ATS), a secure intranet-based enforcement and decision support system that compares cargo and conveyance information against intelligence and other enforcement data.

At CBP's National Targeting Center (NTC), advance data and access to law enforcement and intelligence records converge to facilitate the targeting of travelers and items of cargo that pose the highest risk to our security in all modes of inbound transportation. The NTC takes in large amounts of data and uses sophisticated targeting tools and subject matter expertise to analyze, assess, and segment risk at every stage in cargo movement 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 analytical methodology centers on providing timely and actionable intelligence to our frontline officers and agents, decision makers, and partners. To strengthen our intelligence posture in responding to the complex border threat environment, CBP's Intelligence Enterprise (IE) was established in 2017 as a cohesive, threat-based, data-driven, and operationally focused effort to leverage the collective intelligence capabilities and expertise across CBP's operational components, including OFO, USBP, AMO, and the Office of Trade. To enhance its intelligence capacity, CBP IE established investment priorities that support a whole-of-agency approach to countering various border threats, such as the use of a common reporting platform to timely share and disseminate threat information to disparate offices. CBP's IE was also responsible for launching CBP Watch, a situational awareness facility that provides trend analysis and real-time feedback to better support Agency operational frontlines 24 hours a day, 7 days a week.

Investigative case data is fused with CBP targeting information to strengthen investigations targeting fentanyl smuggling and trafficking organizations and enable timely law enforcement actions. The NTC works in close coordination with several pertinent task forces including Organized Crime Drug Enforcement Task Forces, the High Intensity Drug Trafficking Areas, and the Joint Interagency Task Force-South and West, as well as DHS Joint Task Forces.

In the postal environment, recent bilateral agreements regarding Advance Electronic Data (AED) between the U.S. Postal Service (USPS) and foreign postal operators have increased CBP's ability to target high-risk shipments. Additionally, the *Synthetics Trafficking and Overdose Prevention (STOP) Act* requires that DHS prescribe regulations requiring the USPS to transmit advance electronic information for international mail to CBP consistent with the statute. Currently, USPS provides AED from more than 129 foreign postal services, and CBP utilizes the AED to actively target international mail shipments at seven IMFs.

"The Under Secretary of Transportation for Security shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft." Under 49 C.F.R. 1540.5, "Cargo means property tendered for air transportation accounted for on an air waybill. All accompanied commercial courier consignments whether or not accounted for on an air waybill, are classified as cargo. Aircraft operator security programs further define the term 'cargo.' These requirements are not dependent on advance electronic manifest data, as provided by ECC operators and other participants in the Air Cargo Advance Screening (ACAS) pilot program.

Targeting Precursors

Many of the precursor chemicals used to synthesize synthetic illicit opioids such as fentanyl and methamphetamine are non-regulated currently, and many have legitimate uses. CBP has sufficient authority to seize precursors if they can be identified as having illicit end-use intentions, including the production of illicit drugs. We target precursor chemicals shipped through the United States to destinations in Mexico and other countries. When these shipments are identified through interagency collaboration as having illicit end-use intentions, the shipments are offloaded for further inspection and enforcement actions.

In addition to targeting illicit substances directly, CBP also targets related equipment such as pill presses and tableting machines. The DEA regulates pill press/tableting machines and ICE's Diversion Coordinator works on behalf of DHS and coordinates with DEA to oversee 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 illicit fentanyl and other synthetic drugs.

Pollen Analysis

One capability CBP is using to close intelligence gaps related to the illicit opioid supply chain is palynology, more commonly referred to as pollen analysis. Pollen analysis is conducted by CBP's Laboratories and Scientific Services (LSS) scientists on illicit narcotic shipments seized at the border. Pollen testing is used to geolocate illicit opioid shipments, which may be used to identify transit routes of illicit opioids.

LSS palynologists can analyze approximately 1 kg of seized material through a process that dissolves the powder and other residues leaving pollen and spores. Through a microscopic examination, LSS palynologists identify the pollen compilation from the sample and can quickly determine a broad origin or a more regionalized location of origin.

During the last several years, the LSS pollen program has, through the analysis described above, made geolocation identifications for several fentanyl seizures that likely originated in China. These seizures contained pollen types that are only associated with specific areas in mainland China - to the exclusion of most other areas. Based on the pollen analysis results, CBP develops intelligence products and shares those products with relevant partners.

Detection and Interdiction

CBP, with the support of Congress, continues to make significant investments and improvements in our drug detection and interdiction technology. Our officers and agents utilize a variety of technologies and narcotic detection canines to detect the presence of illicit drugs, including illicit opioids, in all operating environments.

Non-Intrusive Inspection

CBP utilizes over 350 large-scale and 4,500 small-scale Non-Intrusive Inspection (NII) x-ray and gamma-ray imaging systems to detect the presence of illicit substances, including synthetic drugs, hidden within passenger belongings, cargo containers, commercial trucks, rail cars, privately owned vehicles, as well as ECC and international mail parcels. In FY 2021, CBP performed approximately 17.5 million NII examinations, which resulted in the interdiction of more than 220,000 pounds of narcotics. Approximately 90 percent of NII-attributable seizures resulted from scanning less than 2 percent of primary passenger vehicles and 15 percent of fixed occupant commercial vehicles crossing the Southwest Border. Beginning in FY 2023, CBP expects to increase NII scans of these vehicles as much as 40 percent and greater than 70 percent respectively.

Currently, large-scale NII systems are primarily deployed in secondary inspection operations at POEs to examine targeted conveyances; however, CBP continues to focus on further closing the limited vehicle scanning capacity gap and have prioritized the need for drive-through NII operational concepts that will help streamline the vehicle inspection process and increase scanning rates, thereby increasing the probability of interdiction. With funding provided by Congress, CBP made progress toward implementing new drive-through NII systems, located in pre-primary inspection versus secondary, that would transmit the image to an officer remotely located in a command center. This work builds upon prior automation and transformation initiatives, leveraging advancements made to scanning and imagery analysis capabilities. Overall, this approach will increase security and facilitation across our nation's borders.

Canines

Canine operations are an invaluable component of counternarcotic operations. With 17 additional teams in FY 2022, the CBP Canine Training Program maintains the largest and most diverse law enforcement canine training program in the country. CBP officers utilize specially trained canines for the interdiction of narcotics, firearms, and undeclared currency, as well as in support of specialized programs aimed at combating terrorism and countering human trafficking.

Use of canines in the detection of narcotics is a team effort. CBP's LSS produces canine training aids and provides analytical support to the CBP Canine Training Program, including controlled substance purity determinations, training aid quality analyses, and research on delivery mechanisms that maximize safe vapor delivery during training exercises. Today, all OFO Concealed Human and Narcotic Detection canine teams have completed training to include the odor of fentanyl and fentanyl analogues.

Laboratory Testing

Shifting methods of smuggling and the increasing sophistication of ready to use forms of synthetic drugs coming across the border means that the identification of suspect substances has become more difficult. However, when it comes to disrupting illicit supply chains and stopping the flow of illicit drugs crossing the border, timing is everything.

For suspect substances encountered at the international mail and at ECC facilities, CBP officers use various field-testing devices to rapidly screen suspected controlled substances and obtain presumptive results. CBP officers can transmit sample data to the LSS Teleforensic Center's 24/7 Narcotics Reachback for scientific interpretation and identification. When controlled substances are presumptively identified by the Reachback program, the NTC and our liaisons at the DEA are notified. CBP is working to expand the field-testing program, along with scientific assets and personnel who can provide real-time presumptive analysis of suspect substances.

Building on the success of the Reachback program, for the past three years, CBP has increased its ability to swiftly identify suspected drugs by positioning agency laboratory scientists on-site at IMFs, ECCs and POEs in forward operating labs (FOLs). This effort, which started as a special operation at IMF and ECC locations, has expanded and proven to be not only a valuable part of CBP's ability to identify and seize controlled substances, but also a critical tool for partner investigative agencies such as Homeland Security Investigations to make law enforcement-controlled deliveries that could potentially lead to arrests, shutting down criminal networks.

The on-site labs provide multiple benefits, including helping CBP identify trends. For example, starting in October 2020, the FOLs began seeing an increased amount of dimethyltryptamine (DMT), a hallucinogenic drug smuggled into the United States. Another trend that the FOLs recently discovered is a particular fentanyl analogue coming across the Southwest border increasingly in tablet form. Many of CBP's FOLs are along the Southwest border, but also in locations such as Chicago, Miami, Detroit, Los Angeles, and Puerto Rico.

With the 24/7 Narcotics Reachback and the FOLs positioned at strategic locations where new or emerging substances enter the United States, LSS can triage quickly if a potentially new analogue of an illicit substance or designer drug is being encountered. These presumptively identified new substances are sent to the LSS INTERDICT Science Center for comprehensive testing. These newly-encountered substances, particularly synthetic opioids or other significant chemicals of interest, get added to the user libraries of the handheld field-testing devices used by CBP officers and agents to rapidly screen suspected substances. Since January 2022, 154 new spectra have been added to the equipment's factory library. Since the start of the designer drug wave in 2009, LSS has identified over 540 new substances.

On a monthly basis, LSS aggregates its suspected controlled analysis results and creates a report for its stakeholders to inform of trends along with new substances discovered. These stakeholders include internal CBP officers and agents, supervisors, intelligence analysts, and policy makers and external partners at federal, state, local, and international organizations. As America's first line of defense for new and emerging drugs, CBP can provide advanced notice on seizure trends enabling partners to prepare for a potential threat to their communities.

Protecting Frontline Personnel

Contact with potentially hazardous substances, especially illicit synthetic opioids, is a very real health and safety risk to law enforcement personnel and canines. At first glance, it could easily

be mistaken for other drugs that appear as white powders, such as cocaine or heroin. Due to the risk of unintentional exposure and subsequent hazardous drug absorption and/or inhalation, the confirmatory testing for the presence of synthetic opioids such as fentanyl and its analogues is best executed in a laboratory by trained scientists and technicians.

In addition, CBP deployed the presumptive testing glove box to the field to aid in the safe testing and identification of opioids and other dangerous drugs. The sampling glove box is designed for use in the field as the first level of protection when inspecting, probing, and conducting presumptive testing of high risk or unknown substances.

Conclusion

As the drug epidemic devastates communities and families across the nation, CBP continues to prioritize its resources to thwart illicit drug supply chains and networks. Together, CBP and its partners are focused on enhancing collaboration and information-sharing to reduce the amounts of illicit opioids that cross our land, sea, and air borders.

Thank you for the opportunity to testify today. I look forward to your questions.