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January 13, 2022

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Blinken,

As the Attorneys General of the States of West Virginia, Arizona, Alabama, Alaska, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Mississippi, Missouri, Montana, South Carolina, South Dakota, and Texas, we write to you concerning a grave and rising threat against our people: China's complete unwillingness to police the production and distribution of fentanyl precursors and Mexico's subsequent failure to control illegal manufacturing of fentanyl using those precursors.

This country has suffered from a deadly opioid epidemic for over a decade. For years, Chinese chemical manufacturers played a key role in this crisis by making and shipping fentanyl directly to the United States. After years of pressure by our government, China finally began taking action against illicit fentanyl manufacturing within China in 2019.

Unfortunately, the situation is now worse than ever because China has not actually ended its involvement in fentanyl production—it has only outsourced parts of it. Chinese chemical manufacturers are now making and sending the raw ingredients to make fentanyl to Mexican drug cartels, which are in turn making and trafficking fentanyl at an industrial scale. But in the face of this evolving and significant problem, the federal government has seemed content to stand by. We therefore write to insist on a fulsome and urgent response to this escalating plague killing our people every day.

Before 2019, "U.S. law enforcement authorities identified China as the most prevalent source of direct shipments of fentanyl and fentanyl analogues reaching the United States, primarily through international postal services and direct consignment shipping." Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State, *International Narcotics Control Strategy Report* 78 (Mar. 2021).

Beginning in 2019, “China took significant steps . . . to reduce the production of illicit fentanyl by enacting controls over all forms of fentanyl as a class and undertaking greater enforcement efforts against producers.” *Id.* at 3. China “enacted a class-based approach to control fentanyl-related substances and initiated new enforcement measures targeting illicit fentanyl labs.” *Id.* at 78-79. This shift directly resulted from the State Department’s diplomatic efforts. But the fentanyl problem in China has not been eliminated—only transformed. Almost immediately after China implemented its new enforcement efforts, another shift happened: “precursor chemicals used by criminals to produce fentanyl” were increasingly “diverted on an alarming scale from supply chains sourced to China.” *Id.* at 3.

All available evidence shows “pronounced shifts in fentanyl and fentanyl analogue flows to the United States,” following China’s stepped up enforcement in 2019. *Id.* at 79. The Department of State itself has acknowledged “fentanyl trafficking into the United States appears to be trending away from direct mail and consignment shipping to overland traffic across U.S. southern and (to a lesser extent) northern borders.” *Id.* Indeed, the Department notes that “seizures of fentanyl directly shipped from China to the United States shrunk dramatically from over 128 kilograms seized in 2017 to less than half a kilogram in 2020.” *Id.* Today, “[m]ost fentanyl available in the United States” has been “trafficked from Mexico across the U.S. Southwest border,” where “seizures increased from approximately 1,187 kilograms in 2019 to approximately 2,939 kilograms in 2020.” *Id.*

As a result of this dramatic shift, while “U.S. Customs and Border Protection has detected or seized almost no shipments of fentanyl or fentanyl analogues coming from the PRC since September 2019, . . . fentanyl-related overdoses and seizures have continued to increase in the United States.” *Id.* at 110. In short, “[t]raffickers have adapted their strategies, resulting in the shipment of synthetic opioid precursor chemicals from the PRC to Mexico as well as greater fentanyl production and shipment from Mexico to the United States.” *Id.*¹

The situation today is worse than ever before. According to the most recent CDC statistics, fentanyl and other synthetic opioids killed 64,178 Americans between May 2020 and April 2021. CDC, VSRR Provisional Drug Overdose Death Counts (Dec. 9, 2021), available at data.cdc.gov/NCHS/VSRR-Provisional-Drug-Overdose-Death-Counts/xkb8-kh2a/. That figure reflects an increase of more than 25,000 deaths from 2019. *Id.* Nearly all the recent national increases in drug overdose deaths are due to fentanyl and other synthetic opioids, with deaths from other drugs remaining flat or increasing only slightly. As more Chinese precursors feed a Mexican drug-manufacturing apparatus in which adulteration is more common, overdose can only be expected to rise further.

¹ See also, e.g., U.S.-China Economic And Security Review Commission, *Illicit Fentanyl from China: An Evolving Global Operation* (Aug. 24, 2021) (“Since China’s government scheduled fentanyl, the amount of finished fentanyl shipped directly from China to the United States has declined, while the amount shipped from Mexico has increased . . . Chinese traffickers have shifted from primarily manufacturing finished fentanyl to primarily exporting precursors to Mexican cartels, who manufacture illicit fentanyl and deliver the final product.”); Congressional Research Service, *China Primer: Illicit Fentanyl and China’s Role* (Jan. 29, 2021) (“China has not taken action to control additional fentanyl precursors, following China’s listing of two fentanyl precursors, NPP and 4-ANPP, as controlled substances in February 2018. . . . [A]fter China controlled NPP and 4-ANPP, Chinese traffickers shifted to sending not yet controlled chemicals to Mexico (such as 4-AP).” (cleaned up)).

And indeed, at the state level, we are seeing an extraordinary tide of senseless death from fentanyl. For example, in 2020, nearly 1,000 West Virginians were killed by fentanyl, accounting for three out of every four drug deaths in the State. Alarming, fentanyl deaths nearly doubled from 2019 to 2020 in West Virginia. See West Virginia Department of Health and Human Resources, WV Overdose Trends (2021). Consistent with the national trends, almost 100% of the increase in drug overdose deaths in West Virginia in 2020 trace to fentanyl. Fentanyl related deaths in Montana increased 116% from 2019 to 2020. Through May of 2021, there were 22 confirmed fentanyl-related fatalities, including 11 in just one month. In Florida, fentanyl was the leading cause of drug deaths in 2020, and deaths caused by fentanyl increased 63 percent. From 2019 to 2020, Alaska saw a 287% increase in the number of fentanyl overdose deaths (from 15 in 2019, to 58 in 2020).

And while there is significant lag in data reporting, the latest available information at the state level shows that the increase in drug deaths that began in 2019 is only getting worse. In Virginia, for example, 1,020 people died from fentanyl overdoses in the first half of 2021 alone—227 more deaths than in the first half of 2020. See Virginia Department of Health, Office of the Chief Medical Examiner, Fatal Drug Overdose Quarterly Report 2nd Quarter 2021 (Oct. 2021). Preliminary unpublished data in Alaska indicates that fentanyl overdose deaths are on pace to nearly double in 2021, compared to 2020.

The Department of State must act. Our States depend on the federal government and the Department to represent the vital interests of our people to foreign governments. The Department must make it plain to China that the country is not doing enough.

Though China may have taken some initial steps to address domestic production of fentanyl itself, it has turned a blind eye as its citizens have forged an international triangle of death with Mexico. Everyone now understands that Chinese drug producers are shipping fentanyl precursors to Mexico, where cartels make them into fentanyl and traffic it overland into the United States. Even so, “[p]erpetrators caught mislabeling precursor shipments [in China] often face only civil penalties and small fines rather than criminal charges.” Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State, *International Narcotics Control Strategy Report* 50 (Mar. 2021). And lax enforcement is not the only Chinese problem. “China’s insufficient regulatory oversight of the precursor chemical industry, corruption among government and business officials, lower production costs, myriad transportation options, and illegal factories make it an ideal source for precursor chemicals intended for illicit drug production.” U.S. Government Accountability Office, *GAO-18-205: Illicit Opioids: While greater Attention Given to Combating Synthetic Opioids, Agencies Need to Better Assess Their Efforts* 18 (Mar. 2018). In conditions like these, the Department cannot and should not continue to accept China’s half-a-loaf promises.

Mexico must likewise be pressured to take swift and forceful action against the cartels that are producing finished fentanyl and trafficking this poison across the border into our country. The Mexican government’s negligence in permitting the erection of industrial scale manufacturing of fentanyl is inexcusable. Seeking redress and correction of this cataclysmic failure of Mexico must immediately be elevated to the highest level of bilateral engagement with our Southern neighbor.

With lives on the line, time is of the essence. As representatives of the people of our States, we respectfully request that the Department of State take immediate steps to stem the fentanyl scourge coming from China and Mexico.

Sincerely,



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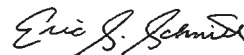
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A handwritten signature in blue ink, appearing to read "Austin Knudsen".

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Ken Paxton
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