

United States Senate

WASHINGTON, DC 20510

October 12, 2017

President Donald Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Trump,

We are writing today to express our concern that you have yet to formally declare the nation's opioid epidemic a national emergency and to share the action steps that our states took after declaring our own emergencies.

As you know, the opioid epidemic affects the lives of millions of Americans and their families in every corner of the United States. An estimated 2.6 million Americans suffer from an opioid addiction, with addiction rates rising nationwide.¹ According to the Centers for Disease Control, 91 people die from an opioid overdose every day.² A 2016 report by the Surgeon General found that only one in ten people in need of specialty addiction treatment are actually able to receive it.³ Federal, state, and local governments must act boldly to combat this growing crisis.

On August 10, 2017, you declared that “[t]he opioid crisis is an emergency and I’m saying officially right now it is an emergency... We’re going to draw it up and we’re going to make it a national emergency. It is a serious problem, the likes of which we have never had.”⁴ It also comes in the wake of a recommendation from your Commission on Combating Drug

¹ Lenny Bernstein, “Deaths from drug overdoses soared in the first nine months of 2016,” *Washington Post* (August 8, 2017) (online at <https://www.washingtonpost.com/news/to-your-health/wp/2017/08/08/deaths-from-drug-overdoses-soared-in-the-first-nine-months-of-2016/>); Nadia Kounang, “Opioid addiction rates continue to skyrocket,” *CNN* (June 29, 2017) (online at <http://www.cnn.com/2017/06/29/health/opioid-addiction-rates-increase-500/index.html>).

² Centers for Disease Control and Prevention, “Drug overdose deaths in the United States continue to increase in 2015” (last updated August 30, 2017) (online at <https://www.cdc.gov/drugoverdose/epidemic/index.html>); Lenny Bernstein, “Deaths from drug overdoses soared in the first nine months of 2016,” *Washington Post* (August 8, 2017) (online at <https://www.washingtonpost.com/news/to-your-health/wp/2017/08/08/deaths-from-drug-overdoses-soared-in-the-first-nine-months-of-2016/>).

³ U.S. Department of Health & Human Services, Surgeon General, *Facing Addiction in America: The Surgeon General's Report on Alcohol, Drugs, and Health* (2016) (online at <https://addiction.surgeongeneral.gov/surgeon-generals-report.pdf>).

⁴ James Oliphant, “Trump declares national emergency on opioid abuse,” *Reuters* (August 10, 2017) (online at <https://www.reuters.com/article/us-usa-trump-opioid/trump-declares-national-emergency-on-opioid-abuse-idUSKBN1AQ2AW>).

Addiction and the Opioid Crisis⁵ that you “[d]eclare a national emergency under either the Public Health Service Act or the Stafford Act.”⁶

We applaud your stated commitment to addressing opioid addiction and agree with you that the crisis is a “serious problem” deserving of increased federal resources. However, we are extremely concerned that 63 days after your statement, you have yet to take the necessary steps to declare a national emergency on opioids, nor have you made any proposals to significantly increase funding to combat the epidemic.⁷

Emergency declarations can help combat epidemics by freeing up funds, promoting innovative programs, and making treatments more accessible to vulnerable populations. On a state level, governors have used disaster and emergency declarations to creatively combat the opioid crisis, forming the basis of many of your Commission’s epidemic mitigation recommendations.⁸ Our states, in particular, have led the nation in fighting the opioid epidemic. Your announcement follows emergency declarations previously made in six states—Alaska, Arizona, Florida, Maryland, Massachusetts, and Virginia—that have been hit hard by the opioid epidemic.⁹

In 2014, Massachusetts was the first state to declare the opioid epidemic a public health emergency under then Governor Deval Patrick with the support of the Massachusetts state legislature. The declaration expanded the availability of naloxone, ultimately providing for direct naloxone funding to 23 high-risk Massachusetts communities.¹⁰ The state moved to mandate prescription drug monitoring; advised the public on addiction treatment options; and directed a commission to develop a list of additional opioid crisis mitigation actions the same day as his emergency declaration.¹¹ Governor Patrick also committed \$20 million to improving access to

⁵ The White House, “Presidential Executive Order Establishing the President’s Commission on Combating Drug Addiction and the Opioid Crisis” (March 29, 2017) (online at <https://www.whitehouse.gov/the-press-office/2017/03/30/presidential-executive-order-establishing-presidents-commission>).

⁶ Christopher Ingraham, “White House opioid commission to Trump: ‘Declare a national emergency’ on drug overdoses,” *Washington Post* (July 31, 2017) (online at https://www.washingtonpost.com/news/wonk/wp/2017/07/31/white-house-opioid-commission-to-trump-declare-a-national-emergency-on-drug-overdoses/?utm_term=.5a2a23174616).

⁷ Nathaniel Weixel and Rachel Roubein, “No action on opioid emergency three weeks after Trump declaration,” *The Hill* (August 31, 2017) (online at <http://thehill.com/policy/healthcare/348757-no-action-on-opioid-emergency-three-weeks-after-trump-declaration>).

⁸ Erin Mershon and Andrew Joseph, “These states declared an emergency over the opioid crisis. Here’s what happened,” *PBS News Hour* (August 10, 2017) (online at <http://www.pbs.org/newshour/rundown/states-declared-emergency-opioid-crisis-heres-happened/>).

⁹ Greg Allen, “From Alaska to Florida, States Respond to Opioid Crisis With Emergency Declarations,” *NPR* (August 11, 2017) (online at <http://www.npr.org/sections/health-shots/2017/08/11/542836709/from-alaska-to-florida-states-respond-to-opioid-crisis-with-emergency-declaratio>).

¹⁰ Massachusetts Department of Health and Human Services, “A Comprehensive Strategy to End Opioid Abuse in Massachusetts” (online at <http://www.mass.gov/eohhs/feature-story/end-opioid-abuse-in-mass.html>).

¹¹ Michael Norton, State House News Service, “Opiate epidemic leads Massachusetts Gov. Deval Patrick to declare public health emergency,” *MassLive* (March 27, 2014) (online at http://www.masslive.com/politics/index.ssf/2014/03/opiate_epidemic_leads_massachu.html).

treatment across the state, including in prisons and jails.¹² Though the state of emergency has since expired, it set an important tone that has been championed by the state legislature and carried forward into the current Administration. In 2015, Governor Charlie Baker established an Opioid Addiction Working Group that has continued to make recommendations on ways to combat the epidemic, and in 2016 Massachusetts passed comprehensive legislation on the opioid crisis.

In February of this year, Alaska Governor Bill Walker declared the opioid crisis a public health disaster and outlined a detailed plan to combat the epidemic. Among other steps, Governor Walker directed state agencies to apply for federal grants that “provide prevention and treatment for all Alaskans who are at risk or who are currently suffering from opioid or heroin addiction” and to “assist in developing additional resources to provide for medically assisted treatment in Alaska.”¹³ He also authorized local and regional first responders and healthcare officials to “directly dispense and administer the lifesaving drug naloxone.”¹⁴

Your Commission has made recommendations to implement at the national level some of the steps that we took in our states following our own declarations of emergency. For instance, your Commission has recommended that you “mandate prescriber education initiatives with the assistance of medical and dental schools across the country,” citing Massachusetts’ work on opioid use “core competencies” as a model policy.”¹⁵ It has also recommended that you “immediately establish and fund a federal incentive to enhance access to Medication-Assisted Treatment (MAT)”—as Alaska worked to do in the wake of its own emergency declaration.¹⁶ Working with states to “equip all law enforcement in the United States with naloxone to save lives” is another critical recommendation of your Commission, as is the provision of “federal funding and technical support to states to enhance interstate data sharing among state-based prescription drug monitoring programs.”¹⁷ Alaska’s swift steps to expand access to naloxone and

¹² Brian MacQuarrie, “Governor declares an emergency on opiate abuse,” *Boston Globe* (March 27, 2014) (online at <https://www.bostonglobe.com/metro/2014/03/27/with-heroin-overdoses-rise-gov-patrick-declares-public-health-emergency-mass/hOajTIJNKnSHKAnWjZ6wYL/story.html>).

¹³ Governor Bill Walker, *Administrative Order No. 283* (February 16, 2017) (online at https://gov.alaska.gov/wp-content/uploads/sites/5/20170216_Administrative-Order-No-283-Addressing-Heroin-and-Opioid-Epidemic.pdf).

¹⁴ Governor Bill Walker, *State of Alaska Declaration of Disaster Emergency* (February 15, 2017) (online at https://gov.alaska.gov/wp-content/uploads/sites/5/2017021417_Opioid-Disaster-Declaration.pdf).

¹⁵ Interim Report, Commission on Combatting Drug Addiction and the Opioid Crisis (released Monday, July 31, 2017) (online at <https://www.whitehouse.gov/sites/whitehouse.gov/files/ondcp/commission-interim-report.pdf>).

¹⁶ Interim Report, Commission on Combatting Drug Addiction and the Opioid Crisis (released Monday, July 31, 2017) (online at <https://www.whitehouse.gov/sites/whitehouse.gov/files/ondcp/commission-interim-report.pdf>); Governor Bill Walker, *Administrative Order No. 283* (February 16, 2017) (online at https://gov.alaska.gov/wp-content/uploads/sites/5/20170216_Administrative-Order-No-283-Addressing-Heroin-and-Opioid-Epidemic.pdf).

¹⁷ Christopher Ingraham, “White House opioid commission to Trump: ‘Declare a national emergency’ on drug overdoses,” *Washington Post* (July 31, 2017) (online at <https://www.washingtonpost.com/news/wonk/wp/2017/07/31/white-house-opioid-commission-to-trump-declare-a-national-emergency-on-drug-overdoses/>); Interim Report, Commission on Combatting Drug Addiction and the Opioid Crisis (released Monday, July 31, 2017) (online at <https://www.whitehouse.gov/sites/whitehouse.gov/files/ondcp/commission-interim-report.pdf>).

Massachusetts' efforts to enhance our prescription drug monitoring program¹⁸ could be a model for your steps here.

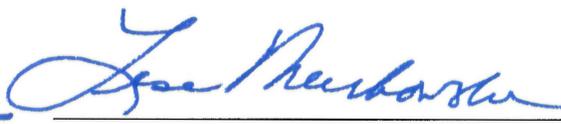
To support the work of our states, we have supported policies at the federal level that also align with your Commission's recommendations.

Massachusetts and Alaska have been on the forefront of the opioid crisis that is sweeping our nation, and we are proud to represent states that have tackled the epidemic head on. We hope that you will back up your verbal commitment to fighting the "serious problem" of opioid addiction with action. We urge you to build upon the work of our states and to implement the recommendations of your Commission on Combatting Drug Addiction and the Opioid Crisis without delay.

Sincerely,



Elizabeth Warren
United States Senator



Lisa Murkowski
United States Senator

Drug Addiction and the Opioid Crisis (released Monday, July 31, 2017) (online at <https://www.whitehouse.gov/sites/whitehouse.gov/files/ondcp/commission-interim-report.pdf>).

¹⁸ Felice J. Freyer, "Prescribers get access to out-of-state drug info," *Boston Globe* (January 1, 2016) (online at <https://www.bostonglobe.com/metro/2015/12/31/massachusetts-prescribers-get-access-out-state-drug-data/Hluon5piXgKIW0PaJq54yO/story.html>).