September 30, 2016

The Honorable Charles P. Rosenberg
Administrator (Acting)
Drug Enforcement Administration
Lincoln Place-West
700 Army Navy Drive
Arlington, VA 22202

Dear Acting Administrator Rosenberg:

We write today in regards to the Drug Enforcement Administration (DEA) Notice of Intent Docket No. DEA 442, the Temporary Placement of Mitragynine and 7-Hydroxymitragynine (commonly known as "Kratom") into Schedule I. This Notice provides the Senate an opportunity to review the current DEA practices and gather additional information on how evidence is selected for scheduling decisions.

The standard required for triggering the emergency scheduling authority under the Controlled Substances Act (CSA)[1] requires an immediate threat to the public safety based on a public record of injuries or deaths caused by the substance being recommended for scheduling. Congress granted emergency scheduling authority to the DEA based on the need for law enforcement interdiction of new and previously unknown illegal synthetic street drugs that result in injuries and death. The use of this emergency authority for a natural substance is unprecedented, so it is important to determine whether the circumstances here necessitate a jump to Schedule I.

Congress has established a specific set of review protocols for scheduling decisions that will create significant disruption in the marketplace that allows for the full engagement of consumers, researchers, health professionals, law enforcement officials, and other stakeholders. Given the long reported history of Kratom use, coupled with the public's sentiment that it is a safe alternative to prescription opioids, we believe using the regular review process would provide for a much-needed discussion among all stakeholders. We understand the DEA's desire to uphold public health and safety, and we share the goal of seeing unsafe products removed from the market. However, hearing multiple perspectives allows for more fulsome decision-making.

Given the extremely short timeframe for the implementation of the proposed DEA scheduling order, we urge you to take appropriate steps to delay the order to allow both for a public

[1] Section 201(h)(4); 21 U.S.C. 811(h)(4).

comment period and sufficient time for the DEA to outline its evidentiary standards to Congress regarding the justification for this proposed action.

Sincerely.