Key Excerpts from West Virginia Attorney General Investigation into DEA Mismanagement of National Drug Quotas

Under the Controlled Substances Act, it is the responsibility of the Drug Enforcement Administration (DEA) to set aggregate production quotas (APQs) on the amounts of Schedule I and Schedule II controlled substances that may be produced each year. These quotas are intended to prevent unjustified increases in the national supply of potentially dangerous drugs, including frequently abused opioids like oxycodone and hydrocodone.

However, an investigation by the West Virginia Attorney General concludes DEA failed in its responsibility to manage the National Drug Quota System between 2010 and 2016. As the AG notes:

“The DEA’s public statements regarding APQs [Aggregate Production Quotas] summarized the factors and data sources that it claimed to use when calculating APQs, but publicly available documents made it difficult to assess what the agency actually did, and in any event before 2018 none of these factors expressly included diversion. We do know, however, how many people died as a consequence of the DEA’s refusal to lower the permissible amount of pain pills that could be introduced into the marketplace. The Agency’s failures were deadly.” (Page i)

DEA Increased Production Quotas During the Height of the Opioid Epidemic

• “As early as 2010 it was clear that the nation was trapped in a prescription drug crisis. Yet this issue appeared largely ignored in the APQs set from 2010 through 2016, as they generally rose sharply, with no identifiable, fixed methodology to account for increasing opioid abuse. Indeed, the DEA increased the supply of many opioids just as the crisis was reaching its peak.” (Page 12)

• “When one focuses on the massive increases of APQs approved by the DEA, it is hard to see how local, state, and federal officials ever had a fighting chance to stem the growing tide of opioid prescriptions and subsequent deaths.” (Page 13)

Recommendations from Other Federal Regulators to Slow Quota Increases Were Ignored

• “The DEA consistently set APQs for oxycodone at levels significantly higher than what the FDA recommended, sometimes by as much as 247%. Hydrocodone APQs were slightly below the FDA’s recommended level in 2010 and 2011, but by 2013 the DEA increased it to nearly double the recommend level. Overall, the quotas set by the DEA continued to climb during the investigation period, while the FDA’s data-driven recommended amounts frequently declined.” (Page 22)