



# **Durbin, Kennedy Urge Dea To Use Its Authority To Reduce Excessive Opioid Production Quotas**

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WASHINGTON – U.S. Senators Dick Durbin (D-IL) and John Kennedy (R-LA) today urged the Drug Enforcement Administration (DEA) to apply its authorities to prevent and limit the pharmaceutical industry’s excessively high opioid production levels. Durbin and Kennedy were authors of the 2018 legislation that enhanced DEA’s opioid quota-setting authority by improving transparency and enabling DEA to adjust quotas to prevent opioid diversion and abuse while ensuring an adequate supply for legitimate medical needs. In a letter to Acting Administrator Timothy Shea, the Senators encouraged DEA to use this authority to rein in the pharmaceutical industry’s incessant demand for excessive levels of opioid production. Today’s letter comes amid a recent surge in opioid overdose deaths linked to the COVID-19 pandemic, and after the Centers for Disease Control and Prevention (CDC) reported that fatal drug overdoses increased in 2019 to the highest ever level.

“While we appreciate the initial steps taken in recent years to reduce the aggregate production quotas for schedule II opioids, we remain concerned that they are still higher than necessary to meet legitimate medical needs,” wrote the Senators. “As powerful painkillers are aggressively marketed and prescribed at high rates, this sheer volume of available opioids heightens the risk for illicit diversion and abuse.”

Durbin and Kennedy also expressed concern over DEA’s explanation in its 2019 proposed rule that its estimate of diversion—for the purpose of setting the aggregate production quotas—was only based upon reported theft loss and seizures, and that DEA was failing to consider public health, opioid sales, addiction and overdose, or death data, as required by law.

“While we appreciate the challenges in directly linking patient overdoses to a specific controlled substance, DEA cannot merely ignore or discard this essential information

from the quota-setting process ... The statute is clear that DEA must exercise its quota authority to serve as a gatekeeper and weigh the public health impact of how many opioids it allows to be sold each year in the United States,” wrote the Senators.

The DEA is responsible for establishing annual quotas determining the exact amount of each opioid drug that is permitted to be produced in the U.S. each year. Between 1993 and 2015, DEA allowed aggregate production quotas for oxycodone to increase 39-fold, hydrocodone to increase 12-fold, hydromorphone to increase 23-fold, and fentanyl to increase 25-fold. As a result, tens of billions of painkillers flooded the market in every corner of the nation, which ignited the current opioid epidemic. After two decades of dramatic increases to the volume of opioids allowed to come to the market, the DEA has heeded Durbin and Kennedy’s call over the past four years to help prevent opioid addiction by responsibly reducing nearly all opioid quotas.