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RANKING MEMBER

ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6115

Majority (202) 225–2927
Minority (202) 225–3641

May 3, 2012

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Ave., S.W.
Washington, D.C. 20201

Dear Attorney General Holder and Secretary Sebelius:

We write to you following a March 1, 2012, Subcommittee on Commerce, Manufacturing, and Trade hearing on prescription drug diversion. Witnesses at the hearing provided compelling testimony regarding the magnitude of prescription drug abuse – a still growing epidemic - and its impact on the lives of American families.

As Members on the Committee on Energy and Commerce, we are interested in determining the best way to ensure that the Drug Enforcement Administration (DEA) and Department of Health and Human Services work with health care stakeholders, including doctors, pharmacists, distributors and manufacturers, and law enforcement to implement the most up-to-date and comprehensive strategies to fight prescription drug abuse and diversion. We also recognize that a delicate balancing act is required to preserve access for patients with legitimate needs for controlled substances such as pain medications.

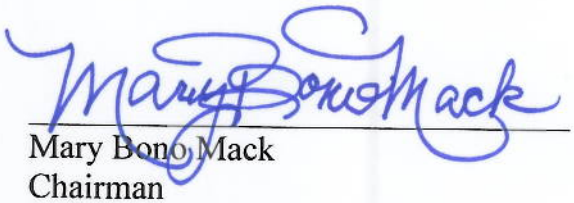
At the March 1 Subcommittee hearing, DEA Deputy Assistant Administrator Joseph Rannazzisi testified regarding the agency's ongoing work to combat prescription

drug diversion. In addition, industry representatives testified regarding their efforts to comply with relevant law and regulations. Notably, in listening to the testimony we heard significantly different points of view regarding the extent of information and guidance available to industry from the DEA. As a matter of public policy, Congress should consider whether clear guidance from the DEA and better communication between the DEA and industry stakeholders would better ensure that all participants in the supply chain understand and perform their legal and ethical responsibilities.

With that in mind, we ask you to consider a comprehensive review of the current approaches of the Federal government, industry, public health, and law enforcement to address diversion and the prescription drug abuse epidemic in America. We also ask that you consider engaging an independent group of credible experts to study the current approaches and report back with recommendations to improve or supplement such efforts. Given the extent of the problem we believe close collaboration among all participants in the health care system and law enforcement will be necessary to move us closer to solving the problem. Undoubtedly such an analysis would inform the efforts of Congress, the Department of Health and Human Services and the Department of Justice in developing a more effective prevention and enforcement strategy. With nearly 30,000 Americans dying each year from prescription drug abuse, we hope you will seriously consider endorsing such an endeavor.

We look forward to hearing your thoughts on this proposal. Please contact Committee staff Gib Mullan at (202) 225-2927 if you have any questions.

Sincerely,



Mary Bono Mack
Chairman
Subcommittee on Commerce,
Manufacturing, and Trade

Marsha Blackburn
Vice Chairman
Subcommittee on Commerce,
Manufacturing, and Trade

cc: The Honorable Michele Leonhart, Administrator
Drug Enforcement Administration

The Honorable Fred Upton, Chairman

The Honorable Henry A. Waxman, Ranking Member

The Honorable G. K. Butterfield, Ranking Member
Subcommittee on Commerce, Manufacturing, and Trade