



TESTIMONY OF

TODD C. OWEN
Executive Assistant Commissioner
Office of Field Operations

U.S. Customs and Border Protection
Department of Homeland Security

For a Hearing

BEFORE THE

United States House of Representatives
Committee on Ways and Means, Subcommittee on Trade

ON

“The Opioid Crisis: Stopping the Flow of Synthetic Opioids in the International Mail System”

April 25, 2018
Washington, D.C.

Introduction

Chairman Reichert, Ranking Member Pascrell, 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 illicit drugs, including synthetic opioids, into the United States through international mail and express consignment carrier (ECC) shipments.

As America's unified border security agency, CBP plays a critical role in the Nation's efforts to keep illicit drugs from harming the American public. CBP personnel interdict drugs at and between our ports of entry (POEs) and multiple international mail and ECC facilities, leveraging targeting and intelligence-driven strategies and working with our partners, including the U.S. Postal Service (USPS), the U.S. Postal Inspection Service (USPIS), the U.S. Department of State (DOS), the U.S. Food and Drug Administration (FDA), and U.S. Immigration and Customs Enforcement (ICE), to combat Drug Trafficking Organizations (DTOs) as part 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 many.

Illicit Drug Trends, Interdictions, and Challenges

The smuggling of illicit synthetic drugs in the international mail and ECC environments poses a significant threat, one which is exacerbated by the dramatic increase in the volume of international mail and express consignment shipments. CBP has seen a nearly 50 percent increase in express consignment shipments over the past five years alone. In Fiscal Year (FY) 2013, CBP processed over 76 million express bills. In FY 2017, CBP processed approximately 110 million bills. In FY 2013, CBP and the USPS processed approximately 150 million international mail shipments. By FY 2017, the number of international mail shipments had grown to over 500 million shipments annually.

USPS receives international mail from more than 180 countries, the vast majority of which arrives via commercial air or surface transportation. An increasing number of foreign postal operators provide advance electronic data (AED) to USPS, which is then passed on to CBP to use for targeting potential illicit narcotics. For international mail arriving from foreign postal operators who do not provide AED, CBP officers utilize experience, technology and training to identify items that potentially pose a risk to homeland security and public safety while facilitating the movement of legitimate mail. CBP and the USPS have, however, conducted an AED pilot on express mail and e-packets from select countries, which is now operational at five of our main International Mail Facilities (IMFs) to target high-risk shipments, with plans for further expansion. The USPS is responsible for locating targeted shipments and delivering them to CBP for examination.

Thus far in FY 2018, CBP has interdicted 186 shipments of fentanyl at the John F. Kennedy (JFK) International Airport IMF, one of the five locations where the AED pilot program is currently operating. One hundred and twenty-five of those interdictions can be attributed to AED targeting. For example, on January 9, 2018, CBP officers assigned to the JFK IMF processed one seizure of benzoyl fentanyl that arrived in an e-packet mail parcel from China. The parcel was targeted in the Automated Targeting System (ATS) using AED. During the examination of the parcel, an unknown white powder was discovered. The parcel was referred for testing and was positively identified as benzoyl fentanyl. The benzoyl fentanyl was seized and, as a result, a joint law enforcement controlled delivery was conducted and a suspect was arrested and charged.

The detection of illicit synthetic drugs remains challenging in the postal environment. However, recent agreements regarding AED between USPS and foreign postal operators have increased CBP's ability to target high-risk shipments. The USPS currently receives AED for mail parcels from an increasing number of foreign postal operators around the world, totaling over 40 percent of all international mail shipments with goods. Limited advance manifest data on parcels, as well as the sheer volume of mail and potentially hazardous nature of various types of illicit drugs, present challenges to CBP's interdiction efforts in the international mail environment.

CBP, in close coordination with USPS and FDA, provided technical assistance on the pending *Synthetics Trafficking and Overdose Prevention (STOP) Act* to address these challenges in a multi-phase process which emphasizes risk-assessment, technology, and collaboration across the Federal government and with our international partners. We support efforts to expand the ability of USPS to collect fees to help offset the additional cost associated with building the capacity of foreign postal operators to implement AED collection, to develop new scanning technology, and to greatly increase the availability of AED for international mail.

CBP, USPS, and DOS continue to also work with foreign postal operators to highlight the benefits of transmitting AED. CBP will continue to collaborate with USPS to address the issue of AED availability through its participation on U.S. delegations to meetings of the Universal Postal Union (UPU), which is working to expand and drive the use of AED globally in ways consistent with the United States' international obligations as a member of the UPU.

Illicit Drug Trends

Dozens of different types of illicit synthetic drugs, also called "designer drugs," are currently being sold abroad and shipped to drug traffickers or end-users in the United States via the international mail and ECCs, including synthetic opioids such as fentanyl and fentanyl analogues, synthetic cannabinoids,¹ and synthetic cathinones.² CBP seizures of illicit fentanyl, the most frequently seized fentanyl-class compound,³ remain relatively small compared to other opioids

¹ Synthetic cannabinoids are drugs that do not contain marijuana but are pharmacologically similar to tetrahydrocannabinol (<https://www.cdc.gov/mmwr/volumes/65/wr/mm6527a2.htm>).

² Synthetic cathinones, more commonly known as "bath salts," are synthetic drugs chemically related to cathinone, a stimulant found in the khat plant (<https://www.drugabuse.gov/publications/drugfacts/synthetic-cathinones-bath-salts>).

³ While illicit fentanyl is the most frequently-seized synthetic opioid, CBP has also encountered eighteen fentanyl analogues, including acetylfentanyl, butyrylfentanyl, β -hydroxythiofentanyl, α -methylacetylfentanyl, p-fluorobutyrylfentanyl, p-fluorofentanyl, pentanoylfentanyl (a.k.a. valerylfentanyl), 2-furanylfentanyl, p-

such as heroin,⁴ but involve a more potent substance and have significantly increased over the past several years, from approximately two pounds seized in FY 2013 to approximately 544 pounds seized in FY 2016,⁵ and approximately 1,296 pounds seized in FY 2017. More than 790 pounds have already been seized CBP in FY 2018.⁶

Illicit synthetic drugs are often purchased from foreign sellers through online transactions. The drugs are then shipped to the United States and delivered to domestic purchasers – DTOs and individuals – primarily via USPS or ECC. DTOs and individual purchasers move synthetic drugs such as illicit fentanyl in small quantities, making detection and targeting a significant challenge. Follow-on investigations, which are conducted by ICE, are also challenging because these shippers are often not the hierarchically structured DTOs we encounter in other environments.

In FY 2017, CBP made 118 seizures of illicit fentanyl totaling approximately 240 pounds in the ECC environment and 227 seizures totaling approximately 92 pounds of illicit fentanyl in the international mail environment. CBP also made 65 seizures of fentanyl at land POEs totaling approximately 853 pounds. In addition to illicit fentanyl, purchasers can also access open source and dark web marketplaces for the tools needed to manufacture synthetic drugs. Fentanyl, powdered fentanyl, pill presses, and binding agents can all be purchased online and then shipped into the United States.⁷ In FY 2014, 24 seizures of pill presses and tablet machines were made by CBP officers. The number had increased to 92 in FY 2017.

The majority of illicit fentanyl in the international mail and ECC environments is shipped in purities of over 90 percent, whereas the majority of fentanyl in the land border environment is seized in purities of less than 10 percent. It is important to note that the fentanyl seized on the Southern border in lower concentrations is often ready for sale to the end-user. The higher purity of fentanyl seized in the international mail and ECC environments is often intended to be mixed and repackaged by a distributor.⁸

International Mail and Express Consignment Carrier Operations

In the ECC environment, shipments are processed at 25 established facilities located throughout the United States. Prior to arrival of the express parcels, CBP reviews the manifest information transmitted by the ECC operators and targets those high-risk packages requiring examination. For example, on November 23, 2017, CBP officers assigned to the Federal Express Consignment Hub in Memphis, Tennessee, seized over six pounds of methamphetamine in a shipment manifested as

fluoroisobutyrylfentanyl, n-hexanoylfentanyl, carfentanil, benzodioxolefentanyl, acrylfentanyl, 2,2'-difluorofentanyl, methoxyacetylfentanyl, benzoylfentanyl, cyclopropylfentanyl, and hydrocinnamoylfentanyl.

⁴ In FY 2017, CBP officers and agents seized or disrupted over 1.9 million pounds of narcotics across the country, including over 60,000 pounds of methamphetamine, over 330,000 pounds of cocaine, and over 4,800 pounds of heroin.

⁵ This includes approximately 440 pounds seized at POEs (including mail and ECC facilities) and 104 pounds seized at U.S. Border Patrol checkpoints.

⁶ Effective 03/01/2018

⁷ U.S. law enforcement suspects that there are also some clandestine fentanyl milling and production labs in Mexico. These labs likely obtain precursor chemicals and fentanyl for milling and tableting from China.

⁸ According to DEA, 2.2 pounds (one kilogram) of pure fentanyl can make approximately 500,000 pills with a retail cost per pill between \$10-\$20. <https://www.DEA.gov/druginfo/fentanyl-faq.shtml>

religious articles. ICE was notified and a controlled delivery was conducted that resulted in the apprehensions of two individuals.

Due to the complex tracking systems used by ECCs, when CBP identifies a high-risk shipment in the ECC environment, an electronic hold is placed and the carrier is notified 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 upon arrival at an air hub. All parcels presented to CBP for examination are subjected to Non-Intrusive Inspection (NII) to include x-ray imaging. CBP operates in all 25 facilities nationwide.

On parcels for which USPS does not receive AED, CBP can request specific international mail packages be presented for inspection. USPS relies on a manual process to locate the parcel. As USPS is able to present these, CBP x-rays the packages and physically examines those deemed to be high-risk. On shipments for which USPS and CBP receive AED, an electronic hold is placed and USPS is notified that a particular parcel needs to be presented to CBP for inspection, streamlining the process and enhancing CBP's targeting capabilities.

For example, through joint efforts at the Chicago IMF- another location where the AED pilot program is in place- CBP assisted ICE with a controlled delivery based on two Chicago IMF seizures of approximately one pound of MDMA, commonly known as ecstasy, in late October 2017. The controlled delivery resulted in discovery of 2.3 pounds of MDMA, 175 hydrocodone tablets, 630 Xanax® tablets, 36 ecstasy tablets, two pill presses and lab equipment for manufacturing ecstasy and Xanax®, one pistol with the serial number removed and six rounds of ammunition, as well as \$11,329. The controlled delivery resulted in the arrest of one suspect on charges related to controlled substance possession and trafficking, as well as possession of a defaced firearm.

CBP Resources and Capabilities to Target, Detect, and Interdict Illicit Drugs

Thanks to the support of Congress, CBP has and continues to make significant investments and improvements in our drug detection, identification, and targeting capabilities. These resources, along with enhanced information sharing and partnerships, are critical components of CBP's ability to detect and deter the entry of illicit drugs in the international mail and ECC environments.

Advance Information and Targeting

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 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.⁹ This information is automatically fed into CBP's ATS, a secure intranet-based enforcement and decision support system that compares cargo and conveyance information against intelligence and other enforcement data.

⁹ Under TSA regulations, international mail destined for the United States is considered cargo and, as a result, is subject to all existing security controls. These security controls, which include screening for unauthorized explosive,

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, including international mail, 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 the cargo/shipment 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. ICE Special Agents and USPIA Inspectors are embedded at the NTC to support these efforts and support investigations. The NTC works in close coordination with several pertinent task forces including the Department of Justice's (DOJ) Organized Crime Drug Enforcement Task Forces (OCDETF), the Office of National Drug Control Policy's (ONDCP) High Intensity Drug Trafficking Areas, as well as the Department of Homeland Security's Joint Task Forces, the DOJ's Federal Bureau of Investigation and DEA, the FDA Office of Criminal Investigations, and members of the Intelligence Community.

Detection Technology and Canines

CBP officers utilize a variety of technologies including NII, spectroscopic equipment, wet chemical testing, and narcotics detection canines to detect and presumptively identify illicit drugs at international mail and ECC facilities. Canine operations are an invaluable component of CBP's counternarcotic operations. CBP canine teams work at international mail and ECC facilities to examine millions of foreign mail shipments coming into the United States from all parts of the world. At the Chicago Field Office in FY 2018 canine teams have contributed to 15 finds totaling 14.40 pounds of fentanyl, all in the international mail and ECC environments.

Synthetic opioids present challenges to canine teams due to the toxicity of the drug and the associated potential danger to the health and safety of the canines and their handlers. To address this, CBP created a Fentanyl Detection Canine Pilot Course in 2017. As of November 23, 2017, all Office of Field Operations (OFO) concealed human and narcotic detector dogs working in the international mail and ECC environments have been trained to detect fentanyl. All but one of CBP's concealed human and narcotic detector dog teams have been trained to detect fentanyl across OFO's work environments, with the remaining team scheduled to be trained by May 4, 2018. All future OFO concealed human and narcotic detector dog teams will graduate fentanyl certified. CBP continues to conduct special research to determine the detection and identification of signature odor profiles for fentanyl compounds to aid in our detection capabilities.

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: "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 also classified as cargo. Aircraft operator security programs further define the terms 'cargo' and 'non-U.S. Mail'." 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.

As the narcotics seized through the international mail and at ECC facilities usually have a very high purity, CBP officers at IMFs and ECC facilities use various field testing devices to rapidly screen suspected controlled substances and obtain presumptive results. Using CBP's Laboratories and Scientific Services Directorate (LSSD) Field Triage Reachback Program, CBP officers can transmit sample data directly to LSSD for scientific interpretation and identification.¹⁰ When any synthetic opioids are detected by the reachback program, LSSD notifies key CBP personnel at the NTC, as well as our liaisons at the U.S. Drug Enforcement Administration (DEA). CBP 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.¹¹

In 2016, CBP pilot tested four handheld tools and a new reagent test kit to provide immediate presumptive testing for fentanyl. Based on the results of the pilot, OFO procured 12 systems for further testing across San Diego, Tucson, El Paso, and Laredo Field Offices. Last year, over 90 handheld analyzers were purchased for deployment. Handheld analyzers improves officer safety, and provides a near real-time capability to increase narcotic interdiction.

Technology and canine detection capabilities are critical components of CBP's security operations at international mail and ECC facilities. These capabilities are used in conjunction with advance information and targeting capabilities to effectively and efficiently detect and interdict dangerous illicit drugs. Thanks to the support of Congress, the *International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology Act* or the INTERDICT Act, authorized to be appropriated to the Commissioner of CBP \$9 million to ensure that CBP has sufficient resources and personnel, including scientists and chemical screening devices, to enhance CBP's drug interdiction mission and provide for additional scientists to process lab tests expeditiously.

Workforce Protection

CBP's frontline operations, including drug interdiction activities, are extremely hands-on. The potential for contact with dangerous substances—especially illicit synthetic opioids—is a very real health and safety risk to law enforcement personnel and canines. For example, in its pure powder form, fentanyl is approximately 50-100 times more potent in its intensity, speed of action, and effect on organs than morphine, and, at first glance, it is often mistaken for other drugs, which appear as white powders such as cocaine or heroin.

Explicit instructions, including guidance to canine handlers, have been distributed to the field regarding the safe handling of fentanyl. In October 2015 CBP completed the first phase of a pilot program to train and equip CBP officers with naloxone, a drug for the treatment of opioid overdose. CBP officers at seven participating POEs¹² received training on recognizing the signs

¹⁰ At some POEs, officers also use spectroscopy and handheld narcotics analyzer equipment that have the ability to make presumptive identifications of illicit substances.

¹¹ Since the inception of the program, LSSD has triaged 29,837 submissions within a business day and has contributed to many controlled deliveries because of the rapid turnaround.

¹² Phase I Naloxone Pilot Program POEs include El Paso, Laredo, Fort Lauderdale International Airport, John F. Kennedy International Airport, San Luis, San Ysidro, and Seattle/Blaine.

and symptoms of opioid overdose, administering naloxone, and CPR. In February 2016, CBP expanded the pilot to an additional eight POEs, deploying 602 intranasal naloxone administration kits.¹³ To date, OFO has deployed over 1,100 two-dose boxes of naloxone to the field. Additional naloxone is being deployed to field offices upon request, as additional personnel are trained in its administration. The naloxone program has also expanded to LSSD to help protect its scientists in both its main and satellite laboratories. CBP was the first Federal law enforcement agency to implement such a program.

Information Sharing and Operational Coordination

Information sharing is critical to targeting and interdicting shipments containing illicit drugs. 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.

Collaboration with our partners yields results. For example, the Chicago Field Office Tactical Analytical Unit initiated “Operation Mad Dog” in February 2017 to target international mail shipments suspected of containing illicit fentanyl and refer those shipments to our law enforcement partners across the country—including ICE and state, local, territorial, and tribal partners. Controlled deliveries have resulted in 37 arrests. Successes attributed to this operation to date also include the seizure of approximately 57 pounds of fentanyl, multiple firearms, cash and crypto-currency, and the disruption of a major domestic dark web distributor of illicit fentanyl.

On January 31, 2018, ICE and the New Orleans Police Department collaborated with CBP on a controlled delivery of tramadol, a synthetic opioid, in New Orleans. The suspect accepted the tramadol and was arrested on-site. The residence was searched and 27,500 tramadol pills, 15,010 soma pills, one bag of marijuana, two handguns and \$4,000 were discovered and promptly seized.

CBP is a key partner in the implementation of the ONDCP’s Heroin Availability Reduction Plan. CBP also utilizes the DOJ’s Nationwide Deconfliction System operated by DEA, conducting interagency deconfliction and coordination, and is working with the Heroin and Fentanyl Working Group with DEA, OCDETF Fusion Center, and ICE officials.

Conclusion

There is no single entity or single solution that can stop the flow of illicit drugs into the United States or keep them from harming the American public. Tackling this complex threat involves a united, comprehensive strategy and an aggressive approach by multiple entities across all levels of government. With the support of Congress, CBP will continue to expand our targeting efforts and deepen our partnerships across government and around the world. We look forward to working with Congress to find legislative solutions that facilitate legitimate trade while protecting the lives of Americans.

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

¹³ Phase 2 Naloxone Pilot Program POEs include Miami Int’l/Miami Seaport, Boston, Buffalo, Detroit, Newark, Chicago, Houston Int’l/Houston Seaport, and Dallas.