

**Committee on Energy and Commerce
Subcommittee on Oversight and Investigations**

**Hearing on
“Oversight of Federal Efforts to Combat the Spread of Illicit Fentanyl”**

July 16, 2019

Mr. Gary Barksdale, Chief Postal Inspector, United States Postal Service

The Honorable Brett Guthrie (R-KY)

1. Drug traffickers often use freight forwarders to ship fentanyl and fentanyl analogs from China. Such multiple transfers of custody make it difficult for law enforcement to track these packages. Are changes in the law needed to combat the problem of freight forwarding of fentanyl in the mail? If so, what are USPS’ suggestions?

Response:

I respectfully defer to CBP, which is the agency that is responsible for targeting suspicious parcels coming into the United States.

2. How is advanced electronic data (AED) going to help target and intercept packages containing fentanyl?

Response:

I respectfully defer to CBP, which is the agency that utilizes AED to target suspicious parcels coming into the United States. As the federal agency charged with securing and controlling the nation’s borders, CBP has longstanding statutory and constitutional border search authority. CBP agents are permitted to open inbound international mail without a warrant, including mail otherwise sealed against inspection.

The U.S. Postal Service is responsible for supplying the AED received from foreign posts to CBP. Over the past two years, the Postal Service has provided hundreds of thousands of records per day to CBP, and expanded the number of countries and types of packages available for targeting. The Postal Service has also implemented an automated process to identify targeted pieces requested by CBP.

3. On average, how many packages are coming into our international mail facilities (IMF) on any given day?

Response:

The average daily package volume, which includes Express, parcels, tracked packets and untracked packets, was 1.03M packages per day in August 2019.

4. How many of those packages currently come with AED?

Response:

Of the 34.6M inbound packages received in August 2019, 64.9% were accompanied by AED.

5. How reliable and useful is the AED when it comes to helping mail entities and law enforcement interdict packages containing narcotics?

Response:

I respectfully defer to CBP as to usefulness of AED due to its role in utilizing AED to target suspicious parcels coming into the United States. The USPIS will continue to collaboratively work with CBP and Homeland Security Investigations (HSI) in seizing any illicit substance in the mail stream and to arrest those who abuse the U.S. mail system.

6. What unique challenges does fentanyl pose as opposed to other narcotics when it comes to detecting and interdicting fentanyl coming in through the mail?

Response:

Unlike larger, bulkier narcotics, fentanyl and its analogues pose a unique challenge due to their ability to be contained in a parcel of any size. Fentanyl can then be secreted inside otherwise innocuous items, further concealing it from law enforcement. Fentanyl can also take many forms, including powder or pressed into pills, which may be counterfeits of otherwise legitimate drugs. Additionally, the high profit margin of fentanyl creates an inviting opportunity for illicit drug dealers.

7. What more would law enforcement need in order to be best positioned to interdict more packages containing narcotics, like fentanyl?

Response:

The USPIS is not currently authorized to issue administrative subpoenas for the investigation of narcotics-related offenses. A change in the USPIS's current limited administrative subpoena authority to include narcotics offenses would place U.S. Postal Inspectors on par with federal law enforcement peers such as the DEA and DHS, among many others. This authority would greatly expedite the ability of postal inspectors to learn relevant information that can expand or dispel suspicion about a parcel suspected of containing narcotics.

Under current law, the USPIS is only authorized to issue administrative subpoenas related to false representations and lotteries under 39 U.S.C. §3016(a)(1)(A). Section 3016(a)(1)(A) establishes this authority in stating, "*In any investigation conducted under section §3005(a), the Postmaster General may require the production of any records... which the Postmaster General considers relevant or material to such investigation.*" 39 U.S.C. §3005(a) establishes USPIS's administrative power regarding false representations and lotteries.

The USPIS proposes a provision amending 39 U.S.C. §3016 to remove "3005(a)" and to replace it with "3001." This amendment to §3016(a) would have the effect of granting USPIS the authority to issue administrative subpoenas for investigations into nonmailable matter, which includes narcotics investigations. Because of the nonmailability of false representations and lotteries, this change will not limit the ability of the USPIS to investigate these important fraud cases.

Due to the expected increase in issuances of administrative subpoenas based on the above change, USPIS also proposes extending the ability of the Postmaster General to delegate this authority to the Chief Postal Inspector or his designees, which can be limited to certain Senior Executive Service positions. This administrative change will not otherwise expand the conditions necessary to issue an administrative subpoena as enumerated in §3016(a)(1)(B)(i) and (ii).

This change will not affect the current requirement of a federal search warrant to open mail sealed against inspection.

8. Your written testimony states that current seizure statistics show a decrease in international seizures related to fentanyl, while domestic seizures are trending up. Your testimony suggests that synthetic opioids are increasingly entering the country through means other than international mail before distributed through mail, consignment carriers,

or traditional drug distribution networks. Outside of these international channels, what are the other potential means for fentanyl and synthetic opioids to enter the United States?

Response:

To update my testimony, as of September 8, 2019, the Postal Inspection Service has seized 269 synthetic opioid parcels, of which 225 were in the domestic mail stream. These seizure statistics represent a decrease in international seizures related to synthetic opioids and fentanyl, while domestic seizures are trending up. I respectfully defer to my colleagues at ONDCP, CBP, ICE, and the DEA as to the other means fentanyl and synthetic opioids are entering the country. The Inspection Service will continue to work to interdict and seize any illicit substance in the mail stream and to arrest those who abuse the U.S. mail system, whether originating internationally or domestically.

9. How can data collection be improved to bolster your agency's intelligence and ability to interdict packages or seize narcotics, such as fentanyl?

Response:

The Postal Service is committed to harnessing the technology required to support the critical data exchange involved with AED on inbound shipments. This is a complex big data exchange that is relied upon by all of the key partners — Postal Service Business Units, Inspection Service, CBP and OIG — that work jointly to stem the flow of illicit drugs from international sources. Monthly cross-functional meetings chaired by Postal Service senior leadership are held to track progress and discuss initiatives regarding AED across the organization.

The Postal Service receives and acts upon CBP holds associated with AED by leveraging its Package Remote Encoding System (PRES) and more than 400 parcel sorting machines to facilitate intercepts. The Postal Service has automated intercept capabilities for CBP holds in the mail processing environment at five International Service Centers and 19 mail processing facilities. It has also enabled CBP holds in 30,000 Delivery Units and on more than 75,000 scanning devices. The Postal Service leverages high volume transaction processing capabilities to handle these requests in real time, and continues to deploy technology to improve interception capability to meet the goal of 100 percent capture of CBP hold requests.

Through coordination with USPIS, CBP and internal stakeholders, the Postal Service integrates these technologies by developing efficient work methods for capture and handoff of packages. The Postal Service developed and deployed a Delivery Unit Intercept dashboard to track intercept success rates and to follow up on missed requests.

The Postal Service is committed to reach 100 percent interception through technology enhancements. By leveraging scan data, the Postal Service and CBP continue to improve the efficiency and effectiveness of their efforts. The Postal Service will continue to enhance and scale technological solutions to support the interdiction mission.

The Honorable Susan Brooks (R-IN)

1. One thing I am concerned about is that many opioids in the mail are fentanyl and its derivatives, which are potent enough that a dose smaller than the size of a penny can cause a fatal overdose. In your [prepared] testimony, you highlighted the importance of employee safety and the extra steps taken by the Postal Service to protect employees from accidental exposure to opioids with Narcan nasal spray.

Could you provide more specific information about how many postal facilities and the percent of them that have access to Narcan nasal spray?

Response:

In July of 2018, the Postal Service initially deployed naloxone response kits to all mail processing facilities and large Post Offices, about 758 facilities. The kits were deployed to these facilities because employees in these facilities have the highest potential to be exposed to products containing fentanyl in mail packages, as the packages are processed in these facilities and transported to Post Offices for delivery to customers. These facilities comprise approximately 51% of our workforce. We will be deploying to an additional 3,702 medium-sized Post Offices in late October 2019. Following this second phase of deployment, a total of 75% of our workforce will have access to the naloxone nasal spray.

2. Your testimony only mentions key facilities, which suggests many of our nations postal workers are unprotected. Can you provide some more information about efforts to better protect postal workers and our constituents?

Response:

In addition to the deployment of naloxone response kits, the Postal Service has a long-standing program to communicate and train employees to identify and take appropriate actions when suspicious mail or packages are identified in the mail stream. The suspicious package program requires that the Postal Inspection Service is immediately notified. In addition, local emergency responders are notified as appropriate. A variety of employee training materials are used, including videos, publications, checklists, and stand-up talks. Stand-up talks are specific communications

developed for our managers and supervisors to share information face to face with our employees. Postal employees receive initial and annual refresher training twice per year, with additional presentations delivered as circumstances require. Management is required to document that the training and stand-up talks are completed. While all employees receive training on how to recognize and respond to hazardous materials, the Postal Inspection Service has Dangerous Mail Investigation (DMI) specialists trained to respond to incidents including unidentified or potentially illegal substances that are found in the mail stream or in postal facilities.

Specific to the opioid epidemic, the Postal Service provided a series of mandatory stand-up talks to employees to provide education regarding the dangers of using opioids and treatment options. The Postal Service plans to continue to provide education to our employees in the coming fiscal year, as well as an opioid awareness training for supervisors on identifying and managing risks related to prescription opioids.

The Postal Service is further coordinating policy changes with the U.S. Department of Labor to shorten the prescription length for opioids given to Postal employees in connection with job-related injuries and illnesses before they are required to provide documentation from a physician. The Department of Labor recently announced that for injured on-duty workers, it plans to impose additional limitations and reduce the time period that employees can receive opioid prescriptions with prior approval. The Postal Service plans to continue to collaborate with the Department of Labor on this important issue, and we have begun to monitor the opioid trends for our employees as part of the workers' compensation program.

3. You highlighted the role of naloxone in protecting your employees and the public. There was legislation that passed last Congress focused on ensuring that CBP has tools to screen for fentanyl, and a similar bill introduced to allow local law enforcement agencies to screen – but it seems like that is only part of the solution, and that Congress could work on similar legislation to ensure there is access to adequate supplies of naloxone to protect your employees and the public.

So, I wanted to ask both you if you would support Congress providing funding to increase the deployment of naloxone to your employees?

Response:

As we indicated in a previous answer, the Postal Service has prioritized its funding of naloxone response kits to those employees that have the highest potential exposure to products in the mail containing fentanyl. After our Phase II deployment of the naloxone kits, approximately 75% percent of our workforce will have access to the naloxone nasal spray. That said, given our current fiscal challenges and our ongoing efforts to return us to a financially sustainable path, the Postal Service would support a

decision by Congress to provide funding to increase the deployment of naloxone to our employees.