

Congress of the United States
Washington, DC 20515

October 2, 2023

The Honorable Joseph R. Biden Jr.
President of the United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20200

Dear President Biden:

We appreciate the Biden-Harris Administration's commitment to public safety and your support for harm reduction approaches to the overdose crisis. Illicit fentanyl continues to inflict serious harm on people, families, and communities across the nation. We urge you to develop and publicly announce a national fentanyl harm reduction strategy specifically focused on enhancing our public health infrastructure and addressing the collateral consequences that stem from drug arrests and convictions. This strategy should support increased availability of local overdose prevention centers (OPCs) and expanded access to vital medical interventions, including naloxone, drug testing strips, sterile syringes and pipes, methadone, and buprenorphine.

According to the most recent data from the Centers for Disease Control and Prevention (CDC), as many as 109,593 people in the United States died of drug overdoses in the 12-month period ending in January 2023.¹ Of this figure, a staggering 67% of deaths involved synthetic opioids such as fentanyl. Fentanyl is involved in more deaths of Americans under the age of 50 than any cause of death, including heart disease, cancer, homicide, suicide, and other accidents.²

Harm reduction is an effective public health approach that emerged in the 1980s as a means to prevent HIV, viral hepatitis, and other blood-borne illnesses for the millions of people who found it difficult to maintain abstinence but were at risk for these illnesses. This health approach is critical to mitigating the physical and emotional harm caused by substance misuse. To enhance harm reduction efforts, your Administration should:

- Deploy federal resources to enable agencies to better identify and repeal collateral consequences that result from drug possession arrests and convictions, such as the drug felony ban on federal food security programs;
- Improve equitable access to effective harm reduction services — which involves an examination of barriers that community-based syringe services programs may face in applying for federal funds, such as reporting requirements that incorporate personally identifiable information — and adopt policies that minimize those barriers; and

¹ @NCHS, Twitter (June 14, 2023), <https://twitter.com/NCHStats/status/1668982878355566597>.

² U.S. Drug Enforcement Administration, *Fentanyl awareness*, <https://www.fentanylawarenessday.org/>.

Fentanyl Harm Reduction

- Close research gaps and undertake a comprehensive evidence review on the role of the distribution of safer smoking supplies in harm reduction measures, including engagement and retention, risks for overdose and infectious diseases, referral and linkage to other services, and health equity.

Furthermore, strong evidence indicates that OPCs reduce the transmission of HIV and hepatitis, prevent overdose deaths, reduce public injections and the volume of shared or discarded syringes, and increase the number of drug users who enter treatment programs.³ The Biden-Harris Administration should set forth federal policy to support the availability and expansion of OPCs as effective harm reduction tools.

The Administration must place a renewed focus on removing barriers to vital medicines that exacerbate health inequities, particularly obstacles to methadone and buprenorphine (used to treat opioid use disorders), and naloxone (used to reverse opioid overdoses). The Office of National Drug Control Policy should work with the Substance Abuse and Mental Health Services Administration and the Drug Enforcement Administration to make permanent the temporary waiver for buprenorphine that enables more stable patients to take these medications at home. Additionally, the Administration should continue to maintain take-home flexibility for methadone and further remove restrictions on mobile delivery, and work to expand access. Furthermore, following the March 2023 approval of over-the-counter naloxone in nasal spray form, the Food and Drug Administration should remove the prescription requirement for intramuscular naloxone.

Fentanyl is 50 to 100 times more potent than morphine and is geographically widespread, impacting every corner of this country. The illicit fentanyl crisis did not arise in a vacuum — it was made possible by sustained, shortsighted U.S. drug policy focused on supply-side interventions which, in decreasing access to one harmful substance, create the conditions for more potent and dangerous drugs to take its place. Further criminalizing fentanyl and doubling down on punitive drug policies only complicates our efforts to address the overdose crisis; people are deterred from seeking needed medical help and illicit drug manufacturers and sellers are incentivized to create new and increasingly deadly drugs that aren't covered by existing criminal laws.

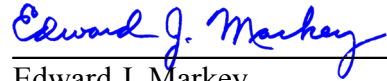
With the Biden-Harris Administration's recent announcement of a plan to address the growing threat of fentanyl, we urge you to take every opportunity to prevent fentanyl-related overdoses from claiming scores of American lives daily. Implementing effective harm reduction strategies as part of this effort is a step in the right direction.

Sincerely,

³ See Drug Policy Alliance, Issues, *Overdose Prevention Centers (OPCs)*, <https://drugpolicy.org/issue/overdose-prevention-centers-opcs/>.



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Member of Congress



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United States Senator



Elizabeth Warren
United States Senator



Maxine Waters
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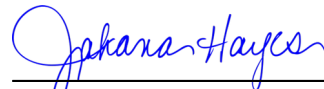
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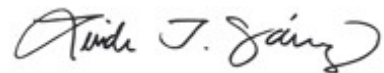
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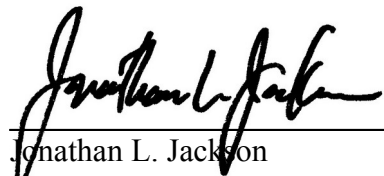
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Linda T. Sánchez
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Darren Soto
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Jonathan L. Jackson
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Fentanyl Harm Reduction

The Honorable Xavier Becerra, U.S. Secretary of Health and Human Services
The Honorable Rahul Gupta, Director, Office of National Drug Control Policy