



**U. S. Department of Justice**  
Drug Enforcement Administration

---

[www.dea.gov](http://www.dea.gov)

Springfield, Virginia 22152

**OCT 17 2011**

The Honorable Carl Levin  
United States Senate  
Washington, D.C. 20510

Dear Senator Levin:

Thank you for your letter to the Drug Enforcement Administration (DEA). You expressed support for making "bath salts" illegal and concern over the misuse of these products. You were referring to products that contain one or more of the following cathinone derivatives: methylone, 3, 4-methylenedioxypropylone, mephedrone, 4-methoxymethcathinone, 3-fluoromethcathinone, and 4-fluoromethcathinone.

The DEA shares your concern regarding these substances, which are typically sold over the internet and promoted as research chemicals, "bath salts," or "plant food." These substances are not scheduled under the Controlled Substances Act (CSA). These substances are categorized within the phenethylamine class of substances and share structural similarities with some schedules I and II controlled substances. Therefore, some of these substances may be considered analogues of schedules I and II substances pursuant to the analogue provision of the CSA, 21 U.S.C. § 813.

Evidence of mephedrone use and associated toxicity has been increasing since 2009. The adverse health effects caused by mephedrone are broadly similar to those seen with other stimulant drugs. Adverse effects produced by phenethylamines are increased heart rate, chest pain, agitation, irritability, dizziness, delusions, suicidal thoughts, nose bleeding, nausea, and vomiting. To date, one confirmed and several suspected deaths related to mephedrone have been reported by the Europol-EMCDDA Joint Report on Mephedrone 2010. In recent years, United States law enforcement agencies have documented seizures in Oregon, Illinois, and Alabama associated with mephedrone.

Currently, DEA is actively collecting information on the pharmacology, toxicology, and abuse of these substances. Additionally, DEA is currently coordinating with the National Institute on Drug Abuse to initiate animal studies in order to determine the pharmacological effects of these substances. Under the CSA, 21 U.S.C. § 811(b), before DEA can add a drug or other substance to a schedule, it must request from the Department of Health and Human Services (DHHS) a scientific and medical evaluation and scheduling recommendation. Scheduling these substances would impose regulatory controls and criminal sanctions upon the unauthorized handling of these substances.

As you know, the Comprehensive Crime Control Act of 1984 gives DEA the authority to temporarily place a substance into schedule I of the CSA for one year without regard to the requirements of 21 U.S.C. § 811(b). Exercising the emergency scheduling authority allows the time necessary for DEA to gather the aforementioned information on these synthetic cathinones, in order to pursue subsequent regular scheduling actions, if any.

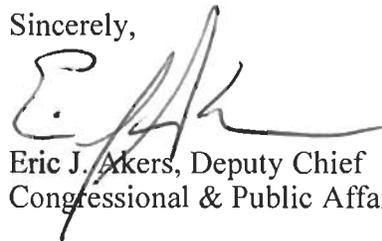
To place a substance temporarily into schedule I of the CSA, the DEA Administrator must find that temporary scheduling is necessary to avoid an imminent hazard to the public safety. To determine if this is the case, the DEA Administrator is required to consider three of the eight factors set forth in section 201(c) of the CSA (21 U.S.C. § 811(c)). These factors are as follows: the substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to the public health. 21 U.S.C. § 811(c)(4)-(6). Consideration of these factors includes actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution. 21 U.S.C. § 811(h)(3).

After careful consideration of the factors listed above, the DEA Administrator has deemed that temporary scheduling of mephedrone, methylone, and MDPV is necessary. The DEA Administrator subsequently issued a Notice of Intent for the temporary placement of these three synthetic cathinones into schedule I of the CSA on September 8, 2011.

While the DEA will continue to use the aforementioned existing authority under the CSA to place these synthetic drugs under control, please know that we are also actively working with Members of Congress on a legislative solution to the problem. In fact, on September 30, 2011, the Department of Justice issued a views letter in support of HR 1254, the "Synthetic Drug Control Act of 2011" which I have enclosed with this letter.

I trust this information addresses your concerns. If I may be of further assistance to you in this matter, please do not hesitate to contact me again.

Sincerely,



Eric J. Akers, Deputy Chief  
Congressional & Public Affairs

Enclosure