



TESTIMONY OF

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ON

“Oversight of Federal Efforts to Combat the Spread of Illicit Fentanyl”

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Introduction

Chairwoman DeGette, Ranking Member Guthrie, and distinguished Members of the Subcommittee, thank you for the opportunity to appear today to discuss the role of U.S. Customs and Border Protection (CBP) in combating the flow of illicit opioids, including synthetic opioids such as fentanyl, into the United States.

In 2017, among 70,237 drug overdose deaths, 47,600 (67.8%) involved opioids, with increases across age groups, racial/ethnic groups, county urbanization levels, and in multiple states.¹ Opioid misuse, addiction, and overdose put a significant strain on law enforcement, healthcare, and social service providers. The opioid crisis is one of the most important, complex, and difficult challenges our nation faces today, and was declared a National Public Health Emergency by President Donald Trump in October 2017.²

As America's unified border agency, CBP plays a critical role in preventing illicit narcotics, including opioids, from reaching the American public. CBP leverages targeting and intelligence-driven strategies, and works in close coordination with our partners as part of our multi-layered, risk-based approach to enhance the security of our borders and our country. This layered approach reduces our reliance on any single point or program, and extends our zone of security outward, ensuring our physical border is not the first or last line of defense, but one of many.

Opioid Trends, Interdictions, and Challenges

From October 1, 2018 through May 31, 2019, U.S. Customs and Border Protection has seized more than 447,500 lbs. of narcotics nationwide, including more than 47,600 lbs. of methamphetamine, more than 47,800 lbs. of cocaine, and more than 3,500 lbs. of heroin.

CBP seizures of illicit fentanyl have also significantly increased from approximately two lbs. seized in FY 2013 to approximately 2,170 lbs. seized in FY 2018. Fentanyl is the most frequently seized illicit synthetic opioid, but CBP has observed fentanyl and 25 of its analogues, as well as 14 unique synthetic opioids that are not from the fentanyl class.³

Illicit drug interdictions in the border environment is both challenging and complex. Drug Trafficking Organizations (DTOs) and Transnational Criminal Organizations (TCOs) continually adjust their operations to circumvent detection and interdiction by law enforcement, quickly taking advantage of technological and scientific advancements and improving fabrication and concealment techniques.

¹ <https://www.cdc.gov/mmwr/volumes/67/wr/mm675152e1.htm>

² <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-taking-action-drug-addiction-opioid-crisis/>

³ These include: acetylfentanyl, butyrylfentanyl, β -hydroxythiofentanyl, α -methylacetylfentanyl, p-fluorobutyrylfentanyl, p-fluorofentanyl, pentanoylfentanyl (a.k.a. valerylfentanyl), 2-furanylfentanyl, p-fluoroisobutyrylfentanyl, n-hexanoylfentanyl, carfentanil, benzodioxolefentanyl, acrylfentanyl, 2,2'-difluorofentanyl, methoxyacetylfentanyl, benzoylfentanyl, cyclopropylfentanyl, and hydrocinnamoylfentanyl.

International Airports

The most pure and potent fentanyl enters the United States at international airports within international mail facilities (IMF) and express consignment courier (ECC) environments. Most of these shipments originate from China, with some also coming from Canada and Mexico.

Illicit fentanyl can be purchased from sellers through online transactions and then shipped via international mail packages or ECCs. DTOs and suppliers move fentanyl in small quantities, making detection a significant challenge.

Along the Southern Border

Although far less pure, most of the illicit fentanyl entering our country by weight does so at ports of entry (POEs) along our southwest border by private vehicles, pedestrian, and commercial vehicles. The reach and influence of Mexican cartels stretch across and beyond the Southwest border, operating through business ties with smaller organizations in communities across the United States. The threat of these cartels is dynamic; rival organizations are constantly vying for control, and as U.S. and Mexican anti-drug efforts disrupt criminal networks, new groups arise and form new alliances.

Along the Northern Border

Illicit fentanyl entering from the Northern border does so by international mail packages and express consignment courier.

CBP Strategy to Combat Opioids

In September of 2018, CBP released the *CBP Strategy to Combat Opioids*. The strategy provides a blueprint to mobilize and prioritize resources in the fight against illicit opioids while allowing for adjustments to be made as the environment evolves. Based on the deadly threat posed by fentanyl and its analogues, CBP is committed to dedicating its resources to thwart the illicit opioid supply chain and the networks promoting it.

The strategy has four strategic goals:

1. Enhance collaboration and information-sharing to combat illicit opioids;
2. Produce actionable intelligence on illicit opioids;
3. Target the illicit opioid supply chain; and
4. Protect CBP personnel from exposure to opioids.

Enhance Collaboration and Information-Sharing

Substantive and timely horizontal and vertical information-sharing is critical to targeting and interdicting illicit drugs. CBP works extensively with our federal, state, local, tribal, and international partners and provides critical capabilities toward the whole-of-government approach to address drug trafficking and other transnational threats at POEs, in our IMFs and ECCs, and along the southwest border, northern border, and coastal approaches. Our targeting, detection and interdiction efforts are enhanced through joint operations and task forces conducted under the auspices of multi-agency enforcement teams. These teams are composed of representatives from international and federal law enforcement agencies who work together with state, local, and tribal

agencies to target drug and transnational criminal activity, including investigations involving national security and organized crime.

The DHS S&T, U.S. Immigration and Customs Enforcement (ICE), the Drug Enforcement Administration (DEA), the United States Postal Inspection Service (USPIS), other law enforcement partners, and international partners collaborate with CBP to identify and disrupt fentanyl smuggling through the National Targeting Center (NTC) and POEs, IMFs, and ECC facilities. These efforts involve advanced targeting and counter network activities and utilization of Non-Intrusive Inspection (NII) technology, canine enforcement teams, new detection technology, and collaboration efforts at local POEs with other law enforcement partner resources.

We also host briefings with federal, state and local partners regarding the current state of the border to monitor emerging trends and threats and provide a cross-component, multi-agency venue for discussing trends and threats. The engagements focus on interdictions and arrests at the border and the interior areas within United States. These briefings also include participants from the Government of Canada and the Government of Mexico.

CBP is a key partner in the implementation of the Office of National Drug Control Policy's Heroin Availability Reduction Plan and utilizes the U.S. Department of Justice's Nationwide Deconfliction System for interagency coordination.

Produce Actionable Intelligence

Actionable intelligence and intelligence products provide policy makers, agency leadership, and the intelligence community with information that can lead to interdiction operations through the identification of tactics, techniques, and flow of drug trafficking. These resources, along with enhanced information sharing and partnerships, are critical components of CBP's ability to identify and deter the entry of dangerous illicit drugs in all operational environments.

Advance Information and Targeting

An important element of CBP's layered security strategy is obtaining advance information to help identify shipments that are potentially at a higher risk of containing contraband. Under section 343 of the *Trade Act of 2002* (Pub. L. No. 107-210), as amended, and under the *Security and Accountability for Every Port Act* or *SAFE Port Act of 2006*, (Pub. L. No. 109-347), CBP has the legal authority to collect key cargo data elements provided by air, sea, and land commercial transport companies (carriers), including ECCs and importers.⁴ This information is automatically fed into the Automated Targeting System (ATS), a secure intranet-based enforcement and decision

⁴ Under TSA regulations, international mail destined for the United States is subject to security controls. These security controls, which include screening for unauthorized explosive, incendiary, and other destructive substances or items in accordance with TSA regulations and security program requirements, are applied to international mail prior to transporting on aircraft at Last Point of Departure locations to the United States. 49 U.S.C. 44901(a) states: "The Under Secretary of Transportation for Security shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft." Under 49 C.F.R. 1540.5, "Cargo means property tendered for air transportation accounted for on an air waybill. All accompanied commercial courier consignments whether or not accounted for on an air waybill, are classified as cargo. Aircraft operator security programs further define the term 'cargo.' These requirements are not dependent on advance electronic manifest data, as provided by ECC operators and other participants in the Air Cargo Advance Screening (ACAS) pilot program.

support system that compares cargo and conveyance information against intelligence and other enforcement data.

National Targeting Center

At CBP's NTC, advance data and access to law enforcement and intelligence records converge to facilitate the targeting of travelers and items of cargo that pose the highest risk to our security in all modes of inbound transportation. The NTC takes in large amounts of data and uses sophisticated targeting tools and subject matter expertise to analyze, assess, and segment risk at every stage in the cargo/shipment and travel life cycles. As the focal point of that strategy, the NTC leverages classified, law enforcement, commercial, and open-source information in unique, proactive ways to identify high-risk travelers and shipments at the earliest possible point prior to arrival in the United States.

To bolster its targeting mission, the dedicated men and women of the NTC collaborate with critical partners on a daily basis. Investigative case data is fused with CBP targeting information to bolster investigations targeting fentanyl smuggling and trafficking organizations. NTC works in close coordination with several pertinent task forces including the Organized Crime Drug Enforcement Task Forces, the High Intensity Drug Trafficking Areas, and the Joint Interagency Task Force-South and West, as well as the DHS Joint Task Forces.

Advance Electronic Data

In the postal environment, recent bilateral agreements regarding advance electronic data (AED) between USPS and foreign postal operators have increased CBP's ability to target high-risk shipments. Additionally, the *Synthetics Trafficking and Overdose Prevention (STOP) Act* requires that DHS prescribe regulations requiring U.S. Postal Service to transmit advance electronic information for international to CBP consistent with the statute. Currently, USPS provides AED from more than 50 foreign postal services, and CBP utilizes the AED to actively target international mail shipments at seven IMFs.

Targeting Precursors

Many of the precursor chemicals that can be used to synthesize synthetic illicit opioids such as fentanyl are currently non-regulated and many have legitimate uses. CBP has sufficient authority to seize precursors if they can be identified as having illicit end-use intentions, including the production of illicit drugs. We target precursor chemicals transiting the United States with destinations to Mexico and other countries. When these shipments are identified through interagency collaboration as having illicit end-use intentions, the shipments are offloaded for further inspection and enforcement actions.

In addition to targeting illicit substances directly, CBP also targets related equipment such as pill presses and tableting machines. DEA regulates pill press/tableting machines and there is an ICE Diversion Coordinator assigned to the DEA, who oversees the investigations of pill press/tablet machine imports being diverted for illicit uses. The Diversion Coordinator works closely with the NTC to identify and target individuals importing and diverting pill press/tablet machines to produce illicit fentanyl and other synthetic drugs.

Pollen Analysis

One capability CBP is using to close intelligence gaps related to the illicit opioid supply chain is palynology, more commonly referred to as pollen analysis. Pollen analysis is conducted by CBP's Laboratories and Scientific Services (LSS) scientists on illicit narcotic shipments that have been seized at the border. The pollen testing has been used to geolocate illicit opioid shipments, which may be used to identify transit routes of illicit opioids. CBP has developed intelligence products based on the pollen analysis and shared it with relevant partners.

Target the Illicit Opioid Supply Chain

CBP, with the support of Congress, has made significant investments and improvements in our drug detection and interdiction technology and targeting capabilities. Our officers utilize a variety of technologies and narcotics detection canines to detect and presumptively identify illicit drugs, including illicit opioids, at international mail and express consignment carrier facilities.

Non-Intrusive Inspection Equipment

CBP utilizes over 326 large-scale and 4,500 small-scale NII x-ray and gamma ray imaging systems to detect the illegal transit of narcotics, including synthetic drugs, hidden within passenger belongings, cargo containers, and in other conveyances entering the United States. Currently, the systems are primarily deployed in secondary inspection operations to examine targeted cargo conveyances, such as sea containers, commercial trucks rail cars, privately owned vehicles, as well as ECC and international mail parcels for the presence of illicit contraband.

As indicated earlier, TCOs commonly exploit the southwest land POEs to smuggle illicit goods into the United States, specifically within vehicles. Greater than 98 percent of the nationwide total of NII seizures and total weight of narcotics seized occur by scanning approximately one percent of privately owned vehicles and 16 percent of commercially owned vehicles arriving at southwest land POEs. We continue to focus on further closing the limited vehicle scanning capacity gap, and have prioritized the need for drive-through NII operational concepts that will help streamline the vehicle inspection process and increase scanning rates, thereby increasing the probability of interdiction.

The Fiscal Year 2019 enacted appropriations allows CBP to advance acquisition planning for new and drive-through NII technology, further refine and inform requirements via the results of the ongoing pre-primary drive through NII operational assessments, and incrementally increase scanning rates. The key operational change involves placing the new drive-through NII systems in pre-primary inspection versus secondary, and transmitting the image to an officer remotely located in a command center. This work builds upon prior automation and transformation initiatives, and also leverages advancements made to scanning and imagery analysis capabilities. Overall, this approach will increase security and facilitation across our nation's borders.

Canines

Canine operations are an invaluable component of counternarcotic operations. The CBP Canine Training Program maintains the largest and most diverse law enforcement canine training program in the country. CBP officers utilize specially trained canines for the interdiction of narcotics, firearms, and undeclared currency, as well as in support of specialized programs aimed at combating terrorism and countering human trafficking. Concealed Human and Narcotic Detection

Canines are trained to detect concealed humans and the odors of marijuana, cocaine, heroin, methamphetamine, hashish, ecstasy, fentanyl and fentanyl analogues. An increase of 15 narcotic detection canine teams was funded this year with \$2.5 million to combat the opioid epidemic.

The use of canines in the detection of narcotics is a team effort. CBP's Laboratories and Scientific Services Directorate (LSSD) produces canine training aids and provides analytical support to the CBP Canine Training Program, including controlled substance purity determinations, training aid quality analyses, and research on delivery mechanisms that maximize safe vapor delivery during training exercises. Recently, the feasibility of safely and effectively adding fentanyl as a trained odor to deployed narcotic detection canine teams was assessed. As of October 1, 2018, all new canine handler teams have successfully completed a comprehensive CBP Canine Detection Team Certification to include the odor of fentanyl and fentanyl analogs. Today, all Concealed Human and Narcotic Detection canine teams have completed fentanyl training.

Laboratory Testing

As the narcotics seized through the international mail and at ECC facilities usually have a very high purity, CBP officers at IMFs and ECC facilities use various field testing devices to rapidly screen suspected controlled substances and obtain presumptive results. CBP officers can transmit sample data for scientific interpretation and identification by the LSSD. When any synthetic opioids are detected by the reachback program, the NTC and our liaisons at the DEA are notified. CBP is working to expand the field testing program, along with the scientific assets and personnel who are able to provide real-time chemical composition determinations.

Protect CBP Personnel

The potential for contact with dangerous substances—especially illicit synthetic opioids—is a very real health and safety risk to law enforcement personnel and canines. For example, in its pure powder form, fentanyl is approximately 50-100 times more potent of an analgesic than morphine, and, at first glance, it is often mistaken for other drugs, which appear as white powders such as cocaine or heroin. Due to the risk of unintentional exposure and subsequent hazardous drug absorption and/or inhalation, the confirmatory testing for the presence of synthetic opioids such as fentanyl and its analogues is best executed in a laboratory by trained scientists and technicians.

To date, 1,119 two-dose boxes of naloxone have been deployed to trained CBP officers in the field. Additional naloxone is being deployed to field offices upon request, as additional personnel are trained in its administration. The naloxone program has also expanded to help protect LSSD scientists in laboratories. CBP was the first federal law enforcement agency to implement such a program. As of June 2019, OFO has administered nine life-saving doses of Naloxone to members of the public.

In addition, CBP has deployed the presumptive testing glove box to the field to aid in the safe testing and identification of opioids. The sampling glove box is designed for use in the field as the first level of protection when inspecting, probing, and conducting presumptive testing of high risk or unknown substances.

Conclusion

As the opioid epidemic devastates communities and families across the nation, we are dedicating its resources to thwart illicit opioid supply chains and networks. Together, CBP and its partners are focused on enhancing collaboration and information-sharing to reduce the amounts of illicit opioids that cross our land, sea, and air borders. Thank you for allowing us this opportunity to tell our story. I look forward to your questions.