AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. HRG. 106–715

COMBATING METHAMPHETAMINE PROLIFERATION IN AMERICA

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

ON

S. 1428

A BILL TO AMEND THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO THE MANUFACTURE, TRAFFICK, IMPORT, AND EXPORT OF AMPHETAMINE AND METHAMPHETAMINE, AND FOR OTHER PURPOSES

JULY 28, 1999

Serial No. J–106–41

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE
67–479 CC WASHINGTON : 2000

COMMITTEE ON THE JUDICIARY

ORRIN G. HATCH, Utah, *Chairman*

STROM THURMOND, South Carolina
CHARLES E. GRASSLEY, Iowa
ARLEN SPECTER, Pennsylvania
JON KYL, Arizona
MIKE DEWINE, Ohio
JOHN ASHCROFT, Missouri
SPENCER ABRAHAM, Michigan
JEFF SESSIONS, Alabama
BOB SMITH, New Hampshire

PATRICK J. LEAHY, Vermont
EDWARD M. KENNEDY, Massachusetts
JOSEPH R. BIDEN, JR., Delaware
HERBERT KOHL, Wisconsin
DIANNE FEINSTEIN, California
RUSSELL D. FEINGOLD, Wisconsin
ROBERT G. TORRICELLI, New Jersey
CHARLES E. SCHUMER, New York

MANUS COONEY, *Chief Counsel and Staff Director*
BRUCE A. COHEN, *Minority Chief Counsel*

CONTENTS

STATEMENTS OF COMMITTEE MEMBERS

	Page
Hatch, Hon. Orrin G., U.S. Senator from the State of Utah	1
Feinstein, Hon. Dianne, U.S. Senator from the State of California	3
Grassley, Hon. Charles E., U.S. Senator from the State of Iowa	6
Kyl, Hon. Jon, U.S. Senator from the State of Arizona	9
Feingold, Hon. Russell D., U.S. Senator from the State of Wisconsin	10
Sessions, Hon. Jeff, U.S. Senator from the State of Alabama	12
Kohl, Hon. Herbert, U.S. Senator from the State of Wisconsin	12
Ashcroft, Hon. John, U.S. Senator from the State of Missouri	13
Biden, Hon. Joseph R., Jr., U.S. Senator from the State of Delaware	15
DeWine, Hon. Mike, U.S. Senator from the State of Ohio	16

CHRONOLOGICAL LIST OF WITNESSES

Statement of Hon. Tom Harkin, U.S. Senator from the State of Iowa	8
Panel consisting of Donnie R. Marshall, Acting Administrator, Drug Enforcement Administration, U.S. Department of Justice, Washington, DC; Paul M. Warner, U.S. attorney for the District of Utah, Salt Lake City, UT; Katina Kypridakes, manager, Precursor Compliance Program, California Bureau of Narcotic Enforcement, Sacramento, CA; Ron Doerge, sheriff, Newton County, MO, Neosho, MO; and John Vasica, Sandy, UT	17

ALPHABETICAL LIST AND MATERIALS SUBMITTED

Doerge, Ron:	
Testimony	43
Letter to Senator Hatch dated July 26, 1999	45
Grassley, Hon. Charles E.: Prepared statement of the Agricultural Retailers Association	32
Harkin, Hon. Tom: Testimony	8
Kypridakes. Katina:	
Testimony	34
Prepared statement	39
Marshall, Donnie R.:	
Testimony	17
Prepared statement	22
Vasica, John: Testimony	46
Warner, Paul M.:	
Testimony	28
Prepared statment	30

COMBATING METHAMPHETAMINE PROLIFERATION IN AMERICA

WEDNESDAY, JULY 28, 1999

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 10:13 a.m., in room SD–628, Dirksen Senate Office Building, Hon. Orrin G. Hatch (chairman of the committee) presiding.

Also present: Senators Grassley, Kyl, DeWine, Ashcroft, Sessions, Biden, Kohl, Feinstein, and Feingold.

OPENING STATEMENT OF HON. ORRIN G. HATCH, A. U.S. SENATOR FROM THE STATE OF UTAH

The CHAIRMAN. We are happy to have you all here today. Today, the Judiciary Committee will hear testimony concerning the growing problem of methamphetamine manufacturing and trafficking.

Last week I, along with Senators DeWine, Feinstein, Thurmond, Biden, and others, introduced the Methamphetamine Anti-Proliferation Act of 1999. That is a bill designed to address the serious problem of methamphetamine manufacturing in this country. Methamphetamine is known on the streets as "meth," "speed," "crank," "ice," and "crystal meth." It is a highly toxic and addictive stimulant that affects the central nervous system.

Methamphetamine, first popularized by outlaw biker gangs in the late 1970's, is now being manufactured in makeshift laboratories across the country by criminals who are determined to undermine our drug laws and profit from the addiction of others. I hope that with some of the testimony we will hear today, we can learn how to better combat methamphetamine.

One problem we face is that it doesn't take a lot of ingenuity or resources to manufacture methamphetamine. This drug is manufactured from readily available and legal chemicals and substances. In addition, there are countless Internet Web sites devoted specifically to providing detailed instructions for making methamphetamine. Anyone who has access to the Internet has access to the recipe of this deadly drug. In fact, one pro-drug Internet site contains more than 70 links to sites that provide detailed information on how to manufacture illicit drugs, including methamphetamine.

Accordingly, the methamphetamine production problem is real and it is immediate. The numbers are telling. According to the Drug Enforcement Administration, the number of labs seized has increased dramatically each year since 1995. Last year, 5,786 amphetamine and methamphetamine labs were seized by the DEA

and State and local law enforcement officials, and millions of dollars were spent cleaning up the pollutants and toxins left behind by the operators of these labs.

In Utah alone, there were 266 lab seizures last year, a number which elevated Utah to the unenviable position of being ranked third among all States for highest per-capital lab seizures. I should point out, however, that seizures would not occur if Utah's law enforcement community wasn't doing all it could with the resources it has. Indeed, the high number of seizures by both Federal and State law enforcement officials not only represents the severity of the problem, but also serves as a testament to how Federal, State and local law enforcement agencies have been working together to rid our Nation of this problem.

The problem wit the high number of manufacturing labs is compounded by the fact that the chemicals and substances utilized in the manufacturing process are unstable, volatile, and highly combustible. The smallest amounts of these chemicals when mixed improperly can cause explosions and fires. And, of course, most of those operating methamphetamine labs are not scientists but rather unskilled criminals who are completely apathetic to the destructive powers that are inherent in the manufacturing process.

This fact is even more frightening when you consider that many of these labs are found in residences, motels, trailers, and vans, and many are operated in the presence of children. All one need do is remember the three young children who were burned to death when a methamphetamine lab being operated by their own mother in a trailer home exploded and caught fire. That was mentioned in a San Diego Union Tribune article entitled "Meth Madness: Home Deaths Ruled Felony Murder." I honestly don't know which is worse: using methamphetamine or manufacturing it. Either way, methamphetamine is killing our kids.

So what can we do about the problem? In 1996, Congress passed the Methamphetamine Control Act. This important, bipartisan measure targeted the diversion of the most commonly used precursor chemicals and mandated strict reporting requirements in the sales of these chemicals. These measures have allowed the DEA, along with the help of industry, to stop large quantities of precursor chemicals from being purchased in the United States for use in manufacturing methamphetamine. But as this hearing will demonstrate, more can and should be done to help law enforcement uncover, arrest, and hold accountable those who produce this drug.

My proposal will provide, in part, necessary funding to the DEA to combat methamphetamine manufacturing by providing assistance to State and local law enforcement officials in small and mid-sized communities in all phases of methamphetamine investigations and establishing additional DEA offices in rural areas. It will also provide much needed training to State and local agencies in handling toxic waste created by methamphetamine labs.

The legislation prohibits the posting of illegal drug recipes on the Internet when there is intent to commit a Federal crime, and it clarifies that Federal law prohibits the advertisement and sales of drug paraphernalia over the Internet. Importantly, it provides for stiff penalties when the manufacturing of an illegal drug creates a substantial risk of harm to human life or the environment. Finally,

it makes restitution mandatory for costs incurred by the government for the cleanup of waste produced by methamphetamine labs. This legislation will provide law enforcement with several effective tools that will help us turn the tide of proliferation of methamphetamine manufacturing both here in America and across our borders.

Now, in closing I want to thank the distinguished panel of witnesses for their appearance today. I would like to point out that among our fine witnesses are two Utahns, U.S. Attorney Paul Warner, and John Vasica, a father who has felt the heartache of methamphetamine abuse and is doing something about it. I look forward to their testimony and the testimony of all of our witnesses.

I would also like to thank the various members of this committee who have worked so hard throughout their careers against these types of problems, and most of them are here this morning. Particularly, I would like to turn now to someone who has done an awful lot of work in this area and who deserves a lot of credit, Senator Feinstein.

STATEMENT OF HON. DIANNE FEINSTEIN, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator FEINSTEIN. Thank you very much, Mr. Chairman, and thank you for convening the hearing. Your deep concern over the spread of methamphetamine through our country is greatly appreciated. I just want to begin by saying that this is an issue that worries me greatly.

I would like to join you in welcoming our witnesses here as well, and I would like to extend a special welcome to Katina Kypridakes, from California. She is Manager of the Precursor Compliance Unit at California's Bureau of Narcotic Enforcement. Ms. Kypridakes has worked extensively with my office over the years in the drafting of earlier legislation to control the precursor chemicals that you alluded to. These precursor chemicals are used to cook methamphetamine. The legislation that you spoke about that I worked with you on was passed into law in 1996.

Unfortunately, California is considered by DEA to be the source country for methamphetamine in the United States. Former DEA Administrator Tom Constantine testified earlier this year before Congress that super labs capable of producing hundreds of pounds of methamphetamine on a weekly basis have been established in both Mexico and California, where the methamphetamine is then provided to traffickers who then distribute it across the United States.

I am sorry to say that in a nationwide drug enforcement operation known as Operation Pipeline, 92.8 percent of all of the methamphetamine seized throughout the country, from January 1993 to May 1995, was identified as having California as its origination point. The 1990's have seen a dramatic increase in methamphetamine abuse. Meth-related emergency room admissions increased by 269 percent from 1992 to 1994. It tailed off in 1996, and it returned to those same high levels in 1997.

Fortunately, law enforcement has been significantly increasing its efforts to combat meth. Last year, over 1,000 clandestine labs were seized and shut down in California alone, 1,006 by the State Bureau of Narcotic Enforcement, and 164 by DEA. The State Bu-

reau of Narcotic Enforcement more than doubled its lab seizures from just 3 years earlier in 1995, when it seized 465 labs.

Still, methamphetamine remains a major and significant problem. California still leads the way. The National Institute of Justice just released its annual report on meth use among arrestees. San Diego, CA, close to Mexico, has the highest number of meth arrestees in the country, 33 percent testing positive for meth. Sacramento and San Jose were also among the most hard-hit jurisdictions.

As a Missouri newspaper which was circulated to all of us by one of our colleagues in the House last year put it, "California wishes it had Missouri's methamphetamine problem. That would be an improvement in a State where the production of meth has become a major industry." And that is the truth.

Now, what makes this explosive growth of such significant concern to all of us is the effect that this particular drug has on human beings. Addicts become desensitized to meth's effect, so that they have to use more and more to maintain their high. Prolonged periods of abuse leads to a type of psychotic state, including paranoid and violent behavior.

I will never forget the report of a New Mexico man high on meth and alcohol who had a disagreement with his son in the car. The son was 14 years old. The father chopped off his head and threw the head out of the window of his van on a crowded highway. That is the kind of behavior. I have seen meth cropping up in rape victims who have been murdered, their attacker on methamphetamine as well.

The other factor which makes meth especially dangerous is that it is cooked—that means made up—in this country in very dangerous and very clandestine labs. They use highly flammable chemicals, they blow up in explosions, and they leave toxic hazardous waste sites which require substantial environmental cleanup. Authorities estimate that for every pound of meth made in one of these labs, 5 pounds of toxic waste is produced.

To address this growing scourge, I would like to work closely with you, Mr. Chairman. Senator Grassley has been very involved; we have worked together in the past. In the 104th Congress, all of us, including Senator Biden as well, participated in that comprehensive Methamphetamine Control Act.

Now, in that Act we tried to get at the precursor chemicals—iodine, hydrochloric gas—and we added them to the Chemical Diversion and Trafficking Act, requiring purchasers to provide their name, address and other information at the time of sale. We substantially increased fines for companies selling those chemicals to make methamphetamine, and we eliminated over-the-counter exemptions for pseudoephedrine. That is used in common cold remedies. We required the reporting of retail sales of more than 24 grams.

We found that what was happening is that some of these people who made methamphetamine would go into like Long's drugstore and just sweep the shelves and take these cold remedies for the pseudoephedrine and go out and use them in the cooking of meth.

We also increased the maximum penalty from 10 to 20 years for possession of chemicals or equipment used to make meth. Senator

Ashcroft introduced the Methamphetamine Trafficking Penalty Enhancement Act of 1998 which equalized penalties for meth with those for crack cocaine, and many of us worked with him on that bill as well.

However, I think the point of this hearing—and I am delighted that Senator Harkin is here because both he and Senator Grassley share the concern for the spread to the State of Iowa which has become pronounced. We need to do more, and it is difficult to really know what to do more.

The bill that you have introduced, Mr. Chairman, and that I am proud to also cosponsor along with others of my colleagues here, increases the penalties for dealing in amphetamines, equalizing the amphetamines with methamphetamine. It increases the sentences for endangering the safety of a minor in meth manufacturing or trafficking.

We have had these labs blow up when actually minor children, 3, 4, 5 years old, are on the premises. And we have seen the parents go off, run, and leave their children in the meth labs. So what we would do here is increase the sentences for endangering the safety of a minor generally in the production or cooking of meth.

We would prohibit advertisement for drug paraphernalia which you see here, and we would make it easier for prosecutors to prove a continuing criminal enterprise charge by clarifying that the jury simply has to find that the defendant committed any three drug felonies, and not necessarily the same three drug felonies.

We would require the criminals to pay the lab cleanup costs. We would make it a crime to endanger the environment in illegally manufacturing a controlled substance. We would prohibit the distribution of drug-making information, make so-called sneak-and-peek warrants effective, authorize funding for DEA clandestine laboratory training for both State and local law enforcement, and increase the emphasis of methamphetamine in high-intensity drug trafficking areas, which incidentally are working very well. We also authorize funding for 50 new DEA positions, including 31 special agents to focus on meth, and we would require antidrug messages on all Federal Government Web sites. These are very definitive and very positive steps which we hope will help law enforcement in its fight against methamphetamine.

So I very much look forward to hearing our witnesses today as to what they think the progress in the methamphetamine fight has been, how successful our efforts to control the precursor chemicals have been, and whether this bill, with its more stringent penalties and other aspects, can be of help in the fight against methamphetamine.

I thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Feinstein.

Because everybody on the dais has had a great deal to do with this, in order of appearance we will next call on Senator DeWine and then we will go to Senator Feingold and back to Senator Grassley.

Senator GRASSLEY. Well, DeWine is not here.

The CHAIRMAN. Oh, he is not here. Well, then, we will go to Senator Grassley.

Senator GRASSLEY. He may come back.

The CHAIRMAN. Let me introduce Senator Grassley. I am sorry. I thought Senator DeWine was here.

Senator GRASSLEY. That is OK.

The CHAIRMAN. Let me introduce Senator Grassley, who is the chairman of the Senate Caucus on International Narcotics Control. We are very pleased that you are on this committee and that you have done so many things in this area. So we will turn to you first for a short statement, if we can.

STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Senator GRASSLEY. I think, first of all, I thank Senator Feinstein for going over our previous work together in this area. Senator Hatch has done a very good job of pointing out the situation in his State. I think Senator Harkin's presence here and my being a member of this committee and speaking about this emphasizes the importance of this problem to my State of Iowa, both from a meth production standpoint and destroying lives and also from the harming of the environment, and also I think because meth is probably a problem that disproportionately affects rural America, and that doesn't denigrate anything that Senator Feinstein said about California.

While most of the drug is produced in Mexico by criminal gangs, there has obviously been demonstrated here a growing domestic production, and again primarily in rural areas. Along with you, Mr. Chairman, there are a number of Senators on this committee from rural areas in the West and Midwest who I am sure back up this point.

There is a story in a recent issue of the Des Moines Register that Senator Harkin and I are very much acquainted with about this young girl in Burlington, IA, Jessica Smith, who died, and probably the youngest person in my State to die from meth use. Sadly, she had used it 15 times before, and on each occasion it was given by the mother. And in this particular case, she died of a soft drink being laced with meth, and the parent and one other adult have pleaded guilty to that. But I think it brings very much home the problem that we have and is a real face for those of us in Iowa on the problem that it is.

Jessica Smith is a real person that has been hurt by it, a young person, a person who had their full life ahead of them, and probably would be able to contribute unique talents to society but is not alive today to do it. But we are here today to make sure that other Jessica Smiths don't happen in my State.

For my part, I am pleased that the Commerce, State and Justice appropriations bill which the Senate just passed last week contains money that I requested for law enforcement in Iowa. The Iowa Methamphetamine Initiative will fund a Meth Ed Learning Center that will teach middle school students about the dangers of meth and help the State pay overtime for Iowa law enforcement agencies involved with cleaning up meth labs. I am hopeful that these new resources will provide vital assistance to the Iowa law enforcement community which is doing a wonderful job in the face of this drug explosion.

In 1998, Mr. Chairman, as you gave figures for your State, we had 321 methamphetamine labs found in Iowa and so-called busted, and that was more than double the year before. And as of the first quarter of this year, over 170 labs have been found in Iowa. At this rate, my State will almost double again local production of meth and the busting of labs. And that, of course, is just what we know about. Those statistics don't even account for the flow of meth from out of State, and we have heard from law enforcement people that maybe only 10 percent is manufactured within our State.

Another unique aspect of the meth problem is that you can get the formula for producing it off the Internet, and many of the chemicals that you need to produce it are sold at the local hardware stores and pharmacies. And as a farmer from my State, I am concerned and, of course, dismayed learning recently, as Senator Harkin has, about common chemicals used on the farm being stolen from the farm to produce it. One of those is anhydrous ammonia, which many of you know is a soil nitrogen enhancer commonly used by farmers that raise corn, having been stolen for this reason of production of methamphetamine.

I have also introduced legislation called the Rural Methamphetamine Use Response Act of 1999 which will provide assistance for researchers at our State university looking for chemical treatments that will make anhydrous ammonia useless in meth production and increase penalties for transporting anhydrous ammonia across State lines for use in meth-making.

I am pleased that we have had Senators Kyl, DeWine, Hagel and Kohl join in the cosponsorship of this. And I know, Mr. Chairman, that you have recently introduced a meth bill that you have just described which I am studying at this time and I hope to be able to support as well. I am particularly interested in getting some tough new mandatory minimums for meth production and trafficking so that the public will know that meth dealers who get caught will be off the street for a very long period of time.

My legislation will also increase resources to provide training in meth lab cleanup and will increase funding to the Drug Enforcement Administration for assistance in lab cleanup. Meth labs are essentially toxic waste dumps filled with dangerous, unstable chemicals. Handling these labs requires special training for our law enforcement people.

The legislation also creates a number of regional training centers to help struggling communities deal with the explosion in meth production. My legislation would enhance the ability to provide training to local police and sheriffs to meet the challenge.

So together with the funding of the Commerce-State-Justice appropriations bill, I feel that we are on the way to helping law enforcement in my State and other States in the Midwest to make a dent in the meth trade. So, Mr. Chairman, this is a very timely hearing and I thank you for the leadership that it shows.

The CHAIRMAN. Well, thank you, Senator Grassley.

I understand that Senator Harkin is missing a markup and his statement is only 3 minutes, they tell me. So with the permission of the ranking member, we will turn to you at this time and take

your statement. So we will just take your statement at this time, Senator Harkin.

STATEMENT OF HON. TOM HARKIN, A U.S. SENATOR FROM THE STATE OF IOWA

Senator HARKIN. I appreciate that, Mr. Chairman, because we are marking up the SAMHSA bill, the Substance Abuse and Mental Health Services bill, and part of it has to do with methamphetamine and I want to get over there.

The CHAIRMAN. That is right.

Senator HARKIN. Thank you very much, Mr. Chairman, for inviting me here, and to all of you. I especially want to thank you, Mr. Chairman, for your strong leadership both in terms of fighting all drugs, but especially on this new epidemic that is sweeping this Nation. I really appreciate it.

The CHAIRMAN. Thank you.

Senator HARKIN. And I know all the people in our State appreciate it because of your strong leadership, and I commend all of you for trying to get this legislation moving.

I can't add much to what has already been said and I know that others will say, except maybe two things. This really is, first, Mr. Chairman, approaching epidemic proportions as it sweeps across the country. I just noticed the other day in the newspaper that all the damage that was done at this recent Woodstock and all the burning and the violence, that methamphetamine was one of the drugs that was in prevalence at that Woodstock.

Second, it has been reported to us in Iowa that methamphetamine is a contributing factor in 80 percent of domestic violence cases. In 80 percent of the domestic violence cases, methamphetamine is playing a role.

As Senator Grassley said, in Iowa 320 clandestine meth labs confiscated last year, 5 times the number of the year before. Already this year, 280 labs have been confiscated in the State of Iowa, and so it really is reaching epidemic proportions.

A number of people have bills in. You, Mr. Chairman, have a great bill, S. 1428. Senator Grassley has his bill, S. 1220. Senator Ashcroft has his bill, and I have a bill in, too. All of them have a lot of similarities to them. I would commend to you, Mr. Chairman, two things; first of all, the provision in Senator Grassley's bill that focuses on anhydrous ammonia. That is not in my bill and it is not in any other bill, but I hope that it can be incorporated in whatever legislation you put through because it is a dangerous thing that we see in Iowa and other States in the Midwest where they are raiding anhydrous ammonia tanks and things like that to make meth. So I commend that to you in Senator Grassley's bill.

Senator Ashcroft also has a provision in his bill which is not in any of the other bills that I have looked at, and that is more funding for the HIDTA's, the high-intensity drug trafficking areas, which I also commend to you to try to get that funding out there. That is in Senator Ashcroft's bill.

Again, I thank you, Mr. Chairman, and I also thank you for your leadership in the Commerce-Justice-State appropriations bill that just recently passed in getting the funding up for the Edward Byrne Memorial Grant Program because that money is also used

to go out to help our local law enforcement officers, and at least in my State a lot of it is being used to fight this plague of methamphetamine.

There is one other thing I commend to you, Mr. Chairman, as you mark up your legislation. In all of my studies and going around with law enforcement on methamphetamine in Iowa, we lack some knowledge on how to effectively treat people that have used methamphetamine. I have met some of these people that have used methamphetamine and I don't think we ought to give up on them. They aren't going to be bad the rest of their lives. I think some of them can be effectively treated.

But I found out two things. One, the treatment for methamphetamine addiction is much longer than for other kinds of——

The CHAIRMAN. It takes up to 3 years of intensive treatment once a person gets hooked on methamphetamine.

Senator HARKIN. Yes, I hear it is a long time.

The CHAIRMAN. Maybe more. I don't know. We will have some of these experts to tell us here today.

Senator HARKIN. Yes, and some of the experts might tell you also about getting NIH to do some more research into more effective treatment modalities and intervention programs. So I would hope that that also could be part of the legislation.

Well, Mr. Chairman, again I thank you for your leadership, and all of you on this committee for focusing on this new plague that is just sweeping across the country, and it is just taking a terrible toll, as Senator Grassley said, in our State. Thank you.

The CHAIRMAN. Well, thank you, Senator Harkin. We are going to try and get all the best provisions we can from all these bills together. Everybody here who has a bill deserves credit in this area for really, sincerely working on it. So we appreciate having you here. Thank you for being here.

Senator HARKIN. Thank you and the committee members for focusing on it. I appreciate it.

The CHAIRMAN. We will turn now to Senator Kyl, who is next, and then we will go to Senator Feingold.

STATEMENT OF HON. JON KYL, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator KYL. Thank you, Mr. Chairman, and thank you for holding this hearing. It is interesting that each one of us almost seems to be trying to top the next with the stories of how this epidemic has affected our own States. And I think it is just a testament to the fact that this epidemic truly is nationwide, it knows no boundaries, and it is certainly becoming very serious.

Just a couple of things to illustrate the problem in Arizona. Last year, DEA spent almost $500,000 in cleaning up meth labs in Arizona and trained over 1,600 Arizona law enforcement officers in basic lab cleanup and safety, which was very, very useful. We held a hearing in Phoenix, a field hearing, which actually involved a simulated lab take-down at the training facility that is used in Maricopa County.

And to see all of the garb that has to be involved in taking this down, where the officers have to dress up to protect themselves, the special breathing equipment—it is about $100 per-person cost

just to take one of these down. About 30 different law enforcement agencies get involved in each one of the take-downs because of the different aspects of it that are involved. It is really an incredible experience. And then when you go in and you see this kind of equipment laid out, you realize not only, as Senator Feinstein said, the danger of it, but also the environmental fallout.

Almost a lab a day is being seized in my State of Arizona, about 26 per month, which is up 30 percent over last year. Law enforcement is seeing an increase in child endangerment cases. About a fifth of the meth lab seizures involve young kids found at the scene, ranging from toddlers to teenagers.

Phoenix has the second highest rate for meth emergency room admissions in the United States, according to the Drug Abuse Warning Network. It has the second highest percentage of arrestees testing positive for meth in the United States. And, again, each one of us can cite these statistics, but it just illustrates how each one of our communities are affected.

It costs an average of about $4,400 to clean up a meth lab, with costs running as high as about $40,000. Clearly, this is too much of a burden, especially for some of our smaller communities. It takes about 6 to 8 hours to complete an on-scene investigation, and particularly in rural counties this creates a problem.

In Mojave County, AZ, a small, rural county in the northwest part of the State—it is not so small, actually; it is over 13,000 square miles in size, but the population is small. They seize about one lab per week. This year, they have already seized 70 labs. It could double if they actually had the resources to do it. So the point is they have been working very closely with DEA. I certainly commend Donnie Marshall for his excellent work at the agency in fighting the proliferation, and commend my colleagues for each one coming up with proposed solutions to deal with this at a Federal level.

Mr. Chairman, again, I think it is a very good thing your holding this hearing, and I appreciate the comments that all of my colleagues have made and hope that we can make good progress in actually getting a grip on this serious problem.

The CHAIRMAN. Thank you, Senator Kyl.

Senator Feingold.

STATEMENT OF HON. RUSSELL D. FEINGOLD, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator FEINGOLD. Thank you, Mr. Chairman. I also commend you for holding a hearing on this subject. The production and distribution of methamphetamine, or meth, is, of course, a growing problem in the Midwest, including in my home State of Wisconsin. It is particularly pervasive in western and northern Wisconsin.

So it is no surprise to see the leadership of the two Senators from Iowa because it is from over the Iowa border that our law enforcement people are really very, very concerned about the spread of this problem. In fact, the strongest concerns I have heard from law enforcement lately in Wisconsin are about this very subject.

Meth is actually similar to another synthetic drug which appeared in my home State of Wisconsin in the recent past, actually in northeastern Wisconsin, methcathinone, or "cat," as it is com-

monly known. I am glad to report that through the very hard work of law enforcement, both Federal and local, throughout the upper Midwest, we actually were able to, in effect, stop it at the border and made it a relatively isolated problem.

In contrast, however, the use of meth appears to be spreading. There can be no doubt that the consequences of producing, distributing or using this drug are serious. We have taken and must continue to take steps to address the growing problem. I am pleased to have been a cosponsor of a 1996 bill which later became law that strengthened and enhanced penalties for the trafficking of meth.

While it is important to punish those individuals who market meth, the 1996 law also addressed the important issue of regulating precursor chemicals, chemicals that are used to produce this deadly drug. The 1996 law increased penalties for the illegal possession and trafficking of precursor chemicals. The law also increased penalties for those individuals who endanger the lives of innocent people and threaten the safety of law enforcement officers, and also harm the environment by operating labs that produce meth.

In addition, very importantly, we must continue Federal-local partnerships. In April of this year, as Senator Harkin alluded to, the Wisconsin Office of Justice Assistance was awarded a $9.5 million Byrne grant for use throughout the State to fight crime and the spread of drugs. Part of that grant was targeted specifically to develop a multi-State task force to fight the spread of meth.

Clearly, the problems of drugs confronting this Nation are complex and challenging. It will require a long-term commitment by all of us, and some of my colleagues, as they have mentioned, have introduced legislation to strengthen our effort to combat meth and I am carefully reviewing them.

My experience has taught me that it is absolutely vital that the Federal Government be a true partner to State and local law enforcement. But it has also taught me that we must balance law enforcement activity and tough sanctions with effective and adequately funded education, prevention and treatment initiatives. We must scrutinize efforts to reduce the minimum amounts of meth or other drugs that are required to trigger mandatory sentencing so that sentences for casual users remain proportionate and fair. We do have a prison population that has tripled from 1983 to 1993.

So, Mr. Chairman, this is a terribly important issue and a great danger. We must strike a delicate balance between punishing offenders and ensuring that users get the treatment they need. I want to underscore how serious I believe this problem is, and we are feeling it in Wisconsin. Again, I want to thank the Chairman and I look forward to working with him and the other Members of the Committee who are obviously all dedicated to passing effective and sensible legislation.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Feingold.

We will now go to Senator Sessions, who is next.

STATE OF HON. JEFF SESSIONS, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator SESSIONS. Mr. Chairman, I would just say briefly thank you for having this hearing. I think we should deal with this. I was involved in prosecution of meth cases and helped Alabama change some laws on precursor chemicals that in the early 1990's I think made a difference.

But I believe in Alabama we are now seeing a major increase. The numbers I have seen, having visited with Senator Ashcroft in Missouri, and I am hearing from others—this is a remarkable development. It is an extraordinary increase in an illegal drug, comparable I would think only to the spread of crack cocaine that happened so rapidly, and I think it deserves great attention. Thank you for doing so.

The CHAIRMAN. Thank you, Senator Sessions.

Our Senator from Wisconsin.

STATEMENT OF HON. HERBERT KOHL, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator KOHL. Thank you, Mr. Chairman. As we all know, while once primarily a Western problem, meth is moving eastward and now ravaging parts of the Midwest, especially States like Iowa, Minnesota, and increasingly across the border into my State of Wisconsin.

For example, our State crime lab has nearly tripled the number of meth examinations since 1996. Prosecutions have more than doubled. Thefts of meth chemical ingredients from Wisconsin farmers and retailers are increasing. More police are being exposed to health hazards from meth labs. And most disturbingly for Wisconsin, there is even meth trafficking now at the high school level.

This, of course, is wrong and unacceptable. It is also a bad omen of things to come, so we need to act before meth becomes the next crack cocaine epidemic. Of course, Mr. Chairman, no single Federal law can hope to stop the problem of meth, but we can start to make a difference. Last week, the Senate approved my proposal for $1 million in additional funding for a meth task force in western Wisconsin.

On a broader level, today I am cosponsoring your Methamphetamine Anti-Proliferation Act which increases criminal penalties. Also, next week when we take up meth legislation in committee I hope we can take the best aspects of the three meth measures—yours, Mr. Chairman, Senator Ashcroft's, and mine, along with Senator Grassley's—pass them, and promptly enact them into law because, Mr. Chairman, we cannot afford to delay. Thankfully, this hearing is an important step forward. I appreciate your holding the hearing.

The CHAIRMAN. Well, thank you, Senator Kohl.

Now, with regard to our last Senator, let me just note that Senator Ashcroft has a meth bill that is on the agenda for tomorrow. I intend to amend it with what we have here, but what I would like to do—and I will order that all committee staff get together this afternoon and let's see if we can resolve any difference on these meth bills and have a substitute that basically we can all support and get out tomorrow.

But I want to particularly express appreciation for each member of this committee who has spoken thus far. Each one of you deserves a tremendous amount of credit for being willing to do something in this area, and certainly one of the leaders in this matter is Senator Ashcroft from Missouri.

We will turn to you at this time, Senator Ashcroft.

STATEMENT OF HON. JOHN ASHCROFT, A U.S. SENATOR FROM THE STATE OF MISSOURI

Senator ASHCROFT. Well, Mr. Chairman, I want to thank you and I want to thank all of the people who are here today. This reflects an understanding of the gravity of the problem of methamphetamine. I thank virtually every member of this committee who helped us in previous years make small progress against this big problem, and we need to continue to do that.

We have been losing ground in the war against meth, and the war against drugs generally. Use by eighth-graders, for instance, of marijuana since 1992 has increased 176 percent. Cocaine and heroin use among 10th-graders have more than doubled. These numbers are intolerable, but sadly there is more bad news than that on the drug front. It is the burgeoning epidemic in America right now, the epidemic of methamphetamine.

And it is all over America. It is not a problem that we can say is a West Coast problem or a coastal problem. It is everywhere. We face the largest drug threat in Missouri as a methamphetamine threat, and it may be coming soon to cities and towns near you.

What makes meth so dangerous is that it is cheap and easy to make and highly addictive. Most of us in our States have been to demonstrations of labs and things like this. Crystal meth in the 1990's is what cocaine was—I think Senator Sessions said it right—in the 1980's and heroin was in the 1970's.

For example, in 1992 DEA agents seized two clandestine meth labs in the State of Missouri. By 1994, there were 14 seizures. By 1998, there were 679 labs seized in Missouri by DEA agents. And I am pleased to see Sheriff Ron Doerge here from southwest Missouri. Many local officials have had encounters with methamphetamine that didn't involve the DEA, so those numbers don't really tell us all. But can you imagine going from 2 seizures in 1992 to 679 labs being taken down in 1998?

Meth ensnares our children and endangers us all, and causes users to commit other crimes. In 1998, the percentage of 12-graders who used meth was double the level in 1992. Meth-related emergency room incidents increased 63 percent over the same period. I recently had a conversation with a number of local law enforcement officers in Missouri. They estimated that as many as 1 out of every 10, or 10 percent, of high school students know the recipe for methamphetamine. It is available on the Internet, and it is totally unacceptable.

We have in Congress taken these indicators seriously. In the past two appropriations cycles, we have appropriated $11 million, and then $24.5 million for the Drug Enforcement Administration to train local law enforcement in the interdiction and cleanup of methamphetamine labs. Despite these appropriations, we see a growing problem. It is time that we dedicate serious resources to

stopping this scourge once and for all, and for that reason I introduced what is called the DeFEAT Meth Act at the beginning of this session.

It would authorize $30 million to train local law enforcement and assist in the cleanup of meth labs in fiscal year 2000, and additional amounts in each year through fiscal year 2004. Recently, I am pleased to have had conversations with Donnie Marshall, the Acting Administrator of DEA. I am pleased he could join us here today. It has become even more clear that these resources are sorely needed in our Drug Enforcement Administration.

My bill would also increase the mandatory minimum sentences for manufacturing meth. It would increase them substantially if someone is injured in the course of crimes involving meth. DeFEAT Meth would also include meth paraphernalia in the Federal list of illegal paraphernalia. Drug paraphernalia has been a crime in other drug settings. We haven't amended the law to include meth manufacturing paraphernalia and the like, and we ought to.

By focusing on reducing supply through interdiction and punishment, that is a step in the right direction, but it is not enough. The legislation would also authorize substantial resources for education and prevention specifically targeted at the problem of meth. As I said earlier, local law enforcement said 10 percent of the students know the recipe for meth. We need 100 percent of students to know that meth is the recipe for disaster and death.

The bill that I have sponsored is a simple three-part plan to solve the problem—stiffer penalties for making meth; more resources for interdiction, education and prevention; and, three, a ban on meth paraphernalia. I look forward to working together, as the chairman has indicated, to assemble the bill to be on the agenda for this week's executive session. I hope we can move it in a quick and bipartisan manner. I think this is one of the areas where we have been able to cooperate very effectively in the past and can do so again in the future.

I am very pleased that the chairman has introduced his own meth initiative, and I think together in some of the areas where we overlap we can obviously clean that up. There are some minor differences. My bill authorizes more resources for interdiction and training, and it includes additional authorization of funds for education and prevention. But I think we can get these things together, and particularly with Senator Harkin, who also was here with us today.

I think that working together we have an opportunity to move forward a package which we will be able to carry to the floor and ask the Senate to pass so that America can take charge in this effort of interdicting and curtailing the deadly impact of methamphetamine in our culture.

I thank the chairman.

The CHAIRMAN. Thank you, Senator Ashcroft.

We will finish with Senator Biden, who has certainly done a lot in this area.

STATEMENT OF HON. JOSEPH R. BIDEN, JR., A U.S. SENATOR FROM THE STATE OF DELAWARE

Senator BIDEN. Thank you, Mr. Chairman. I apologize for being late. It seems as though you and I have been working on this one issue for a long, long time. Way back in the early 1990's, back in the good or bad old days, depending on your perspective, when I was chairman of this committee and the Democrats were in control, you joined me in a report that we issued warning everyone that meth was coming.

We talked about the Bloods and the Cripps and how they were moving into the Northwest and moving into your State. Your drive-by shootings started to go up in the beautiful State of Utah. We found we were having pollution problems in streams and areas in Idaho and Montana, and it was coming East and not everybody paid attention to it.

I remember talking with my friend from Iowa at the time and he was aware. I mean, we were talking about that it was going to hit Iowa, and it hit Iowa big. It hit Iowa not only in terms of use, but the manufacture. And unfortunately this is something that we saw coming; we knew it was coming. It wasn't like the crack epidemic where the only person I recall talking about the crack epidemic coming from the islands was a guy from New York named Moynihan. He was the one saying, hey, crack is coming, and we all kind of looked at Moynihan like, right, yes, it is a problem, but we will get to it when we can.

We have had a lot of lead time on this. As a matter of fact, the Hatch-Biden methamphetamine bill in 1996 made some positive steps. That is why I and others have joined you again, Mr. Chairman, in making an additional effort here for a new methamphetamine bill. I will not take the time to go into detail about the bill because we are going to have time to debate that and hopefully mark up a bill.

But, you know, one of the things that is happening here is this Methamphetamine Anti-Proliferation Act, which is the new effort here, is attempting to address the problem of amphetamine as a meth substitute by making the penalties for manufacturing, importing or exporting the traffic of amphetamine equivalent to those established for methamphetamine in the 1996 law.

The two drugs are nearly identical. They differ only in one chemical. Whereas methamphetamine is made from ephedrine, a substance found in some over-the-counter cold remedies, amphetamine is produced in a different way. And I won't bore you with all the details. Our witnesses know all about this, but the bottom line of these drugs that are the designer drugs, in effect, out there is an interesting phenomenon. Just ask any cop. The phenomenon is there is incredible violence associated with methamphetamine. It is the aspect of the drug that makes it different, different even than cocaine. It is something that the cops in my State will tell you if they have a call that there is a suspect who they believe is under the influence of methamphetamine, they send three or four cops. They don't send a single cop, literally, not figuratively. It is a different deal.

And so not only is it spreading, not only do young people think it is not a dangerous drug—that is the frightening part of this. An

incredible number of the people the Senator from Missouri referred to, young people, think this is not like heroin, this is not like cocaine. In fact, in many ways it is worse than both.

So I agree with the Senator from Missouri. There is no reason why we can't, in a bipartisan way, attack this, but let's be honest with one another. This is going to be hard. This is a hard deal. This is not like we can cut it all off at the border. There is not a lot of heroin grown in the United States, so if we had a great interdiction policy theoretically we could impact on its consumption drastically. This isn't the same deal and it is going to be harder in many ways.

But I compliment you, Mr. Chairman. Like I said, it seems like we have been doing this a long time. I guess that is reason to be discouraged, but another side of it is it is a reason to be encouraged because we are making incremental progress here, and hopefully we will come out of these hearings with a solid piece of legislation. Although I am signed on with you to the Hatch-Biden alternative, I am not married to that. If there is a better idea, I am sure you are open to it, and I am open to it, but hopefully we can make some movement.

Again, I thank the chairman for having this hearing, and his time and the witnesses being here. I am anxious to hear what they have to say.

The CHAIRMAN. Thank you, Senator Biden. I have personally appreciated working with you all these years on the Judiciary Committee. You have been, if not the leader, certainly one of the few leaders in this country who has really made a tremendous impact in some of these areas. We are going to get staff together today and see if we can come up with something that would bring us all together so that we can pass this bill tomorrow because there is no reason for us to not solve all these problems to the best of our abilities.

The CHAIRMAN. At this point, I would like to enter into the record a statement of Senator DeWine.

[The prepared statement of Senator DeWine follows:]

PREPARED STATEMENT OF HON. MIKE DEWINE, A U.S. SENATOR FROM THE STATE OF OHIO

Mr. Chairman, I'd like to commend you for holding this important hearing today on a topic which should concern all of us—the rapid growth of methamphetamine trafficking. My concern has lead me to become an original cosponsor of "the Methamphetamine Anti-Proliferation Act of 1999," sponsored by our Chairman, as well as the rural methamphetamine bill sponsored by Senator Grassley, and the High Intensity Drug Trafficking methamphetamine emphasis bill sponsored by Senator Ashcroft. I am hopeful that in the end we will develop a strong compromise.

Throughout my career in public service, I have seen anti-narcotic strategies that have had varying levels of success. But I have come to learn that when it comes to the drug problem, we must never take our eye off the ball, because it continues to change and evolve. That said, the issue we are examining in today's hearing is part of our continuing effort to respond to a new trend in drug abuse—the alarming rise in domestic production and consumption of methamphetamines.

I am particularly interested in seeing that law enforcement has the personnel and resources needed to tackle this serious problem. Our efforts must include rural parts of America which have been hit particularly hard by this emerging crisis. We should also assist in providing training for local law enforcement to combat methamphetamine.

Our hearing today is an opportunity to focus on the issues that will impact how we will fight the war on drugs in the next century. As new methods for drug dis-

tribution emerge, such as dispersing recipes via the Internet, the law must respond. We need to empower our law enforcement to prosecute those who would knowingly disseminate the dangerous recipe for methamphetamine on the Internet for an unlawful purpose.

Finally Mr. Chairman, it is clear that the production of methamphetamine is actually a very dangerous process in and of itself. When druglords decide to risk the lives of innocent bystanders and to degrade the environment to manufacture their illegal products, they should be held accountable for harm both to people and the environment.

I look forward to being informed by the fine panel we have assembled today. Thank you all for coming.

We are really pleased to have a tremendous panel of witnesses here today. Our first witness is Donnie R. Marshall, the Acting Administrator of the Drug Enforcement Administration. If you would come to the table, we would appreciate it.

Our second witness is Paul Warner, our U.S. attorney for Utah doing a great job out there, and everybody is holding Paul in high esteem because of the work he is doing in a nonpartisan way.

Our third witness is Katina Kypridakes, manager of the Precursor Compliance Unit at the California Bureau of Narcotic Enforcement. We are particularly happy to have you here with us today as well.

Our fourth witness is Sheriff Ron Doerge, who is the Newton County sheriff, in Neosho, MO. Sheriff, we really appreciate having you here because you are right on the ground, knowing an awful lot of what is going on in this area, and we appreciate it.

Our final witness today is one of my constituents for whom I have high regard, John Vasica. He is a father of a methamphetamine victim from Sandy, UT. John, we are honored to have you here. We look forward to hearing your testimony.

I think what I am going to do before you give your testimony, Mr. Marshall, is have you come up and explain these methamphetamine lab materials, if you would, and let people know just a little bit about what this means.

PANEL CONSISTING OF DONNIE R. MARSHALL, ACTING ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE, WASHINGTON, DC; PAUL M. WARNER, U.S. ATTORNEY FOR THE DISTRICT OF UTAH, SALT LAKE CITY, UT; KATINA KYPRIDAKES, MANAGER, PRECURSOR COMPLIANCE PROGRAM, CALIFORNIA BUREAU OF NARCOTIC ENFORCEMENT, SACRAMENTO, CA; RON DOERGE, SHERIFF, NEWTON COUNTY, MO, NEOSHO, MO; AND JOHN VASICA, SANDY, UT

STATEMENT OF DONNIE R. MARSHALL

Mr. MARSHALL. I would be happy to.

The CHAIRMAN. If you will point this out to the audience, and if you television people want to come over through here, that is fine with us, and even behind the witnesses if you can get a better picture, because I think it is important for people to see this.

Why don't you borrow Mr. Vasica's mike and stand over on that side so that the media can report this because this is important. We have just made the case that this is being done all over America, and it is easy to do it, especially if you look at the Net. It is absolutely incredible the evil forces in this land.

We will turn the time over to you, John.

Mr. MARSHALL. Thank you, Senator, for the opportunity. I think the real point here about any methamphetamine lab is the simplicity of this thing. You see the glassware here is obtainable in almost any chemical supply house. You see that a lot of the ingredients here, such as household lye, epsom salt, Coleman fuel, Prestone starting fluid, are just obtainable at an auto parts house, at a retail store such as a Wal-Mart or places like that.

You have phosphorous that is used in some of the recipes, which is a simple road flare. You have ephedrine and pseudoephedrine that are used in many of the recipes and that is obtainable as a cold remedy, actually, in pharmacies and grocery stores and convenience stores all over the country.

Some of these labs are even simple enough that they use Mason fruit jars, in some cases actually paper cups from your local fast-food place. It is a process that is just really so simple. With the advent of the Internet, as several of you have referred to, the recipes are out there, all the ingredients, and the hardware, the glassware, et cetera, are obtainable very, very easily. And that is one of the reasons that it is so difficult to control all this is that a lot of these things have so many legitimate uses.

There are several methods for producing this. There is the ephedrine-pseudoephedrine method, there is the phenyl-2-propanol method, and there is the phenylpropanolamine method. And I am not a chemist, of course, and each of these are separate, slightly different formulas and slightly different procedures, but the bottom line is that they all produce a very easy process, a very potent product.

And one of the points that has already been made is the difference between amphetamine and methamphetamine. It is a simple thing of using different chemicals. Amphetamine and methamphetamine are slightly different strengths, a slightly different isomer, but nonetheless just as destructive and just as potent.

The CHAIRMAN. Just as addictive.

Mr. MARSHALL. Just as addictive, yes, and just as, I think, destructive to the users, and with the violence and the child abuse and neglect and those sorts of things that we see associated with methamphetamine equally associated with amphetamine.

The CHAIRMAN. With these materials right here, you could actually produce a quantity of meth that could be used to undermine our youth?

Mr. MARSHALL. Yes. The smaller labs would result—the simple things using one or two beakers or the paper cups would produce about 2 ounces. You graduate to the beakers, and even with larger beakers of this sort, that moves you into the super lab. And this is not really a super lab setup, but the super labs are capable of producing—what we call a super lab is 10 pounds or more. Some of them we have seized can actually produce hundreds of pounds.

Senator BIDEN. What does 2 ounces do? If you don't mind, Mr. Chairman, give the folks a sense of what 2 ounces can do.

Mr. MARSHALL. I am not sure, Senator, about the number of dosage units for 2 ounces. But if my math is correct, I believe 2 ounces would supply an individual user for several weeks at a time.

Senator BIDEN. That is the point. I mean, it is not a single dose.

The CHAIRMAN. Right.

Mr. MARSHALL. No. Two ounces is multiple doses, actually.

The CHAIRMAN. Tell us a little bit about this police outfit you are standing by. What is the significance of that?

Mr. MARSHALL. This is an illustration of the clandestine lab gear that we use to actually go in and take down the laboratories. We find that there are many toxic chemicals in these places. They use the lye, they use acetone, ether, those kinds of things. A lot of the stuff that they use is very flammable. Some of it is explosive.

They use sodium metal, for instance, and if it comes in contact with water, it is an instant explosion. And then if you combine that with the flammable chemicals, you see the hazard here. Many of these laboratories are booby-trapped. Many of these laboratories are guarded by the traffickers, and so what we have here is protective gear which is not only antiballistic gear, but it also has the respiratory protection. And hopefully this provides the individual officer going into these laboratories the kind of protection he needs from the flammable and explosive capability, as well as the fumes and exposure to those hazardous vapors.

The CHAIRMAN. That is very good. We appreciate you taking time to do that. We will be happy to take your testimony now.

Mr. MARSHALL. Thank you very much, Mr. Chairman and members of the committee. It is really a pleasure and an honor to be here to discuss this critical issue in our country today. I would like to provide the committee over the next few minutes with information on how, where and why this explosion in methamphetamine and the tragedies that go with it have occurred, and how Federal law enforcement, along with our State and local partners, are trying to work together across the Nation to address the problem.

We have already seen the laboratory equipment up there and the protective gear, and I would just reiterate the importance of the simplicity of this whole procedure. Now, methamphetamine is not really a new problem in the United States. I saw it in Austin, TX, when I was a rookie DEA agent almost 30 years ago.

But what we have seen in about the last 5 years is a tremendous upsurge in trafficking and abuse. It started on the West Coast. It expanded rapidly to the Midwest and to a lesser extent to the southeastern United States. Our statistics show—and I believe I have one chart over here—that in 1993—Senator Ashcroft has already referred a little bit to this—we seized a total of 218 methamphetamine labs that DEA was involved in. The total has increased significantly to the point where in 1998 DEA was involved in over 1,600 methamphetamine laboratories, and to date, in 1999, we have seized over 1,200.

Now, what this chart shows actually is a combination of Federal and State and local laboratory seizures. So you can see there—I believe it is in the blue is the DEA-only seizures, or seizures in which we were involved. The red figure is the figure in each State that State and local police seized and reported to us. Now, I would caution here that even these numbers are not necessarily all-inclusive because there are more than 16,000 police agencies and these are the ones that have come to our attention.

Now, with DEA, our methamphetamine arrests have also increased, from 1,893 arrests in 1993 to over 7,500 arrests in 1998.

That is an increase of 300 percent in just 5 short years. Today, we see that about 21 percent of all DEA arrests are for methamphetamine violations.

In 1998, the year that is shown on this chart, of the 1,627 labs that were seized by DEA, 71 of those were classified as super labs capable of producing 10 pounds or more. And we estimate that in spite of the proliferation of the number of these smaller labs, it is actually the super labs that produce over 80 percent of the methamphetamine that we see today.

The CHAIRMAN. What would 10 pounds of methamphetamine be worth on the street?

Mr. MARSHALL. It is my recollection that it is about between $50 and $10,000 per pound of methamphetamine, depending on the part of the country.

The CHAIRMAN. You are talking $50 to $100,000. So one of these super labs can make $50 to $100,000 in a relatively short period of time?

Mr. MARSHALL. Yes, and I will check on those figures and be sure that my prices are right.

The CHAIRMAN. Sure.

Mr. MARSHALL. There are two major forces today fueling this methamphetamine. You have got, first, the super lab methamphetamine trafficking or manufacture, and this is fueled by organized groups that are based in or have association with trafficking groups in Mexico. The second problem that we have is a series of widely scattered smaller labs by independent producers predominantly based in rural areas around the country.

Now, the traffickers in Mexico have become really powerful and they dominate the methamphetamine trade in the United States. These groups have risen to power over the last few years. Their rise to power is described in my written statement, but the main Mexico-based organization that is involved in methamphetamine is the Amezcua brothers. They produce methamphetamine on a very large scale and ship it into the United States. The Amezcua brothers and some of their Mexico-based operatives have actually be indicted in the United States, but thus far they have not been extradited to face trial here.

These organizations in Mexico have long-established poly-drug distribution networks, and they have had those networks in place with regard to marijuana and heroin trafficking for many years. And they have used those as a basis to move into numerous communities around the Nation, particularly in areas where Mexican workers are involved in industries like agriculture and meat packing. So it is now common to find traffickers from Mexico that have established themselves in many U.S. communities.

Now, these traffickers, many of them, are illegal aliens and they blend in very easily with the Mexican community in these places. The vast majority of this Mexican community are law-abiding citizens, and these traffickers simply blend in with them and distribute huge quantities of methamphetamine.

The production level of the smaller laboratories that are often described by us as mom-and-pop labs—the level is relatively low, an ounce here and there. However, a large number of these labs that we are seeing around the country really create probably the most

drastic environmental and law enforcement concerns, and it really is a problem that has just overwhelmed not only DEA but our State and local counterparts.

So methamphetamine, as we have heard already, is the only drug that we know of which an addict without much chemical expertise can make on his own, purchasing all of these things in retail stores and basically getting the recipe off the Internet or from friends.

Now, the cleanup of these clandestine laboratories across the country costs DEA and other government agencies millions of dollars. One of the Senators quoted a figure of about $2,700, I believe. My figures are slightly different than that, but the bottom line is DEA has spent almost $11 million over the last 2 years to clean up almost 4,000 clandestine laboratories.

Now, I would like to talk a little bit about our strategy. Our strategy encompasses several elements. It includes targeting and building cases against the major traffickers, not only in Mexico but their surrogates operating in the United States. It includes assisting State and local agencies in making cases against those traffickers operating in their communities and neighborhoods.

It involves partnering with State and local enforcement to assist in training and cleanup of those laboratories. And last, and perhaps the one that has really had somewhat of an impact, is controlling the precursor chemicals necessary for the production in Mexico and the United States. Thanks to this committee and the Congress and the generous budgets that DEA has gotten over the last several years, we have been able to allocate an additional 287 positions and about $35 million to methamphetamine efforts across the country over the last several years.

Training is one place that we spend a lot of that money. We provide clandestine laboratory safety and certification training not only for our own agents, but for State and local officers as well. Since 1997, we have conducted a total of 62 laboratory certification schools for 2,300, almost 2,400 DEA agents and State and local people across the country.

I would like to talk a little bit now about the situation as we are seeing it right now in the country. We are cautiously optimistic, Senator, that our chemical control efforts supported by the 1996 Act, combined with aggressive law enforcement efforts in the local police arena—we are confident that we are seeing the beginning of some results from there.

We are seeing a decrease in methamphetamine purity, and particularly in the Mexican-operated super labs. And I believe that that is perhaps a reflection of the difficulty in getting chemicals, along with the aggressive law enforcement. But in spite of that success, that could be fleeting, and the success against the Mexican labs is really a different problem from the smaller lab-based methamphetamine problem. That is going to be something that is much, much more difficult to get a handle on.

Now, the law enforcement agencies in the Midwest and California are reporting on this purity issue that about a year ago they were seeing methamphetamine in the 80-percent-pure range. And now we are seeing in most places that the Mexican methamphetamine purity has dropped to about 30 percent. And again I want

to reiterate that I believe that is largely the fruits of what we have been able to do as a result of the Methamphetamine Control Act of 1996, and I thank this committee for your support of that issue.

So, in summary, what I would like to say is that while I am cautiously optimistic that we are making progress, I think that some of the measures that are in these various bills can build upon the progress that we have already made. I think that we can use this present success and the additional measures really as a foundation to move forward and hopefully make even more progress in the future, thanks to your support.

I appreciate the opportunity to appear here today and at the appropriate time would be happy to try to answer any questions.

The CHAIRMAN. Thank you, and we appreciate it.

[The prepared statement of Mr. Marshall follows:]

PREPARED STATEMENT OF DONNIE R. MARSHALL

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE: I am pleased to have the opportunity to appear before you today to discuss the growing dangers that methamphetamine trafficking, use and abuse, and the spread of clandestine drug laboratories, pose to the citizens of our country. It is fair to say that methamphetamine is one of the most significant law enforcement and social issues facing our nation today, and it has affected specific regions of the country in a dramatic fashion.

The recent escalation of methamphetamine production and trafficking coincided with the growing power of the trafficking organizations based in Mexico after the arrests of the major leaders of the Cali mafia in the summer of 1995. Methamphetamine trafficking and use have increased exponentially over the past five years, and my testimony today will provide the committee with information on how, where and why this has occurred, and how federal law enforcement is working with state and local partners across the nation to address the methamphetamine problem.

While methamphetamine is not an entirely new problem in the United States, about five years ago an upsurge in methamphetamine trafficking and abuse began taking hold in many regions of the nation, starting on the West Coast, and rapidly expanding into the Midwest and, to a lesser extent, the Southeastern United States. DEA statistics indicate that in 1993, DEA seized a total of 218 methamphetamine labs. This total increased to 263 labs in 1994; 327 labs in 1995; and 879 labs in 1996. In 1997, DEA participated in the seizure of 1,451 clandestine labs, 98 percent of which were methamphetamine labs. In fiscal year 1998, DEA seized over 1,600 methamphetamine laboratories, and to date in fiscal year 1999, we have seized over 1,200.

Clandestine drug labs have been a concern for law enforcement since the 1960's when outlaw motorcycle gangs began producing their own methamphetamine in these labs and dominated the distribution of the drug within the United States. Although clandestine drug laboratories can also be used to produce other types of illicit drugs (i.e. PCP, MDMA, LSD, etc.), methamphetamine has always been the primary drug manufactured in the vast majority of labs seized by law enforcement. In 1998, 71 (4.4 percent) of the 1,627 clandestine methamphetamine labs seized by DEA were classified by the agency as "super labs." A "super lab" is a clandestine laboratory operation which is capable of producing 10 pounds or more of methamphetamine in a single production cycle, which is indicative of operation by a structured organization. Of the 71 "super labs" seized by DEA nationwide in 1998, 57 of these laboratories were seized in the State of California alone. DEA estimates that methamphetamine "super labs" currently produce over 80 percent of the methamphetamine available today in the United States.

The violence associated with methamphetamine trafficking and use has also produced a collateral impact on the crime statistics of communities across the U.S., particularly in the western United States. Television viewers nationwide recently watched live footage of a paranoid methamphetamine addict who stole a tank from a National Guard armory and went on a car crushing rampage in the San Diego area. Another methamphetamine addict in New Mexico beheaded his son after experiencing hallucinations in which he believed his son was Satan. In 1997, in Contra Costa County, near San Francisco, police found that methamphetamine was involved in 447 cases of domestic violence.

Since 1994, the number of DEA related methamphetamine arrests has increased precipitously, rising from 1,893 arrests in 1993 to 7,587 arrests in 1998, an increase of over 300 percent. Today, roughly 21 percent of all DEA arrests are for methamphetamine related drug violations, a total only surpassed by cocaine related arrests, which encompass roughly 45 percent of overall agency arrest totals.

METHAMPHETAMINE PRODUCTION AND TRAFFICKING

International organized crime groups based in Mexico

Today, there are two major forces fueling the methamphetamine trade within the United States: first, the well-organized, high volume, "super lab" methamphetamine manufacturing and trafficking groups based in Mexico; and second, a widely scattered series of local methamphetamine producers, predominantly based in rural areas around the country.

Traffickers based in Mexico have had a long history of involvement in poly-drug production and smuggling. For years, these powerful and violent groups produced and smuggled marijuana and heroin into the United States, dominating the heroin trade in the Southwest and Midwest regions of the nation. During the early 1990's, the Cali drug mafia reached an accommodation with trafficking groups based in Mexico who agreed to transport multi-ton quantities of cocaine into the United States. At first, transporters from Mexico were paid in cash, but eventually they negotiated to be paid in cocaine, which they distributed themselves within the United States. This series of changes in the cocaine trade, along with the arrest of the powerful Cali leaders in 1995 and 1996, greatly strengthened the organizations from Mexico.

The Increased power and sophistication of the Mexican traffickers led them to seek to successfully dominate all phases of the methamphetamine trade, from beginning to end. Because methamphetamine is a synthetic drug created from a mixture of chemicals, traffickers based in Mexico did not have to rely on traffickers in other nations to provide coca or finished cocaine for distribution. These groups initially had ready access to precursor chemicals on the international market. These chemicals have fewer controls in Mexico and overseas than in the United States, a fact which allowed the organizations to produce large quantities of high purity methamphetamine in clandestine laboratories, both in Mexico and southern California. Methamphetamine organizations based in Mexico have developed international connections with chemical suppliers in Europe, Asia, and the Far East, and with these connections, they have been able to obtain ton quantities of the necessary precursor chemicals (ephedrine and pseudo-ephedrine) to manufacture methamphetamine and amphetamine. In recent years, with the growth of DEA led international efforts to control the flow of bulk ephedrine and pseudo-ephedrine, Mexican traffickers have also turned to tablet forms of these precursors to manufacture their product and now frequently buy their products from rogue chemical suppliers in the United States.

The Amezcua-Contreras brothers, operating out of Guadalajara, Mexico, head a methamphetamine production and trafficking organization with global dimensions. Their drug trafficking organization is one of Mexico's largest smugglers of ephedrine and clandestine producers of methamphetamine. By exploiting the legitimate international chemical trade, this organization holds the key to producing methamphetamine on a grand scale. Information developed by U.S. and Government of Mexico (GOM) investigations indicate that the Amezcua organization obtains large quantities of the precursor ephedrine, utilizing contacts in Thailand and India, which they then supply to methamphetamine laboratories in Mexico and the U.S. The activities of this group have significantly impacted a number of U.S. cities and have contributed to the growing methamphetamine abuse problem in the U.S.

Until their arrests by the GOM in June 1998, the Amezcua organization was directed by Jesus Amezcua, and supported by his brothers, Adan and Luis. During 1998, all GOM charges against Luis and Jesus Amezcua were dismissed by Mexican courts due to insufficient evidence. Both Luis and Jesus Amezcua were then ordered released by the courts but were re-arrested by the GOM based on U.S. provisional arrest warrants. These U.S. provisional arrest warrants are currently the only charges holding Luis and Jesus Amezcua. In January and February 1999, the GOM ruled that Luis and Jesus Amezcua were extraditable to the U.S. Both defendants have filed a judicial appeal against extradition, and their fate is pending on the outcome of Mexican judicial rulings. On May 19, 1999, Adan Amezcua, who was originally arrested in November 1997 on weapons charges and then rearrested in March 1999 for money laundering violations, was released from prison. The money laundering charges against Adan were dismissed due to a lack of evidence. In spite of the continued incarceration of Jesus and Luis Amezcua in Mexico, the Amezcua-

Contreras trafficking organization still maintains active cells in the United States. The center of the Amezcua's trafficking activities in the U.S. originates in California, either as a manufacturing point or as an initial storage site after methamphetamine is imported from Mexico.

In addition to readily available precursor chemicals which allow groups from Mexico, such as the Amezcuas, to produce thousands of pounds of methamphetamine in laboratories in Mexico and California, the methamphetamine organizations based in Mexico also have well-established, polydrug distribution networks in place throughout our country. Trafficking organizations from Mexico have infiltrated numerous communities around the nation, particularly areas where large numbers of Mexican workers are involved in the meat packing business or other agricultural industries. It is common now to find hundreds of traffickers from Mexico, some of them illegal aliens, established in communities like Boise, Des Moines, Omaha, Charlotte and Kansas City, distributing multi-pound quantities of methamphetamine.

The impact of methamphetamine trafficking on these communities has been devastating. In Iowa, health officials expressed deep concern about the thousands of infants who have been exposed to methamphetamine before their births. Furthermore, an expert associated with Marshall County Iowa's Juvenile Court Services estimated that in 1998, one third of the 1,600 students at Marshalltown High School had tried methamphetamine. Methamphetamine production also poses a grave problem to the communities in which the drug is located. Several years ago, during a major case, DEA discovered a working methamphetamine laboratory at an equestrian center where children were taking riding lessons. In another case, a laboratory capable of producing 180 pounds of methamphetamine was discovered within a thousand feet of a junior high school. This type of discovery is being made more and more frequently by DEA and other law enforcement agencies working methamphetamine cases.

Domestically produced methamphetamine

While the vast majority of methamphetamine available in the United States is produced and trafficked by the well-organized groups from Mexico, domestic production of methamphetamine by United States citizens is also a significant problem. The production level of these laboratories, often makeshift and described as "mom and pop" labs, is relatively low; however, the large number of these labs and the environmental and law enforcement concerns associated with their operation, poses major problems to state and local law enforcement agencies, as well as to DEA.

Our nation's growing methamphetamine lab epidemic can also be attributed to the evolution of technology and the increased use of the Internet. In the past, methamphetamine chemists closely guarded their drug recipes; but with modern computer technology and the increasing willingness of chemists to share their recipes, this information is now available to anyone with computer access. Methamphetamine is one of the only widely abused controlled substances which an addict, without chemical expertise, can make on his own. A cocaine or heroin addict cannot make his own cocaine or heroin, but a methamphetamine addict only has to turn on his computer to find a recipe for the chemicals and developmental processes required to make the drug.

Methamphetamine is, in fact, a very simple drug to produce. A user can go to retail stores and easily purchase the vast majority of the ingredients necessary to manufacture the drug. Items such as rock salt, battery acid, red phosphorous road flares, pool acid, and iodine crystals can be utilized to substitute for some of the necessary chemicals. A clandestine lab operator can utilize relatively common items such as mason jars, coffee filters, hot plates, pressure cookers, pillowcases, plastic tubing, gas cans, etc., to substitute for sophisticated laboratory equipment. Unlike Fentanyl, LSD, or other types of dangerous drugs, it does not take a college educated chemist to produce methamphetamine. In fact, less than 10 percent of those suspects arrested for the manufacture of methamphetamine are trained chemists, which may be one reason we see so many fires, explosions, and injuries in clandestine lab incidents.

Despite the fact that the majority of these laboratories produce relatively small amounts of methamphetamine, the proliferation of this type of laboratory has imposed terrible burdens on law enforcement agencies and departments in states like Missouri. In 1992, only two clandestine lab seizures in Missouri were reported to DEA; by 1997, Missouri was ranked the number one state in per capita methamphetamine lab seizures. In 1998, 679 clandestine lab seizures were reported in Missouri, tying the state for second, with Utah (Nevada was first) in per capita clandestine laboratory seizures. In addition, the states of Arkansas, Iowa, Oklahoma, Oregon, Kansas and Arizona each seized in excess of 200 methamphetamine labora-

tories in 1998. Smaller "mom and pop" lab operations are even a significant problem in California, despite the state's high concentration of "super labs."

In some respects, the methamphetamine problem is synonymous with the clandestine laboratory problem (as previously mentioned, over 98 percent of clandestine labs seized are now methamphetamine labs) and this issue has been the focus of much media attention in recent months. Although the methamphetamine problem and the clandestine lab problem are both part of the same drug abuse mosaic, in reality, they are somewhat different issues which may require a different law enforcement response in order to successfully combat the spiraling increases in both arenas.

The threats posed by clandestine labs are not limited to fire, explosion, poison gas, drug abuse, and booby traps; the chemical contamination of the hazardous waste contained in these labs also poses a serious danger to our nation's environment. Each pound of methamphetamine generated in a clandestine lab can result in as much as five pounds of toxic waste, which clandestine lab operators routinely dump into our nations streams, rivers, and sewage systems to cover up the evidence of their illegal operations. Because of the possibility of explosions and direct contact with toxic fumes and hazardous chemicals, law enforcement officers who raid clandestine drug labs are now required to take special hazardous materials (HAZMAT) handling training. Today, the police officer who improperly disposes toxic waste materials could be exposing himself to civil liability under the federal Resource Conservation and Recovery Act (RCRA).

The chemical reactions that occur during the manufacture of methamphetamine also produce chemical vapors that can permeate into the walls, carpets, plaster, and wood of the houses and buildings in which they are located. The cleanup of these clandestine laboratories across the nation costs DEA and other government agencies millions of dollars annually. The average clandestine laboratory costs approximately $3,000 to cleanup. Large laboratories can result in costs exceeding $100,000. Such large sums of money could easily bankrupt a small sheriffs department, which is why it is essential for these smaller law enforcement entities to involve state and federal authorities in the larger clandestine lab investigations during the early stages of case development.

The size of lab does not matter when it comes to the danger level involved in a clandestine laboratory raid. The smaller labs are usually more dangerous than the larger operations because the cooks are generally less experienced chemists who often have little regard for the safety issues that arise when dealing with explosive and poisonous chemicals. However, the size of a clandestine laboratory can be a significant factor in the costs associated with the hazardous waste cleanup. Larger production laboratories usually have larger quantities of toxic chemicals, and therefore, more significant hazardous waste disposal charges.

DEA'S STRATEGY TO FIGHT METHAMPHETAMINE

DEA's methamphetamine strategy encompasses several elements, including targeting and building cases against the major methamphetamine traffickers based in Mexico, and against their surrogates operating in the United States today; assisting state and local law enforcement agencies in making cases against methamphetamine manufacturers and traffickers working in the United States; partnering with state and local law enforcement to assist with training and laboratory clean-up; and controlling the precursor chemicals necessary for methamphetamine production in Mexico and the United States.

Since fiscal year 1998, due to the generous contributions of the President and Congress, DEA has targeted over 297 positions (160 Special Agents) and $35.6 million on methamphetamine enforcement efforts across the United States. While the majority of this funding has been used for personnel resources, remaining funds have been used for the purchase of clandestine laboratory vehicles, the continued development of DEA's Clandestine Laboratory Database and the cleanup of clandestine methamphetamine laboratories. Today, DEA provides contracted clandestine laboratory cleanup services for DEA Special Agents as well as state and local law enforcement personnel across the country. Funding for this purpose is provided to the agency by the President and the Congress through the Assets Forfeiture Fund, DEA direct appropriation and the COPS program. In 1997, DEA provided for the clean-up of 1,383 clandestine drug laboratories nationwide, at a cost of $6.8 million. In 1998, this total rose to 1,919 clandestine laboratories at a cost of $5.8 million. To date, in 1999, DEA has provided for the clean-up of 1,812 clandestine laboratories at a cost of $5.0 million.

DEA CLANDESTINE LABORATORY SAFETY/CERTIFICATION TRAINING

In 1987, DEA created a special training unit for clandestine laboratory safety/certification training which is located at the U.S. Marine Corp Base at Camp Upshur, Quantico, Virginia. This unit originated in response to concerns from DEA management that the agency's Special Agents and task force officers were being exposed to hazardous, toxic, and carcinogenic chemicals while executing raids on clandestine drug laboratories. Some DEA field offices, primarily in the state of California, were reporting that Special Agents and officers appeared to be suffering serious health problems as a result of both short and long-term exposure to the chemical and toxic fumes encountered when processing these drug laboratories. The U.S. Code of Federal Regulations, 29 C.F.R. 1910.12, now mandates that all federal, state, and local law enforcement officers must receive at least 24 hours of hazardous chemical handling training (specific Occupational Safety, Health and Administration (OSHA) standards for courses and equipment), prior to entering a clandestine drug laboratory.

Reports from DEA and state police records indicate that at least five or six meth producers are now being killed every year from explosions and/or fires in clandestine labs. Many more receive serious burns or develop serious health problems from clandestine laboratory explosions and fires. There have been reports of apartment complexes and a $3,500,000 hotel which burned down as the result of drug lab "cooks" that turned into chemical time bombs. Recent years have seen an increase in the number of injuries to untrained police officers who investigate and/or dismantle clandestine laboratories without utilizing the proper safety equipment.

Reports of property damage and injuries to children from drug lab disasters have also increased throughout the nation. During 1997, the Kansas City area fire department authorities were reporting fires, on an almost monthly basis, that originated from clandestine methamphetamine laboratory operations or the use of precursor chemicals. In Independence, Missouri, the Chief of Police reported that during the last two years, at least six individuals have been killed in fires that resulted from clandestine methamphetamine laboratories. Police reports from California and Oklahoma indicate an increase in deaths from invisible poisonous phosphine gas.

In response to the U.S. Code of Federal Regulations which mandates that all law enforcement officers must have completed a clandestine lab safety school prior to entering a methamphetamine lab, DEA has initiated an aggressive training schedule to increase the number of clandestine laboratory safety schools provided to state and local police throughout the nation. The DEA Clandestine Laboratory Safety Program conducts its safety/certification schools at the DEA Clandestine Laboratory Training Facility in Quantico Virginia. An auxiliary regional training facility has also been established for the Midwest U.S., near Kansas City. This specialized unit frequently conducts in-service training and seminars for law enforcement groups such as the Clandestine Laboratory Investigators Association (CLIA) and the International Association of Chiefs of Police (IACP). In addition, the DEA Clandestine Laboratory Training Unit provides police awareness training seminars to law enforcement organizations across the U.S., as well as the annual re-certification training which is mandated by 29 C.F.R. 1910.12.

Students who graduate from the DEA Clandestine Lab School in Quantico, Virginia, are issued over $2,000 in specialized clandestine lab safety gear. Some of the items issued include: Level III nomex fire-resistant ballistic vests; nomex fire-resistant jackets, pants, and gloves; chemical resistant boots; air purified respirators; combat retention holsters; special flashlights; chemical resistant clothing for conducting hazard assessments and processing drug labs; and goggles to prevent eye injuries in the event a suspect throws acid or other dangerous chemicals at law enforcement personnel. Since 1997, DEA has conducted a total of 62 clandestine laboratory certification schools for 2,384 Special Agents and state and local law enforcement personnel across the country.

Today, we are cautiously optimistic that our chemical control efforts, combined with aggressive anti-methamphetamine law enforcement efforts in the local police arena, have been the catalyst for the decrease in methamphetamine purity. However, success in combating the smaller lab-based methamphetamine problem may be much, more difficult to achieve. As previously indicated, the dawn of the Internet has released a plethora of methamphetamine formulas for the public to choose from, and everything that is needed to manufacture methamphetamine can be purchased at your local department store, where federal and state law enforcement officials have to rely on voluntary compliance measures instituted by industry.

In recent months, several DEA offices in the Midwest and California have reported that the purity of Mexican methamphetamine has significantly dropped in the majority of controlled purchases and seizures. Many law enforcement agencies

in the Midwest and California are now reporting that the previous high purity (80 percent+ range) of Mexican methamphetamine has now dropped to less than 30 percent. Information provided by DEA's System to Retrieve Information from Drug Evidence (STRIDE) shows that nationally, the average purity for methamphetamine has dropped from 60.5 percent in 1995 to 27.2 percent in 1999.

IMPACT OF THE METHAMPHETAMINE CONTROL ACT OF 1996

Without strong and innovative laws to help federal, state and local law enforcement meet the challenges posed by methamphetamine production and trafficking, law enforcement's mission would be all the more difficult. One of the most important pieces of legislation developed in our nation's ongoing fight against methamphetamine trafficking and abuse is the Methamphetamine Control Act of 1996 (MCA), which was developed under the leadership of Chairman Hatch and other members of the Judiciary Committee, most prominently Senators Feinstein and Biden. This act specifically targets the diversion of ephedrine combination drug products and drug products containing pseudoephedrine and phenylpropanolamine. As I noted earlier, beginning in 1996, seizures of methamphetamine laboratories began to rise dramatically and early on, almost all of these laboratories were using pseudoephedrine drug products as their source of precursor material. The MCA subjected these products to full regulatory control at the manufacturer and distributor level, allowing us to track the production and sale of these products nationally. It also provided specific exemptions at the retail level so that legitimate consumers of these products were not affected.

In addition, the MCA provided the impetus for a number of major pharmaceutical retailers to adopt voluntary measures, such as restrictions on the volume of sales of these products, to individual customers. The Drug Enforcement Administration and Wal-Mart have formed a partnership to control large-scale purchases of three key over-the-counter (OTC) products, pseudoephedrine, ephedrine, and phenylpropanolamine, used in the clandestine manufacture of methamphetamine and amphetamine. After meeting with DEA representatives at a national meeting of Wal-Mart pharmacy managers in Kansas City, Missouri, on January 16, 1997, Wal-Mart management moved to restrict sales of these allergy/cold/diet preparations which have been diverted from legitimate use and seized in clandestine labs throughout California, Western, Southwestern, and Midwestern States.

Another major feature of the MCA was the requirement that mail order distributors report their sales to individual users, to DEA on a monthly basis. These firms had been a major source of pseudoephedrine products for methamphetamine laboratory operators. This reporting requirement, coupled with the fact that these firms were now required to become registered with the DEA, has had a major impact on the activities of these firms.

Overall, the new controls implemented through the MCA, augmented by voluntary measures instituted by industry, have made it increasingly difficult for large laboratory operators to obtain substantial quantities of precursor materials domestically. In fact, while the number of laboratories seized has continued to increase, this increase is attributed to the growth in the number of small laboratories producing ounce quantities of methamphetamine. Laboratories of this size are still able to obtain sufficient cough and cold drug products containing the necessary methamphetamine precursors at the retail distribution level to satisfy their needs, despite the voluntary efforts of industry.

CONCLUSION

Methamphetamine, and other controlled substances which are produced in clandestine laboratories provide an increasing threat to drug law enforcement personnel as well as the citizens of our nation. The vast power and influence of international drug trafficking syndicates, particularly those based in Mexico, continues to grow. Their impact on communities around our nation is devastating.

Domestically-based drug traffickers who engage in methamphetamine production and trafficking are also a major threat to our nation's stability. Since methamphetamine is relatively easy to produce, and with the proliferation of information on methamphetamine production available on the Internet, unscrupulous individuals will continue to take part in this illegal and dangerous enterprise. Traffickers only need $1,000 worth of chemicals to make $10,000 in methamphetamine in a trailer, a hotel room or house in any location within the United States.

As the number of clandestine labs operated by both internationally-based criminal organizations and "mom and pop," small, independent groups continues to escalate, the chances of narcotics officers, or other uniformed personnel, inadvertently encountering clandestine labs will become more and more prevalent. In the years to

come, DEA will continue to work to improve its efforts in the methamphetamine arena to ensure a safe future for both our law enforcement personnel dedicated to addressing this dangerous problem as well as our citizens. I thank you for providing me with this opportunity to address the Committee and I look forward to taking any questions you may have on this important subject.

Senator BIDEN. Mr. Chairman.

The CHAIRMAN. Yes, Senator Biden.

Senator BIDEN. I would like to apologize to you and the witnesses. We are marking up a bill in the Foreign Relations Committee and I am going to go downstairs for that. I have to go there because I am the ranking member there. I will probably miss the testimony, but I will be back to ask questions.

As the DEA knows, meth has made it to the East. The largest lab in the Northeast was busted last year in little Dover, DE, 50 pounds seized. So this is a universal problem. But I do want to apologize to the witnesses for not being here to listen to their testimony. And I think Senator Ashcroft is probably going to go to the same markup.

Senator ASHCROFT. I am going to try and stay here until the call comes.

Senator BIDEN. Well, since he has an amendment for the markup that I disagree with, I hope he stays here the whole time. [Laughter.]

I think you should concentrate on this, Senator, where we agree, and I will tell you what happened at the markup.

Anyway, thank you very much.

The CHAIRMAN. Thank you, Senator Biden.

Mr. Warner, we are honored to have you here and we look forward to taking your testimony at this time.

STATEMENT OF PAUL M. WARNER

Mr. WARNER. Thank you, Mr. Chairman, and good morning members of the committee. I want to thank Chairman Hatch for the kind introduction. I greatly appreciate the opportunity to testify before the committee on the critical problem of methamphetamine and some of the steps that we are taking in Utah to deal with this threat to public safety. I intend to keep my oral remarks brief, and therefore I would request that my entire statement be made a part of the record.

First, I can tell you without exaggeration that the meth problem in Utah today is our most serious threat to public safety. Let me provide you with just a few statistics that help demonstrate the severity of the problem. I know, Mr. Chairman, you are aware of many of these.

As of last week, with a little more than 2 months remaining in fiscal year 1999, the DEA Metro Narcotics Task Force in Salt Lake City had made 308 arrests on meth-related charges. This is a 14-percent increase over all of fiscal year 1998 and a 34-percent increase over fiscal year 1997. Similar trends are seen in the number of clandestine labs seized by the task force.

Perhaps the most troubling numbers, however, relate to the quantities of meth seized. They have increased dramatically over the last 3 years as well. Let me emphasize that these numbers do not include arrests and seizures made by other Federal agencies such as the FBI. Additionally, meth abuse is driving much of the

other crime in Utah, such as burglaries and theft. The commission of these crimes can almost invariably be traced to the support of a meth habit. Finally, the very existence of a meth lab in the community poses a significant danger, as has been discussed earlier, as an environmental hazard. Cleanup costs drain precious law enforcement resources.

Now, there are two key components to the meth problem in Utah. The first component is the home-grown problem, clandestine meth labs. Indeed, I am currently being told that now Utah has the dubious distinction of having the highest per-capita number of illegal meth labs of any State in the Union. This part of the problem involves U.S. citizens operating relatively small labs and producing comparatively small amounts of very pure meth. At least 213 such labs have been taken down in Utah so far in fiscal year 1999.

The second component of the meth problem in Utah is what we call Mexican meth. This component of Utah's problem, and our response to it, bares directly on controlling methamphetamine proliferation in Utah and also throughout the rest of the United States. Meth is being produced in large quantities in Mexico, as has also been noted previously. Criminal aliens enter the United States illegally and then come to Utah bringing meth with them. Let me take a moment to describe some of what we have been doing to address both the meth and the criminal alien problem, which are obviously related.

First, we have created a new drug section in our office, establishing a high priority for meth prosecutions and adding new resources provided by Congress. This section is now staffed with 5 attorneys, including 2 who are dedicated to OCDETF cases. So far in fiscal year 1999, we have indicted approximately 165 defendants. I estimate approximately 75 percent of these cases were meth-related.

In addition to these efforts within the Federal law enforcement establishment, we have also actively supported State and local efforts as well. For instance, a number of defendants were charged in State court with methamphetamine offenses as a result of our OCDETF investigations. Moreover, Federal law enforcement in Utah is strongly supporting the Rocky Mountain HIDTA, which in Utah is dedicated nearly exclusively to meth cases.

The second prong of our initiative involves prosecuting criminal alien cases. Now, I understand that this can be a sensitive subject and that the link between these cases and the meth problem may not be readily apparent to some. However, it is my view that because of the prevalence of Mexican meth, these types of cases are intimately intertwined and that we cannot get a handle on the meth problem without also attacking the criminal alien problem as well. We are aggressively pursuing these cases.

Again, we are showing results. Last year, we prosecuted 313 reentry cases in Utah. The vast majority of the criminal alien cases we prosecute involve defendants with drug-related convictions, as well as lengthy criminal histories. Many of these are methamphetamine-related offenses.

Finally, Mr. Chairman, if I could make a general comment on where we go from here, either we want to confront this problem or we don't. If we do, then adequate resources must be provided to do the job, and I can promise you at least in Utah that if you give us

these resources, we will get the job done. I know my fellow U.S. attorneys around the country share my commitment to this as well.

Thank you, Mr. Chairman, for giving me this opportunity and at the appropriate time I would be pleased to respond to questions.

The CHAIRMAN. Thank you, Mr. Warner.

[The prepared statement of Mr. Warner follows:]

PREPARED STATEMENT OF PAUL M. WARNER

Good morning, Mr. Chairman and Members of the Committee. And thank you, Chairman Hatch, for that kind introduction. I have the honor of being the United States Attorney for the District of Utah, and I greatly appreciate the opportunity to testify before the Committee on the critical problem of methamphetamine trafficking, its production and abuse, as well as some of the steps we are taking in Utah to deal with this threat to public safety.

With your permission, Mr. Chairman, I will summarize the major points I would like the Committee to understand, and I request that my entire statement be made a part of the record.

I have been a prosecutor for almost a quarter of a century, and I have been a federal prosecutor for the past eleven years. Before the President nominated me to be the U.S. Attorney for Utah, I had served in the Utah U.S. Attorney's office as First Assistant, as Chief of the Criminal Division, and as Violent Crimes Coordinator for the office. I can tell you without exaggeration that the meth problem in Utah today is the most serious criminal threat to public safety we face.

Let me provide you with just a few statistics that demonstrate the severity of the problem.

As of last week, with a little more than two months remaining in fiscal year 1999, the DEA/Metro Narcotics Task Force in Salt Lake City has made 308 arrests on meth related charges. This is a 14 percent increase over the 270 Task Force arrests for meth in all of fiscal year 1998, and a 34 percent increase over the 229 arrests in fiscal year 1997.

Similar trends are seen in the number of clandestine labs seized by the DEA/Metro Task Force. As of last week, 212 labs had been seized in fiscal year 1999, compared with 188 in all of fiscal year 1998 and 154 in fiscal year 1997. Again, the year-to-date figures for fiscal year 1999 are approximately 37 percent higher than all of fiscal year 1997.

The most troubling numbers, however, relate to the quantifies of meth seized. As of last week, the DEA/Metro Task Force has seized 79.6 pounds of methamphetamine in the Salt Lake area. In fiscal year 1998, 75.2 pounds were seized. And in fiscal year 1997, only 28.9 pounds were seized. As you can see, the amount of meth seized in the first ten months of fiscal year 1999 is 175 percent more than in all of fiscal year 1997. Based on a 1996 national price of $500 to $2,400 per ounce, this translates into between $636,800 and $3,056,640 in meth seized off our streets in the Salt Lake City metro area. And let me emphasize that these numbers do not include arrests and seizures made by other agencies, such as the FBI.

Make no mistake, methamphetamine manufacturing and trafficking are not so-called "victimless crimes". We know by sad experience that the drug business is always accompanied by guns and violence. Additionally, meth abuse is driving much of the other crime in Utah, such as burglaries and theft. For instance, our postal theft and fraud cases in Utah have increased almost exponentially. Between January 1 and September 1, 1998, our office indicted a total of 26 postal cases. By comparison, between January 1 and July 22, 1999, we have already indicted 52 such cases—twice the number in a shorter time span. These crimes represent losses to individuals and businesses in the tens of thousands of dollars, and the commission of these crimes can almost invariably be traced to the support of a meth habit.

Nor is this a problem unique to my District. For instance, Postal Inspectors in Arizona attached to the Phoenix Volume Mail Theft Task Force have handled thousands of mail theft cases in the past several years. These officers tell me they can only recall one or two cases that were not meth related, and report that during searches incident to their investigations, they invariably find meth and paraphernalia indicating meth use.

Finally, the very existence of a meth lab in a community poses a significant danger as an environmental hazard to that community. Clean-up costs drain precious law enforcement resources.

Why is meth so pernicious? The overriding factors are that it is effective, highly addictive, and perhaps most importantly, cheap. As one of our postal theft defend-

ants who was addicted to meth recently told us, he could spend $20 on cocaine and be high for an hour, or spend the same $20 on meth, and be high for a week.

There are two key components to the meth problem in Utah. While I believe that these components certainly exist in other areas of the country that are experiencing a serious meth proliferation problem, they also rest on factors somewhat unique to Utah. The first component is the home grown problem—the proliferation of clandestine meth labs. Indeed, Utah has had the dubious distinction of having the highest per capita number of illegal methamphetamine manufacturing operations of any State in the Union.

This part of the problem involves U.S. citizens operating small labs and producing comparatively small amounts of very pure meth. As I have noted, at least 212 such labs were taken down in Utah so far in fiscal year 1999. Meth lab establishment has been aided by the ready availability of precursor chemicals in Utah. Fortunately, this is beginning to change somewhat, as the legislature has taken steps to impose sales restrictions on these precursors to reduce their availability. This, combined with aggressive enforcement, hopefully will begin to gradually reduce the prevalence of labs. However, we all must recognize that as long as there is profit in manufacturing meth, clandestine labs will continue to persist.

The second component of the meth problem in Utah is what we call "Mexican meth," a term that refers not necessarily to the country of origin but to the predominant ethnicity of the meth "cookers." It results in part from our geographic location as a convenient transshipment point. The result is a significant number of what we call pipeline cases. This component of Utah's problem, and our responses to it, bear directly on controlling methamphetamine proliferation in Utah and throughout the United States. Meth is being produced in massive quantities in Mexico and in large labs in California and other western states. Utah's proximity to the national border, and the convergence of three primary travel corridors—1–70, 1–80, and 1–15—within the state combine to make Utah uniquely situated to serve as a major transshipment point of this Mexican meth. Unfortunately, we are finding that much of the drug is staying in Utah and other Inter-Mountain states as well. It is also an unfortunate fact that much of this particular component is a direct result of illegal entry by criminal aliens into the United States, who then come to Utah.

Let me take just a moment to describe some of what the Utah U.S. Attorney's office has been doing to address both the meth and the criminal alien problems, which are related. As you know, Senator Hatch, when I took office as U.S. Attorney, I established two prosecutive priorities. These priorities are meth and aggravated reentry immigration cases. With the support of Main Justice and the Congress, these initiatives are starting to bear fruit.

First, I was able to obtain two new drug prosecutors, which allowed me to establish within the office's Criminal Division a new drug section. Utilizing targeted resources provided by Congress and allocated by the Executive Office for U.S. Attorneys, this section is now staffed with 5 attorneys, including two who are dedicated to OCDETF cases. Even while still staffing up, the results of this section can already be seen. For instance, so far in fiscal year 1999, we have indicted approximately 165 defendants. I estimate that for approximately 75 percent of these defendants, meth was either the principal controlled substance or one of the controlled substances represented in the indictments.

As a reflection of the growing problem with methamphetamine in Utah and the commitment by federal law enforcement to attacking the problem, allow me to provide a comparison of defendants indicted in OCDETF cases within the last two years. In fiscal year 1998, 38 total defendants were indicted in the District of Utah through OCDETF investigations, many of whom were indicted for methamphetamine offenses. By comparison, so far in first ten months of fiscal year 1999, OCDETF investigations have resulted in the indictment of nearly 80 defendants, and nearly all of those defendants were indicted for a meth offense.

In addition to the efforts solely within the federal law enforcement establishment, we have also actively supported state and local efforts as well. For instance, a number of defendants were charged in state court with methamphetamine offenses as a result of our OCDETF investigations. Moreover, federal law enforcement in Utah is strongly supporting the Rocky Mountain HIDTA initiative, which in Utah is dedicated nearly exclusively to meth cases. Our state HIDTA prosecutor is carrying a substantial felony caseload, and since October, 1998, has filed over 200 state felony charges against 110 defendants. Additionally, since being cross-designated as a Special Assistant United States Attorney in April of this year, the HIDTA prosecutor has indicted 7 defendants in federal court on meth related charges.

The point of relating these numbers is not only to inform the Committee of what we are doing to tackle the meth problem in Utah, but also to emphasize the severity of the problem. Even with the substantial and ever increasing number of defendants

and cases we are handling, we are only scratching the surface of the problem—there is a seeming endless supply of new cases.

The same can be said of the second prong of our initiative, which involves aggressively prosecuting criminal alien cases. I understand that this can be a sensitive subject, and that the link between these cases and the meth problem may not be readily apparent to some. However, it is my view that because of the prevalence of Mexican meth, and the convenience of Utah as transshipment point, these types of cases are intimately intertwined, and that we cannot get a handle on the meth problem without also attacking the criminal alien problem as well.

Thanks to the commitment of this Committee and the commitment of the Attorney General, we have added personnel resources in the U.S. Attorney's office as well as at the INS to aggressively pursue these cases. Again, we are showing results. In fiscal year 1996, our office indicted 80 criminal alien cases. In fiscal year 1997, we indicted 194 such cases, in fiscal year 1998, 313, and to date in fiscal year 1999, 135. The vast majority of the criminal alien cases we are doing involve defendants with drug trafficking convictions, as well as lengthy criminal histories. In addition to the immigration offenses, many of these are methamphetamine related cases. Our program has been successful. In fact, it has been so successful that other Districts have expressed an interest in replicating it. For instance, I understand that the U.S. Attorney for the Southern District of California has a similar initiative in San Diego, and that it has been successful there.

Finally, Mr. Chairman, if I could make a few general comments on where we go from here. As I have said, we are only scratching the surface of the meth problem that is out there. There seems to be a bottomless supply of work for my office and for all of the federal law enforcement community, as well as for our state and local counterparts. My first suggestion is that now is not the time to cut back on resources devoted to this effort. While I realize that this is not the central focus of this hearing, I would like to note that the funding levels provided by the Senate-passed fiscal year 2000 Department of Justice appropriations bill for the U.S. Attorneys, the FBI, and the DEA, among others, are significantly below the President's request. Cuts of this magnitude would undermine Federal law enforcement efforts. Either we want to confront this problem, or we don't. If we do, then adequate resources must be provided to do the job. And I promise you, at least in Utah, if you give us the resources, we will get the job done. I know my fellow U.S. Attorneys share my commitment as well.

In conclusion, Mr. Chairman, our meth problem in Utah is severe. And while some aspects of the problem are unique to my District, the meth problem certainly is not. Yet, there are steps we can and are taking to tackle the problem. It is a problem in Utah that we must tackle on two fronts—that of the home-grown, clandestine lab, and also the so-called Mexican meth. With sufficient—not extravagant, but adequate—resources, federal law enforcement in partnership with our state and local colleagues can turn the corner on the proliferation of methamphetamine in our communities.

Thank you, Mr. Chairman, and I would be pleased to answer any questions from the Committee.

Senator GRASSLEY. Mr. Chairman, can I ask permission to put in the record a statement by the Agricultural Retailers Association on combating methamphetamine production?

The CHAIRMAN. Without objection, we will put that in the record at the appropriate place.

Senator GRASSLEY. Thank you.

[The statement referred to follows:]

PREPARED STATEMENT OF THE AGRICULTURAL RETAILERS ASSOCIATION

Mr. Chairman, and members of the Senate Committee on Judiciary, I appreciate the opportunity to provide the views of the Agricultural Retailers Association (ARA) on combating methamphetamine proliferation. ARA represents nearly 1,000 member companies, operating out of more than 7,000 locations, providing farms and other customers with plant nutrients, crop protectants, seed, feed and other supplies. ARA members also provide agronomic, environmental and technical services to ensure proper management of crop inputs, including custom application of plant nutrients such as anhydrous ammonia and crop protection products.

This statement also represents the views of the Alliance of State Agribusiness Associations, which is composed of 19 state agri-business organizations who represent

retail farm supply, feed, fertilizer, and grain firms across the country. The Alliance works closely with ARA on various legislative and regulatory issues of national significance to the retail farm supply industry.

At the outset, we would like to offer our strong support for specific provisions in legislation (S. 1220) introduced by Senator Charles Grassley that would make the transport of anhydrous ammonia across state lines for the purpose of manufacturing methamphetamine, a federal offense. In addition, S. 1220 would allocate $500,000 to research aimed at discovering a chemical deterrent to be combined with anhydrous ammonia that will nullify its use as a reagent in the methamphetamine production process while maintaining its efficacy for use in agriculture.

Clandestine drug makers obtain small amounts of anhydrous ammonia needed by draining it from nurse tanks used by agricultural retailers to deliver the product to the farm for use as fertilizer. This theft and illicit use of anhydrous ammonia has posed real concerns to retailers and their farmer customers.

Unfortunately, our industry has been unintentionally caught up with the menacing problem of methamphetamine proliferation. The common method for small-scale illegal production of methamphetamine involves the use of precursor chemicals obtained from commonly available cold medicines. Other precursor chemicals such as sodium or lithium metal are used to provide a chemical reaction.

The other material needed is anhydrous ammonia. Anhydrous ammonia is an efficient source of nitrogen. Nitrogen from ammonia plays an especially important role as a constituent of chlorophyll which is necessary for photosynthesis and plant growth. It is popular with farmers because it is the lowest cost form of nitrogen fertilizer available.

INDUSTRY TASK FORCE FORMED TO ADDRESS ANHYDROUS THEFT

As a result of this growing problem, ARA, along with the State Alliance, formed an anti-meth task force composed of agricultural retailers, equipment manufacturers and fertilizer manufacturers in October of 1998. The task force developed a vision to eliminate the use of anhydrous ammonia as an ingredient in the illicit production of methamphetamine. In considering various goals and objectives, the task proposed the following recommendations:

1. Pursue the potential use of an additive that could be added to make the use of anhydrous ammonia unusable or undesirable for methamphetamine production.
2. Propose the development of a comprehensive communication and education program to ensure that agricultural retailers and farmers are fully aware of theft, how to recognize when a theft has occurred, and who to contact in the case of theft.
3. Work through state alliance members to foster greater coordination between agricultural retailers and local law enforcement agencies.
4. Serve as a clearinghouse for states in support of state legislation that will provide liability protection to retailers from equipment tampering and make the theft of any amount of anhydrous ammonia a felony.
5. Provide retailers information on various mechanical and security measures that would provide varying levels of theft deterrence.

With the development of these recommendations, the industry task force has taken a number of specific steps. First, the task force developed an industry white paper on the theft of anhydrous ammonia in order to provide a better understanding of the fertilizer itself as well as how it is used in the meth production process.

Second, the task force prepared and delivered several thousand brochures to agricultural retailers across the country to alert them to the signs of theft; how to respond to suspicious activity; how to deter theft at dealerships. These brochures were also provided to farmers to raise their awareness of the problem.

Third, the task force has worked with state and federal law enforcement authorities. At the federal level, ARA has had continual contact with officials from the Drug Enforcement Agency and the White House Office of National Drug Control Policy. ARA and DEA worked together to develop a Department of Justice "Alert" on how to identify "suspicious purchases" made by individuals involved with meth production.

Fourth, the task force has evaluated various types of deterrence that could be used to enhance security at a retailer's facility. The task force evaluated options such as lighting, fencing, and the use valve-locking devices for anhydrous ammonia nurse tanks. While each option provides some level of deterrence, they are also costly to install.

Fifth, the task force gathered chemists from industry, the academic community and law enforcement to investigate the possibility of an additive that can be added to make anhydrous ammonia unusable or undesirable for meth production. It is hoped that federal funding can be obtained to further this investigation.

Finally, the task force has served as a clearinghouse for several states, particularly in the Midwest, which have adopted tough penalties for theft of anhydrous ammonia and/or tampering of anhydrous ammonia equipment.

NEED FOR FEDERAL LEGISLATION

While the task force has made much progress in addressing the theft of anhydrous ammonia, there is further effort needed to accomplish its full objectives. While various states have adopted tougher laws to combat theft of ammonia, these laws are not uniform from state-to-state and have encouraged theft in a state with lesser penalties and interstate transport to an adjoining state where it is used in the meth production process.

To illustrate the point, we would offer an example. In late May, three individuals from Missouri entered the state of Illinois to a retailer facility in the southwest part of the state with the intention of stealing anhydrous ammonia. Local law enforcement had staked out the facility and arrested the three individuals. At the time, the state of Missouri had enacted tougher penalties for theft of anhydrous ammonia in 1998. A St. Louis Post Dispatch story noted that the individuals knew that stealing anhydrous ammonia was a felony in their state but not Illinois. [A new tougher law had passed in Illinois in early 1999 but has not yet been signed into law.] This particular facility has been hit by thieves more than 35 times in 1999 alone.

A federal statute making the theft of anhydrous ammonia and transporting it across state lines for purposes of illicit drug production a felony would provide a broad deterrent for thieves who "cherry pick" states knowing that their penalties are less harsh.

Secondly, the pursuit of a chemical additive to deter the use of anhydrous ammonia in the meth production process would likely be the most effective deterrent of all options considered by the task force. However, it is a complicated and exhaustive process to investigate and test various alternatives.

Not only must the additive be effective in making anhydrous ammonia unusable in the meth production process, it must also not alter the agronomic efficacy of the product as fertilizer for agricultural purposes. Moreover, the additive must not adversely impact fertilizer storage or application equipment. There is an urgent need for federal assistance if we are to be able to comprehensively pursue this investigative process.

Iowa State University has been involved with the task force in its initial testing of additives. The legislation proposed by Sen. Grassley would provide for DEA to enter into a formal agreement with Iowa State University to permit the continuation and expansion of its current research into the development of possible additives. It would also authorize $500,000 for DEA to carry out the agreement.

SUMMARY

Mr. Chairman, we appreciate the Committee's strong interest in developing appropriate legislation that will effectively combat the proliferation of methamphetamine in our cities and small rural communities. We are hopeful that the legislation will include the above provisions that will stop the theft of anhydrous ammonia and resolve this growing problem.

Again, thank you for the opportunity to express our views. We stand ready to respond to any questions of you and Committee members.

The CHAIRMAN. Ms. Kypridakes, we are happy to have you here, honored to have you here, and look forward to your giving us your expertise in this area.

STATEMENT OF KATINA KYPRIDAKES

Ms. KYPRIDAKES. Thank you, Mr. Chairman. Chairman Hatch and members of the committee, first, thank you for allowing me to bring information that I hope is pertinent and helpful to the purpose of your hearing today. The information I will give you, which I call the California perspective, is, because of California's unique,

albeit dubious position as a source country for methamphetamine, somewhat predictive of the ever changing face of this problem.

It is a perspective which has been molded from the collective State law enforcement consciousness that displays California as both a negative and positive example for the Nation, negative insofar as our State continues to lead the Nation in clandestine laboratory seizures, in turn providing an ongoing source of methamphetamine trafficked across the country, and positive as the State has led the national fight against methamphetamine, while at the same time continuing to bear the brunt of the illegal drugs' destructive effects.

Before looking at the impact of the drug not only in California but on the Nation as a whole, I would like to briefly touch on some of the history of not only methamphetamine but amphetamine. This once obscure drug is now recognized across the United States as one of the most destructive illegal drugs ever known. Yet, despite its recent notoriety nationally, methamphetamine has a long and ugly history in California.

Since California's first methamphetamine lab seizure in 1967, law enforcement's fears about this drug were confirmed then and continue to be confirmed at what was then brought to light from the Haight-Ashbury Free Clinic, where some of the pioneering work in drug abuse recognition and counseling was initiated.

What was originally a "hippie" counterculture environment producing methamphetamine proceeded to become predominantly controlled by outlaw motorcycle gangs such as the Hell's Angels. The Hell's Angels then steadfastly maintained control of the manufacturing and distribution of large quantities of this drug until the mid-1980's, when gradually law enforcement officials in California began seeing Mexican laboratory operators and multiple-pound quantities of the drug appear.

Gradually, over a period of 5 to 10 years during the 1980's, several things occurred which gave the Mexican cartels growing dominance in the methamphetamine industry. First, the aggressive and violent nature of the Mexican traffickers literally forced and outpriced the motorcycle groups out of the production business. Secondarily, cheap and sometimes coerced Mexican labor from across the border was imported into California to run large-scale commercial laboratory operations.

Once law enforcement authorities caught on to the illegal use of chemicals which were being routinely used, strict regulation packages were enacted by California which closely regulated and monitored precursor chemicals. At the same time, however, Mexico had no, and continues to have no precursor chemical regulations of their own. Hence, necessary chemical precursors for the manufacture of methamphetamine began flowing across the Mexican border, mixed in with other industrial chemicals used for legitimate production of goods and services.

Telling you a little bit about the problem and what we see today, labs are predominantly of—what we find today are predominantly the ephedrine and pseudoephedrine reduction type, whose product is six times stronger than the phenyl-2-propanol method, or P2P labs which were once operated by outlaw motorcycle gangs.

What has evolved over the past 10 years in California is that law enforcement officers see primarily two very distinct kinds of laboratories. The first type is, as has been previously noted here, the industrial size or the super labs capable of producing 5 to 10 times the amount of methamphetamine that has been routinely produced by conventional drug laboratories of the Hell's Angels.

From these super labs or these more commercial laboratories, if you will, run exclusively by and for Mexican drug trafficking organizations, our Bureau estimates that just these labs alone are capable of producing over $2 million per week in methamphetamine. Some drug trafficking organizations go so far as to specialize in facilitating the production of meth by providing laboratory sites complete with lab apparatus. While routinely producing approximately 15 pounds per cook, these laboratories could easily produce up to 500 pounds if they wanted to produce that.

These organizations have developed distribution of their product by using the already established distribution networks for heroin, cocaine and marijuana. And as is shown in the chart provided to you in my written testimony, in 1998 the Bureau of Narcotic Enforcement seized 1,006 laboratories. 161 of these were in the category of a super lab. The methamphetamine produced by these 161 labs exceeded all of the methamphetamine produced by the remaining 845.

The second type of laboratory which is being encountered produces far less than one pound per cook. In most instances, these stovetop or mom-and-pop operations produce anywhere from 2 to 4 ounces of methamphetamine. Unfortunately, these laboratories account for 75 percent, or in our case 755 of our 1,006 seizures. While producing a relatively small amount, these laboratories are the most volatile and harbor the most violent individuals.

Because they carry out their illegal activity having little background and/or training, not only are they unaware of the dangers associated with what they are doing, but if they do know, they simply don't care. And I would digress from my statement at this point to simply say that we need to keep in mind that many of these individuals receive their information on how to carry out this activity through the Internet or by word of mouth from other individuals. By purchasing commonly used household chemicals and things readily available, they are not breaking the law. So I commend the efforts in terms of advertising and any publicly acquired information on how to carry out this illegal activity.

These laboratories are mostly commonly found in homes, trailers, motel rooms, and apartments, and are the ones most often involved in accidental fires and explosions and are most apt to have children present. With respect to the volatility, again as pointed out previously, these chemicals are extremely dangerous alone and even more volatile when used in combination by people who don't know what they are doing.

In 1998, 208 of the 1,006 laboratories seized by the Bureau of Narcotic Enforcement had 401 children present. This unfortunately demonstrates the insidiousness of methamphetamine. Everyone who uses meth has the potential to become addicted, and every methamphetamine addict has the potential to become a methamphetamine manufacturer. These cookers will be added to the

numbers of small producers who live next door to you and to me, and perhaps are operating next door to an elementary school. They will produce just enough to maintain their habit and perhaps a little more to sell to their friends, thereby enabling this insidious activity to continue. In their quest, we can only hope that they do not harm any of us or any other innocent bystanders.

The violence component cannot be stated enough. Abused for its stimulant effects, at therapeutic and slightly higher dosage the drug promotes feelings of euphoria, increased self-esteem, self-confidence, and feelings of power and importance. High doses—I won't go into a lot of detail here, as I see the red light is on, but there are three types of users, as the treatment community tells us—the low-intensity users, binge users, and high-intensity users.

These people at the binge and high-intensity use go through 4- to 24-hour phases of ingesting additional drugs and perpetually rushing, tweaking and crashing. They experience extreme weight loss, aggression, toxic psychosis, and other physical effects which can ultimately lead to stroke or heart attack.

One of the other issues which is mentioned in the bill and which is of critical importance to those of us who work in law enforcement is what happens to the environment. Drug agents have discovered thousands of drug laboratories in locations causing incalculable damage to the environment and potential and actual damage and danger certainly to California citizens, or anywhere else in the country where these are encountered.

In most clandestine drug laboratories, as Senator Feinstein pointed out, 6 pounds of toxic and often lethal chemical waste is left at the laboratory site for every pound of methamphetamine produced. Since these sites are covert, the operators attempt to hide the visible signs. Toxic residues are most often buried in rural areas. They are flushed down toilets, however, in residential areas and they go into city water systems and they are piped into nearby streams and lakes.

Last year, the State of California Department of Toxic Substance Control spent well over $8 million just in California to clean up the toxic waste from clandestine drug laboratories. While this was once a problem localized to remote or rural areas, dumping of toxic waste from lab activity is now an urban problem as well, with so many small stovetop operations.

One should remember, however, that these expenditures are only for gross contaminant removal. Site remediation, which most of us envision as complete toxic removal, is never accomplished because of the exceptional cost. What this means is that many businesses, dwellings, hotels, and national parks should not be reinhabited unless they are completely demolished, removed, and reconstructed. However, this rarely happens. Most unfortunate is the government's inability to recover the costs associated with these tasks because of weak environmental laws related to illegal drug activity.

Just to touch a little bit on some of the emerging trends in speaking about the environmental impact, as was pointed out by Mr. Marshall and in demonstrating the clandestine lab activity, I won't go into examples because I believe that we have all heard those examples numerous times before and I can only express the dangerousness of having to deal in clandestine laboratories.

But I think that certainly what was demonstrated here earlier points out the need for adequate funding and that that be made available for cleaning up clandestine laboratories, and that law enforcement be appropriately and adequately trained and equipped to investigate as well as seize clandestine laboratories.

I think it is important to talk about one of the critical emerging trends, and that is the illegal production now of amphetamine. Amphetamine, like methamphetamine, is a potent synthetic stimulant sold as a powder and currently widely available in Southern California. Amphetamine is often manufactured because methamphetamine cooks cannot obtain the precursor chemicals necessary to manufacture meth.

The chemical most often selected is phenylpropanolamine, or PPA. When used in the manufacturing process, it results in the production of amphetamine rather than meth. As domestic controls of methamphetamine precursors, particularly ephedrine and pseudoephedrine, tighten, it is likely that amphetamine production will increase. Amphetamine is marketed by illegal importers, distributors and others as meth or as a meth substitute. The drug traffickers don't make a distinction between the meth and the amphetamine and often substitute it when they can't produce the meth.

Further, recent medical research appears to disprove the long-held belief that there is a significant difference in the effect on the central nervous system between amphetamine and methamphetamine. This information, along with difficulties in securing precursors to manufacture meth, seems to confirm that there is, in fact, an increase in the amount of amphetamine being produced. Increasingly, over the past 2 to 3 years what were ultimately documented to be amphetamine seizures were originally suspected to be methamphetamine.

Further complicating that particular issue of the amphetamine and encouraging the switch from methamphetamine to amphetamine is the sentencing disparity between amphetamine and methamphetamine. Substantial gaps remain in Federal law that prevent an effective Federal law enforcement response to the serious of meth and amphetamine distribution and use.

While penalties for meth cases have been increased substantially in recent years, there has been no similar change for amphetamine. Amphetamine distribution and use create the same harms as methamphetamine distribution, and penalties need to be increased accordingly. Strong Federal laws are needed on this particular issue because State prosecutions for these offenses are often hampered by laws which do not require incarceration on conviction and by inadequate forensic laboratory resources. Failure to enact sentencing guidelines for amphetamines which correspond to meth will simply encourage amphetamine production and serve to substitute one evil for another.

In closing, let me leave you with a few thoughts. In 1998, BNE seized 1,006 of those 1,655 clandestine laboratories by all State law enforcement officials in California. During that same period, DEA seized 1,654 labs nationwide. I think that puts the nature of the problem in California in perspective nationally.

For the first time, there was no State in which there was no clandestine lab activity noted by either DEA or some other State law enforcement entity. Incomplete statistics for the first 5 months of 1999 document that of the 470 clandestine labs seized by BNE, in 103 of those clandestine laboratories we found 180 children. In other words, children were present in nearly one quarter of all of our lab seizures so far, children who have not only been contaminated, but very likely abused in some manner.

And we can also be sure in all of those 470 laboratories that they produce toxic waste requiring removal, for which we will not be reimbursed. Methamphetamine and/or amphetamine is not only readily available in every major city and country hamlet, but there is also a very good chance it is now being illegally produced there as well. In the methamphetamine manufacturing trade, every American citizen suffers a loss in public safety, the environment, public health, and the financial drain that drug manufacturing, distribution, and abuse place on all of our social and governmental systems.

We must continue our efforts both at the State and Federal levels to seek appropriate ways to not only punish those who seek to harm our lives and freedoms, but in so doing to also protect the innocent from further harm. We must deepen our resolve and correct those things which we can, in hopes that in so doing we will move closer to successfully combating this problem which we must all face as a Nation. No one State or law enforcement agency can do this alone.

Mr. Chairman and members of the committee, thank you for allowing me to take this time to present my information to you. I will be happy to answer any questions you have or to provide you with any other information.

The CHAIRMAN. Thank you very much.

[The prepared statement of Ms. Kypridakes follows:]

PREPARED STATEMENT OF KATINA KYPRIDAKES

Chairman Hatch and members of the committee, first, thank you for allowing me to bring you information that I hope is pertinent and helpful to the purpose of your hearing. The information I will give to you today, which I call the California perspective, is, because of California's unique, albeit dubious, position as a "source country" for methamphetamine, predictive of the ever changing face of this problem. It is a perspective molded from the collective state law enforcement consciousness that displays California as both a negative and positive example for the nation. Negative in so far as our state continues to lead the nation in clandestine laboratory seizures, in turn providing an ongoing source of methamphetamine trafficked across the country; and positive as the state has led the national fight against methamphetamine, while at the same time continuing to bear the brunt of the illegal drug's destructive effects. Before looking at the impact this drug has had, not only on California, but the nation as a whole, perhaps it will be helpful to briefly review the history of methamphetamine and amphetamine.

HISTORY

This once obscure drug is now widely recognized across the United States as one of the most destructive illegal drugs ever known. Yet, despite its somewhat recent notoriety nationally, methamphetamine has a long, ugly history in California. Since California's first methamphetamine lab seizure in 1967, law enforcement's fears about this drug were confirmed by the Haight-Ashbury Free Clinic, where some of the pioneering work in drug abuse recognition and counseling was initiated. California's first methamphetamine drug laboratory was seized in 1967 in Santa Cruz, California. Shortly thereafter, methamphetamine production moved from a "hippie"

counter-culture environment to one controlled predominantly by outlaw motorcycle groups such as the Hells Angels. The Hells Angels steadfastly maintained control of the manufacturing and distribution of large quantities of methamphetamine until the mid-1980's, when, very gradually, law enforcement officials in California began seeing Mexican laboratory operators and multiple-pound quantity distributors appear on the illegal drug scene. Then, gradually, over a period of five to ten years, several things occurred which gave the Mexican cartels growing dominance in the methamphetamine industry.

First, the aggressive and violent nature of Mexican traffickers literally forced and out-priced the motorcycle groups out of the production business and almost strictly into the mid- to lower-scale distribution. Secondarily, cheap and sometimes coerced Mexican labor from across the border was imported into California to run large-scale commercial laboratory operations under the direction of several key personnel. Chemical precursors, which were once freely sold by the U.S. chemical industry for legitimate use in manufacturing, were also being sold to illicit drug manufacturers. Once the law enforcement authorities caught on to the illegal use of these chemicals, strict regulation packages were enacted by California which closely regulated and monitored precursor chemicals. At the same time, however, Mexico had no, and continues to have no, precursor chemical regulations. Hence, the necessary chemical precursors for the manufacture of methamphetamine began flowing across the Mexican border, mixed in with other industrial chemicals used for legitimate production of goods and services.

Why, you might ask, don't Mexican entrepreneurs produce the drug in Mexico, where it is safer, rather than risking apprehension in the United States, where there are a clearer set of legal restrictions against such activity? Simply, because drug production and distribution are nothing more than a business, and just as the cartels responsible for the manufacture of cocaine and heroin keep their production facilities close to the opium poppy or coca fields, the cartels responsible for the manufacture of methamphetamine keep their production facilities, i.e., the clandestine drug laboratory, close to the chemical sites in rural areas where it can be produced in the United States close to the market. This way, only the raw materials (precursors), which carry a much less stringent penalty, need be smuggled into our country. The methamphetamine is then marketed in a method not requiring smuggling activity and allowing it to be manufactured almost literally in the backyard of the customer.

THE PROBLEM

Today, labs are predominantly the ephedrine/pseudoephedrine reduction type whose product is six times stronger than the P2P labs once operated by outlaw motorcycle gangs. What has evolved, over the past ten years is that California law enforcement officers see primarily two very distinct kinds of labs. The first type are industrial-size "super laboratories," capable of producing five to ten times the amount of methamphetamine that had been routinely produced by conventional drug laboratories operated by Hells Angels or other outlaw motorcycle groups. From these "super labs," or commercial laboratories, run exclusively by and for Mexican drug trafficking organizations, our bureau estimates that just these labs alone are capable of producing over two million dollars per week in methamphetamine. Some drug trafficking organizations go so far as to specialize in facilitating the production of methamphetamine by providing laboratory sites complete with lab apparatus. While routinely producing approximately 50 pounds per "cook," these laboratories could easily produce up to 500 pounds of methamphetamine per day. These organizations have developed distribution of their product by using the already established distribution networks for heroin, cocaine, and marijuana. In 1998, the Bureau of Narcotic Enforcement seized 1,006 laboratories, 161 of which were in this category of laboratories. The methamphetamine produced by these 161 laboratories exceeded all of the methamphetamine produced by the remaining 845.

The second type of laboratories being seized are producing less than one pound per cook. In most instances these "stove top" laboratories only produce 2–4 ounces of methamphetamine per cook. Unfortunately these laboratories account for 755, or 75 percent, of the 1,006 laboratories seized by the Bureau of Narcotic Enforcement last year. While producing a relatively small amount of methamphetamine, these laboratories are the most volatile and harbor the most violent people. Because the individuals carrying out the illegal activity have little background and/or training, not only are they unaware of the dangers associated with what they are doing, if they do know they simply don't care. These laboratories, commonly found in homes, trailers, motel rooms and apartments, are the ones most often involved in accidental fires and explosions, and are those most apt to have children present. In 1998, 209

of the 1,006 laboratories seized by the Bureau of Narcotic Enforcement had 401 children present. This, unfortunately, is the insidiousness of methamphetamine. Everyone who uses methamphetamine has the potential to become addicted, and every methamphetamine addict has the potential to become a methamphetamine manufacturer. These "cookers" will be added to the numbers of small producers who live next door to you and me, or next to a school, producing just enough to maintain their habit and perhaps a little more to sell to friends thereby enabling the illegal activity to continue. In their quest, one can only hope they don't harm innocent bystanders.

THE VIOLENCE COMPONENT

Methamphetamine is a purely synthetic, potent stimulant of the amphetamine class of drugs. Abused for its stimulant effects, at therapeutic or slightly higher doses, the drug promotes feelings of euphoria, increased self-esteem and self-confidence, and feelings of power and importance. High doses or chronic use have been associated with increased nervousness, irritability and paranoia, which in turn leads to hyperactive behavior and dramatic mood swings. Heavy users often exhibit extreme belligerence and paranoia. Withdrawal from high doses can produce severe depression. Treatment professionals define three amphetamine/methamphetamine user groups: low-intensity, "binge," and high-intensity users. The low-intensity users may take methamphetamine to lose weight or to stay alert and awake, while the second group, "binge" users, follow an initial rush with repeated dosing to maintain the original "high of methamphetamine and ultimately enter a phase some clinicians call "tweaking"—a 4 to 24 hour phase in which a user need not, ingest any additional drug, but remains high and exhibits little control over his or her behavior. This "tweaking" phase, which some addicts describe as nearly intolerable, poses the greatest risk to family, friends, the public and police because of the occurrence of rage, aggression, violence, paranoia, anxiety, hallucinations, and hyperactivity. The third group, high-intensity users, engage in an almost perpetual cycle of rushing, tweaking, and crashing. These users may experience extreme weight loss, aggression, toxic psychosis (including paranoia and hallucinations), stroke, and heart attack.

Law enforcement, paramedics, doctors and nurses are placed in dangerous and volatile situations every time they come in contact with a methamphetamine user. These professionals, who are trying to help the user, are transformed in the user's paranoid mind as threats. The result of this paranoia is a violent, defensive reaction against these persons trying to do their job. Most often the users exhibit the most violent behavior against their spouses and their children. Stories abound of users who have repeatedly physically abused their spouses, physically and sexually abused their children, mothers who allowed their children to starve to death, or to be burned in lab fires or explosions. In addition, there are the random acts of violence sometimes against perfect strangers. Often, if the user doesn't harm anyone around him, he or she winds up killing or maiming him or herself.

THE ENVIRONMENT

Drug agents have discovered thousands of drug laboratories in locations causing incalculable damage to the environment and potential and actual damage and danger to California's citizens. In most clandestine drug laboratories, six pounds of toxic and often lethal chemical waste are left at the laboratory site for every pound of methamphetamine produced. Since these sites are covert, and the operators attempt to hide the visible signs and smells of a drug laboratory, the toxic residues are most often buried in rural sites; flushed down the toilets at residential sites to go into city water systems; or piped into nearby streams and lakes. Last year the State of California, Department of Toxic Substances Control spent well over $8 million to clean up the toxic waste from clandestine drug laboratories. While this was once a problem that was localized to remote or rural areas, dumping of toxic waste from clandestine laboratory activity is now an urban problem with so many small "stove top" operations disposing their waste in the sink or down the toilet. One should remember that these expenditures are only for gross contaminant removal. Site remediation, which most of us envision as the complete toxic removal, is never accomplished because of the exceptional cost. What this means is that many businesses, dwellings, hotels, and national park areas should not be re-inhabited unless they are completely demolished, removed, and reconstructed. This rarely happens. More unfortunate is the government's inability to recover costs associated with these tasks because of weak environmental laws related to illegal drug activity.

While this may not appear to directly affect our daily activity, I would ask you to consider the following:

- Many laboratories are set up in motel, rooms where a "cook" occurs overnight, and the next day the lab is gone. The maid enters the room in the morning to clean, finds a mess, which is usually unrecognizable to her as hazardous waste, and so she vacuums the rug and uses common household chemical detergents to clean. The room is now ready for rental to, possibly, an unsuspecting family with children who will spend a night in this now contaminated motel room. That evening or the next morning, the family could awaken with watering eyes, burning throat and lungs, and disorientation due to exposure to the contaminants permeating the room.
- A lab in Northern California next to a prominent recreational area was discovered because of the strange and rapid deaths of most of the trees along the riverbanks. Their demise was traced to the seepage of exceptionally toxic chemicals from a clandestine drug laboratory.
- Another drug laboratory located in Central California leached thousands of gallons of toxic chemicals into the Merced River. The Merced River runs through Yosemite National Park.
- San Francisco agents, assisting in a probation search, discovered and seized a fully operational methamphetamine laboratory in the middle of its production process. A search warrant for the entire residence was served, and agents found other chemicals and glassware consistent with clan lab manufacturing. Also discovered was a bomb. The residence was located one-quarter mile from a major coastal oil refinery.

Other equally alarming situations are too numerous to list in this testimony but are available upon request.

EMERGING TRENDS

Just as we have seen a number of changes over the years in drug trafficking, some new trends appear to be emerging in the illegal manufacturing of methamphetamine. One of the most troublesome of these is the increase in the number of amphetamine incidents, both in illegal production and product seizure. Amphetamine, like methamphetamine, is a potent synthetic stimulant which can be sold as a powder and which is currently widely available in Southern California. Amphetamine is often manufactured because methamphetamine "cooks" cannot obtain the precursor chemicals necessary to manufacture methamphetamine, and they therefore select other precursor chemicals. The chemical most often selected is phenylpropanolamine (PPA), which, when used in the manufacturing process, results in the production of amphetamine, rather than methamphetamine. As domestic controls of methamphetamine precursors, particularly ephedrine and pseudoephedrine, tighten, it is likely that amphetamine production will increase. Amphetamine is marketed by illegal importers, distributors, and others as methamphetamine or a methamphetamine substitute. Drug traffickers do not make a distinction between methamphetamine and amphetamine and often substitute amphetamine for methamphetamine without notifying the customer, consumer or transporter. Further, recent medical research appears to disprove the long-held belief that there is a significant difference in the effect on the central nervous system between amphetamine and methamphetamine. This information, along with difficulties in securing precursors to manufacture methamphetamine, seems to confirm that there is in fact an increase in the amount of amphetamine being produced. Increasingly over the past two to three years, what were ultimately documented to be amphetamine seizures were originally suspected to be methamphetamine. While the general trend in the number of seizures of amphetamine since 1996 has been downward, there have been a significant number of amphetamine seizures in the last quarter of 1998 and the first quarter of 1999. As precursor chemicals used to manufacture methamphetamine become more difficult to obtain, some manufacturers will shift over to the manufacture of amphetamine using phenylpropanolamine (PPA). PPA is easier to obtain, particularly because it appears in more commercial over-the-counter products than does pseudoephedrine or ephedrine.

Further complicating this issue, and encouraging the switch from methamphetamine to amphetamine, is the sentencing disparity between amphetamine and methamphetamine. Currently, substantial gaps remain in federal law that prevent an effective federal law enforcement response to the serious problem of methamphetamine and amphetamine distribution and use. While penalties for methamphetamine cases have been increased substantially in recent years, there has been no similar change for amphetamine cases. Amphetamine distribution and use create much the same harms as methamphetamine distribution and use, and penalties need to be increased accordingly. Strong federal laws are needed on this par-

ticular issue because state prosecutions for these offenses are often hampered by laws which do not require incarceration on conviction and by inadequate forensic laboratory resources. Failure to enact sentencing guidelines for amphetamine which correspond to methamphetamine will simply serve to encourage amphetamine production and serve to substitute one evil for another.

In closing, let me leave you with a few thoughts. In 1998 the California Bureau of Narcotic Enforcement seized 1,006 of the 1,655 documented clandestine laboratories seized by all law enforcement agencies in the state. During that same period the Drug Enforcement Administration seized 1,654 clandestine laboratories nationwide, and for the first time there was no state in which there was no clandestine laboratory activity noted by either the Drug Enforcement Administration or state law enforcement. For the first five months of 1999 there have been 470 clandestine laboratory seizures by the Bureau of Narcotic Enforcement. In 103 of those labs we found 180 children. In other words, children have been present in nearly one-quarter of all lab seizures—children who have been not only contaminated, but very likely abused in some manner. And we can be sure all 470 laboratories in California produced toxic waste requiring removal for which we will not be reimbursed. Methamphetamine and/or amphetamine is not only readily available in every major city and country hamlet, but there is also a very good chance it is now being illegally produced there as well.

In the methamphetamine manufacturing trade, every American citizen suffers a loss in public safety, the environment, public health, and the financial drain that drug manufacturing, distribution and abuse places on all of our social and governmental systems. We must continue our efforts, both at the state and federal level, to seek appropriate ways to not only punish those who seek to harm our lives and individual freedom, but in so doing to also protect the innocents from further harm. We must deepen our resolve and correct those things which we can and hope that in so doing we will move closer to successfully combating this problem which we must all face as a nation. No one state or law enforcement agency can do this alone.

Mr. Chairman and Members, thank you for allowing me to take this time to present my information to you. I will be happy to answer any questions you have or provide you with any other information you deem appropriate. Again, thank you.

The CHAIRMAN. Sheriff Doerge, we will turn to you now.

STATEMENT OF RON DOERGE

Mr. DOERGE. Thank you, Mr. Chairman and Senator Ashcroft, for this opportunity. I hope to bring you a view from the local front lines. Much of the equipment you see here we deal with many times. We have made 15 drug raids on methamphetamine labs in my county this year alone, wearing equipment just like that. Apparently, that one number in Missouri is from Newton County last year. We had a super lab in Newton County last year.

I am the Chairman of the Southwest Missouri Drug Task Force, representing four counties, which is approximately 2,500 square miles of southwest Missouri. Our members are alarmed at the escalation of hundreds of small, clandestine methamphetamine labs in remote areas of our counties. There is a growing trend among drug manufacturers to switch from bathtub crank operations in small towns and large cities to riverside cooks and roadside cooks. And the riverside cooks and roadside cooks are in remote areas and they offer concealment and dump sites for methamphetamine sludge and waste.

In the first 6 months of this year alone, we have arrested numerous meth manufacturers who have led us to dump sites. In one case, in mid-May, a 17-year-old was arrested along with his natural parents who had taught him to cook methamphetamine. They were arrested at their residence in the small town of Seneca, MO, where they were cooking methamphetamine at the time of the arrest. Information was obtained that this trio had dumped large amounts

of sludge and waste several times in Big Lost Creek, which is just 2 miles above the town they lived in.

Additionally, they led investigators to sites in Grove, OK, at a Boy Scout camp where they had completed the cooking process 3 times in a 48-hour period. They left this site riddled with syringes, paraphernalia, sludge and waste strewn about the area. This group has cooked and dumped waste in many other locations, including Table Rock Lake, and Stockton Lake, both in southwest Missouri.

As another example of danger to our children from meth labs, on July 3, in Newton County, we conducted a raid at a residence in Joplin, MO. Three individuals were arrested and charged with methamphetamine manufacture. By the way, we had arrested them the November before; they were repeat offenders, which most of these people are we are dealing with over and over again. And it was discovered the sludge and waste from that operation was being dumped 3 feet from the Stapleton Elementary School playground.

Task Force members believe waste is being dumped in many sites throughout our counties everyday, and the effects on our environment, particularly the quality of our drinking water, will be catastrophic if allowed to continue. Local members and agencies of our Task Force are struggling to store hazardous materials seized in these drug labs in our enforcement areas. Often, chemical trucks have to travel long distances, over 100 miles, to Joplin, and that is the large labs.

But many times, the truck cannot respond to smaller operations and it is left to local agencies to attempt to store the chemicals seized in these operations. Often, the chemicals are placed in evidence lock-ups, leading to many mishaps. In Newton County alone, 5 officers this year have been overcome by fumes from evidence.

The adverse impact of these operations is not only hazardous to officers, but anyone swimming or fishing in our streams, lakes and farm ponds—and farm ponds are being used more and more—or anyone drinking our water. The operations certainly have affects on our children, as we have pointed out.

We realize the Drug Enforcement Administration is overwhelmed with calls for assistance from local agencies and cannot respond to all requests. Therefore, we seek help in expanding the resources we have available to us through the Drug Enforcement Administration and HIDTA and the continued support and expansion of drug task force grants which have been extremely successful in our remote areas. We, however, need additional undercover officers and resources to continue to wage a war that is primarily being fought in the rural areas of our State.

In addition to these recommendations we have already made, our Task Force respectfully requests your help in augmenting the chemical response teams so that they might arrive in a timely manner. We also ask that you eliminate methamphetamine recipes, ingredients, and instructions for manufacturing on the Internet. By the way, I have an example of that here. This was taken off the Internet at one of our local libraries by a 16-year-old, in his own handwriting, in living color, if you would like to see that.

We hope to increase the penalty for drug manufacturing, and also in some cases the sale of certain chemicals. We also request

the opportunity for stronger prosecution—we are dealing, as I said, with those repeat offenders over and over again—and reduced suspended sentences because so many of these are pled down over and over again and we keep seeing the same people, increased jail time for repeat offenders, and create new harsh laws dealing with methamphetamine manufacturers who are poisoning our environment.

In closing, the problem will not be controlled until it becomes so dangerous and so costly to manufacture and sell drugs that only the most desperate will attempt it. This is the view of our Task Force. Nothing deters crime like the certainty of punishment. And I have submitted, as I said, several examples of how this can be taken off the Internet, and in that one case in particular we were very concerned that they went to our local library. And this wouldn't print out, but he had the time to take this down. And as you can see, there are stains on this material and that was because it was used many times in the manufacture of methamphetamine by that 16-year-old boy.

Thank you.

The CHAIRMAN. Well, thank you, Sheriff.

[The information of Mr. Doerge follows:]

NEWTON COUNTY SHERIFF'S DEPARTMENT AND JAIL,
Neosho, MO, July 26, 1999.

The Honorable ORRIN G. HATCH,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR CHAIRMAN HATCH AND COMMITTEE MEMBERS: As Chairman of the Southwest Missouri Drug Task Force representing four counties, and the cities and towns therein, comprising approximately 2500 square miles of Southwest Missouri, our members are alarmed at the escalation of hundreds of small, clandestine methamphetamine labs in remote areas of our counties. There is a growing trend among drug manufacturers to switch the "bathtub crank" operations in small towns to the "riverside cooks". These roadside and riverside "cooks" are in remote areas as they offer concealment and dump sites for methamphetamine sludge and waste.

In the first six months of this year alone, we have arrested numerous meth manufacturers who have led us to "dump" sites. In one case in mid-May, a 17 year old was arrested along with his natural parents who had taught him how to cook methamphetamine. They were arrested at their residence in the small town of Seneca MO., where they were cooking methamphetamine at the time of the arrest. Information was obtained that this trio had dumped a large amount of sludge and waste several times in Big Lost Creek, two miles above the town they were living in. Additionally, they had led investigators to a site in Grove, OK at a Boy Scout camp where they had completed the cooking process three times in a 48 hour period. They left this site riddled with syringes, paraphernalia, sludge and drug waste strewn about the area. This group had cooked and dumped waste in many other locations including Table Rock Lake and Stockton Lake, both in Southwest Missouri.

As another example of danger to children from meth labs, on July 3 in Newton County, we conducted a raid at a residence in the City of Joplin, MO. Three individuals were arrested and charged with Manufacturing of Methamphetamine, and it was discovered sludge and waste from their methamphetamine operation was being dumped 3 feet from Stapleton Elementary School.

Task Force members believe waste is being dumped in many sites throughout our counties every day, and the effects on our environment, particularly the quality of our drinking water, will be catastrophic if it is allowed to continue. Local members and agencies of our task force are struggling to store the hazardous materials seized at these drug labs in our enforcement areas. Often chemical trucks have to travel from Tulsa, Oklahoma to Joplin, MO, over a hundred miles, to respond to large operations and it is left to local agencies to attempt to store many of the chemicals seized in these operations. Often these chemicals are placed in Evidence lock-ups, leading to many mishaps. In Newton County alone, five officers this year have been overcome by fumes from this evidence.

The adverse impacts of these operations is not only a hazard to officers, but anyone swimming/ fishing in our streams, lakes and farm ponds or anyone drinking the

water. These operations certainly have adverse effects on our children at risk on playgrounds and at campsites as our investigations have revealed.

We realize the Drug Enforcement Administration is overwhelmed with the calls for assistance from local agencies and cannot respond to all requests. Therefore, we seek your help in expanding the resources we have available to us through the Drug Enforcement Administration and HIDA and the continued support and expansion of drug task force grants which have been extremely successful in our remote areas. We, however, need additional undercover officers and resources to continue to wage war that is primarily being fought in the rural areas of our state.

In addition to the recommendations already made, our Task Force respectfully requests your help to augment the "chemical response teams" who can arrive in a timely manner to assist law enforcement at chemical sites throughout the state. We also ask that you eliminate methamphetamine recipes, ingredients and instructions from manufacturers on the Internet, increase the penalty for drug manufacture/sales and those who sell the chemicals, pursue stronger prosecution, reduce suspended impositions of sentences, increase jail time for repeat offenders and create new, harsher laws dealing with methamphetamine manufacturers who poison our environment.

In closing, the problem will not be controlled until it becomes so dangerous and costly to manufacture and sell drugs that only the most desperate will attempt it. Nothing deters crime like the certainty of punishment. Attached are several examples of recipes, instructions and ingredients which can be accessed at our local library through the Internet. This information is easily accessible to children in our area.

Thank you for your consideration.

Respectfully,

SHERIFF RON DOERGE,
Chairman, Southwest Missouri Drug Task Force, Newton County.

The CHAIRMAN. Mr. Vasica, we will take your testimony.

STATEMENT OF JOHN VASICA

Mr. VASICA. Mr. Chairman, members of the committee, I appreciate the opportunity to be here and be a part of this process and concentrating on a problem of this magnitude. I am honored to be invited here and being able to give you a parent's point of view.

I wish that this hearing would not be necessary, but current circumstances dictate otherwise. As a single parent, I have been involved with the raising of a son who is now 19 years old. Unfortunately, he chose to dabble in something I disapproved of, but could not control or prevent. This drug took over his lifestyle to a point where nothing else mattered. Neither school nor family were of any importance. His grades went from A's and B's to F's, but after much pushing, he finally did graduate.

During his half-hearted attempts at finding employment after graduation, motivation and ethics were nonexistent. Brushes with the law failed to deter him and his peers from using this drug. Finally, after pushing it to the limit, he was ordered by the court system to check into a rehab center. The other option was jail. He chose the chance to get his life together and has completed a program. I now have my son back.

But not for a minute am I kidding myself into believing that all is well. This drug is as addictive as anything else out there, and relapses are a fact of life. The physical damage is sometimes irreparable, and I hope that I am not in that situation where I come across this. These longtime consequences can be devastating to a user. Much is unknown because it is a relatively new drug.

In my opinion, in this case prevention is as important as the cure. Emphasis must be put on the complete eradication on the sources, namely the manufacturers of the drugs and the suppliers

of the ingredients that go into producing it. As rampant as it is now, every means must be taken to stem the flow from the makers to the users. The toxic substances that are mixed together to manufacture it are all potential hazards to the environment, which makes the ingestion into the human body even more potent and scary.

Everybody within the close proximity of a user is affected by it. This drug knows no boundaries and won't stop at anything. I have been told that the first time the user tries this drug, he gets hooked immediately. The world seems to suddenly change on them. Pressures disappear and the euphoria sets in. From that point on, life consists of worrying only about where the next high is coming from. This leads to other innovative methods to keep the cash flowing which is used to buy more drugs. A whirlpool is created from which escape seems impossible.

Watching from the outside is absolute torture, but parental involvement is futile and frustrating. Love and logic are words that have no meaning, and finally the time arrives when we attempt to throw our hands up in the air and just let our kids continue doing what they are doing and hope things work out—a chance with terrible odds.

I am imploring all of the members of this committee to pass this bill and eliminate this dreadful scourge from our neighborhoods. When this drug is easier to get than a Pepsi, we know that immediate and stricter law enforcement is vital to achieve this goal.

Again, I wish to thank everyone who played a part in enabling me to be present here today, and I applaud this committee for recognizing the urgency of this massive problem and the actions it is taking to make the eradication of this killer drug a reality.

Thank you.

The CHAIRMAN. Well, thank you, John, for sharing your family tragedy with us and I hope that everything does work out. But it is addictive and it can grab them again, no question about it. It is my hope that your testimony can somehow help other families that are going through the same ordeal.

Your testimony demonstrates that the methamphetamine problem can strike any family.

Mr. VASICA. Absolutely, absolutely.

The CHAIRMAN. How do you think law enforcement can help to prevent children from falling prey to methamphetamine or amphetamine?

Mr. VASICA. I think if we cut the source right at the start.

The CHAIRMAN. Cut the source. Well, as someone who witnessed firsthand the signs of methamphetamine use and addiction, can you describe the signs or the symptoms that might alert other families so that they can maybe catch this early enough?

Mr. VASICA. There are many, many signs, and I am sure everybody on this panel is aware of them. The lack of motivation, the lack of enthusiasm. They don't want to do anything. They want to get high and go to sleep, want to get high, go to sleep, don't eat. I mean, it is a disruptive way of life. There is absolutely no—what is the word—they don't want to do anything else except get high. That is their number one concern. They will do anything—steal, borrow, beg, whatever it takes to get that drug.

The CHAIRMAN. Mr. Marshall, as you know, I was the original author of the Methamphetamine Control Act of 1996, which was our first legislative effort specifically directed at controlling the proliferation of methamphetamine. Now, one of the purposes of this hearing, of course, is to continue those efforts and make improvements in the law where those improvements are needed.

I understand that aside from the reporting requirements mandated in the MCA, the Methamphetamine Control Act, the DEA and industry have been working together to fight the methamphetamine problem, right?

Mr. MARSHALL. Yes, that is correct.

The CHAIRMAN. Now, can you explain how the DEA has been working with merchants and retailers to minimize the chances that the over-the-counter products and other substances will be purchased and used in the manufacturing of meth or amphetamine?

Mr. MARSHALL. Yes, sir. We have been doing a number of things and it hasn't been confined just to the over-the-counter. We have been doing a lot of bulk shipments, too.

The CHAIRMAN. Specifically, one of the things I would like you to go into is what voluntary measures adopted by industry have proven most helpful to law enforcement in this area.

Mr. MARSHALL. I think that now that we are seeing the shift from bulk chemicals to the over-the-counter in most places, I think that we have seen the most results from our voluntary partnerships with companies like Wal-Mart and Costco, particularly in the State of Missouri and that general Midwest area.

What we have found there is that we have entered into that partnership and we have tried to educate the retailers, the pharmacists, and those kinds of people in spotting the people that are coming in for purchasing the remedies for methamphetamine use other than the legitimate uses. And they have begun reporting suspicious people coming in. They have begun reporting larger quantities than a person would normally purchase, and we have been able to use that and turn that into investigations and intelligence gathering, and actually have gotten a number of leads into actual laboratories.

But I think perhaps what has been more effective about that particular approach is it simply made the chemicals harder to get for a lot of those traffickers. I think that is a big part of the reason that we are seeing the purities go down. I think that is a big part of the reason that we are seeing the shift from amphetamine to methamphetamine. We have also done a lot of education with the agricultural people that Senator Kyl, I believe it was, referred to, and we have just tried to build an awareness with industry and other groups that can help us and I think it is paying off.

The CHAIRMAN. Well, methamphetamine is said to be the drug of choice in the Midwest, but it is also affecting a lot of other States, including my own home State of Utah. Within the last 5 years, the use of methamphetamine has increased in some communities by as much as 300 percent and accounts for up to 90 percent of the drug cases in many areas.

Can you explain why methamphetamine use is so prevalent in some areas compared to others, and do you think stronger pen-

alties for manufacturing methamphetamine can assist in preventing it from spreading to other areas of the country?

Mr. MARSHALL. Let me try the first part of that question first, why is it hitting some areas harder than others. Well, I believe that the reason for that is quite simply that a number of years ago we saw the Mexican-based organizations wrestle the production control from the biker gangs. When it was in the control of the biker gangs, that was a kind of a niche market and they didn't provide that drug to a lot of people outside their own circles.

Now, what the Mexican trafficking organizations did and what contributed to this explosion is that they used their well-established trafficking distribution networks in this country. They have been using those networks for marijuana and heroin for many, many years, and they used those networks to really aggressively market methamphetamine. They saw that there was a market for it and they saw that by producing this methamphetamine, they didn't have the logistical problems that they did with cocaine, heroin and marijuana.

They didn't have to wait for a biological product to be harvested. They didn't have the long supply lines and the smuggling considerations, and they didn't have to pay large amounts of labor and aircraft or boat costs to smuggle this product in. And so what they did, in my best professional judgment, is they saw this market and they went about aggressively developing that market. So, that is why you see the explosion, I think, in the use. They expanded it to new and different user markets.

And the other half of your question, Senator?

The CHAIRMAN. Well, the other half was just how basically do you stop—well, I basically forgot what I was——

Mr. MARSHALL. Yes, I think I can——

The CHAIRMAN. Well, I think it was do you think that stronger penalties will help to curtail this from spreading to other areas?

Mr. MARSHALL. Yes, yes, I do. In fact, I know that there have been some stronger penalties in place as a result of a recent bill, and I believe there is a 10-year mandatory now for, I believe it is 100 grams or more. I very definitely feel that the stronger penalties will have a deterrent effect on the manufacturers.

Now, unfortunately, as the other witness has said, that is not going to have an effect, I think, on the users because once they begin this destructive cycle, there are probably not too many things that are going to deter them. But, absolutely, penalties are an essential part of solving this problem.

The CHAIRMAN. My time is up, but let me ask you, Mr. Warner, about mandatory minimum sentences for drug offenses. Stewart Taylor, who is highly respected by me and others, a legal commentator, recently wrote a column in the National Journal advocating the repeal of all Federal mandatory minimum sentences for drug offenses. In addition, there is a bill pending in the House of Representatives which is sponsored by 25 Members that would repeal all Federal mandatory minimum sentences for drug offenses.

Now, do you support mandatory minimum sentences for methamphetamine trafficking? And let me just ask this: How do you respond to such critics of mandatory minimum sentences for drug offenses?

Mr. WARNER. Mr. Chairman, I believe that my position on minimum mandatories runs very parallel with that of the Department of Justice. I believe that minimum mandatory sentences are appropriate in the most egregious violent crimes and drug trafficking areas. Unfortunately, those who would advocate the repeal of minimum mandatories usually use the argument that, well, there are violent people, there are murderers who are serving less time than those who have merely—and I use that in quotes—"merely" been trafficking in or manufacturing drugs.

But as was noted earlier, guns and violence are part and parcel of the drug trade. And quite frankly, my experience over many years as a prosecutor suggests that there are appropriate circumstances. Now, I don't think that we want to be knee-jerk about this, and I know this committee hasn't been that way, but I do believe that in the appropriate cases, the most serious cases, minimum mandatories are appropriate and they do serve a useful purpose of deterrence.

I might also add that as you look at this particular problem of methamphetamine, which is different than other drug areas because of the manufacturing aspect vis-a-vis some of the things we have seen with heroin, cocaine, and so on, I believe personally that there is a qualitative difference between those who manufacture and those who distribute and those who use. Mr. Marshall alluded to that just a bit.

Those who are manufacturing pose a very, very serious threat to the public safety and to the environment. Many of these things have been alluded to before. I won't rehash that, but I do believe that in appropriate circumstances and in the most serious cases minimum mandatories are indeed appropriate.

The CHAIRMAN. You and I have worked on a couple of situations where basically good kids have gotten hooked on meth and, you know, they get convicted, go to jail, and then they come out and they are absolutely convinced that they can make it and then slip right back into the same pattern. It is one thing to do everything we can to prevent it, but how do we help these kids that get hooked on it who want to get off but really can't because they are addicted to it? How long does it take to get over an addiction, assuming we have the right prevention approach?

Mr. WARNER. I don't profess expertise in that. I tell people I am a prosecutor, I am not a social worker or a physician.

The CHAIRMAN. Yes, but you have had experience in this area.

Mr. WARNER. I have had experience, and my experience particularly with methamphetamine is that it is as addictive or more addictive than any other drug I have ever dealt with. And once people get on it, it is extremely difficult to get off. I am talking in the area of 2 to 3 years, at least, of very serious kinds of rehab that I have seen.

In fact, you know, people look at these tough sentences that we give people that are involved in drugs, but I have personally had occasions where people have come to me or have written to me from prison or after they have been released and have thanked us for prosecuting them and thanked us for putting them in prison because we saved their lives because they were on such a downhill spiral.

And in the Federal system at least, there are very good programs for rehabilitation and treatment within the system. Many times, our State systems aren't as good, but I believe that the treatment aspect is absolutely essential. It is not enough just to incarcerate and throw away the key. If someone is addicted, they really do need that treatment while in prison.

The CHAIRMAN. Well, I think the point I am making here, for everybody who is watching or listening to this, is that you have really got to watch your kids, and you have got to watch your area and we have all got to be vigilant because once the kid is addicted—and it could be the nicest young person in the world, as the one young person that we dealt with. It could be a terrific young person, but once he or she is addicted, it is almost impossible to get him or her off of addiction, and it takes up to 3 years of very intensive rehabilitation. This is becoming a widespread problem in our society. And as Mr. Vasica brought out, even if one goes through the 3-year rehabilitation, he or she may slip back into it because the drug is so addictive and so compelling. I just wanted to get that across because this is not some itty-bitty problem; this is a big-time problem.

Mr. Vasica, you wanted to say something?

Mr. VASICA. I have heard from the counselors in the rehab center that my son was in that they never, ever get over the addiction. It will always be in the back of their minds. Even now I ask my son, do you ever think about it. He says, all the time. But they teach them how to prevent from going back into it. So, that addiction never, ever disappears. It is scary, it really is scary.

The CHAIRMAN. It is an evil thing, I tell you.

Well, my time is up. Let me turn to Senator Feinstein.

Senator FEINSTEIN. Thank you very much, Mr. Chairman.

Mr. Vasica, I am delighted that you have your son back. I think that is really the good news of this hearing.

Mr. VASICA. Thank you.

Senator FEINSTEIN. If I might, I would like to begin my questioning with Mr. Marshall. Just quickly, Mr. Marshall, who would you say of the Mexican cartel leaders are the two gentlemen that have had the biggest impact on the methamphetamine cartel of Mexico which has begun this whole super lab manufacturing process?

Mr. MARSHALL. That would be the Amezcua brothers, Luis and Jesus.

Senator FEINSTEIN. And were not the Amezcua brothers actually arrested and in custody at one point?

Mr. MARSHALL. Yes, they were.

Senator FEINSTEIN. And were they not freed by a Mexican judge?

Mr. MARSHALL. That is my understanding, yes, ma'am, that they were freed.

Senator FEINSTEIN. And do we not have an extradition request pending against them?

Mr. MARSHALL. Yes, we do.

Senator FEINSTEIN. And did not the Mexican authorities know that the extradition request was pending against them when they were in jail?

Mr. MARSHALL. It is my belief that they did, but to be a hundred percent sure about that you would have to ask the Justice Department. I think I can say with certainty that they did.

Senator FEINSTEIN. But they were not extradited?

Mr. MARSHALL. That is correct.

Senator FEINSTEIN. And are not the Amezcua brothers responsible for the establishment in the mainstream the development of the major methamphetamine market in the United States?

Mr. MARSHALL. Yes, that is correct, they are. They, in a sense, were the organization that started it all.

Senator FEINSTEIN. Let me just make a comment, if I might, to you, Mr. Chairman.

The CHAIRMAN. Yes.

Senator FEINSTEIN. This is a huge, huge problem, and that is this particular Mexican cartel which has really developed the methamphetamine trade as we know it in the world today, and the two leaders were actually in prison. There was an extradition request. I believe it was communicated to the Mexican Government. As a matter of fact, they were actually held in jail only pending resolution of the extradition request and they were cut loose. I find this is just devastating in terms of being able to maintain an effective battle against methamphetamine.

The CHAIRMAN. Well, I think that is an important point.

If the Senator would just yield for a minute, I have to step out for a minute, so as soon as you are completed, we will turn to Senator Biden. Is that OK?

Senator FEINSTEIN. That is excellent.

The CHAIRMAN. All right.

Senator FEINSTEIN. Ms. Kypridakes, I want to thank you so much for all your help. You have become, I think, one of the United States' great experts on precursor chemicals and methamphetamine, and I just want to salute the Department of Narcotic Enforcement. You have made many, many arrests, over 1,000 this past year in California alone—I should say seized labs and destroyed labs, and I think that is very impressive.

You state in your testimony that the Mexican drug cartels have the incentive to smuggle precursor chemicals into the United States and cook the meth here because penalties are lower for smuggling precursors than for smuggling meth. I note that under current Federal law, the maximum sentence for importing any quantity of listed chemicals with the intent to manufacture a controlled substance is 10 years. By contrast, the penalty for smuggling 50 grams of meth is a minimum of 10 years and a maximum of life.

It seems to me that we can alter the incentives and reduce the hazard to human health from cooking meth in the United States by bringing these penalties into line with each other. What do you think of this and what do the other witnesses think of this? In essence, what I am suggesting is that the penalty for smuggling the precursor in, be the same as manufacturing meth.

Ms. KYPRIDAKES. Well, I certainly think that that would be a significant step to the source of those precursor chemicals. In many cases, the source is coming from outside the country into this country. And as I stated and as you reiterated, that is simply because

there is a lesser penalty if you do that. If that were brought and aligned with manufacturing, so that if you were bringing in those large quantities which are necessary for what we have coined those super labs, you would certainly be making a huge dent, I think.

Senator FEINSTEIN. For example, amphetamine, which is going to be more and more used if there is a clamp-down on other precursors?

Ms. KYPRIDAKES. That is correct. So there are limits on the amount of ephedrine and pseudoephedrine which people can obtain in this country, so they are seeking phenylpropanolamine through a variety of means. Certainly, it is a lot nicer when you are an illegal manufacturer if you have bulk quantities of phenylpropanolamine. But, again, that is being smuggled as well. And, again, if you are caught with that, the penalty is far less than what you would be charged with had you had a finished product.

Senator FEINSTEIN. Mr. Marshall, might I ask you that same question?

Mr. MARSHALL. Senator, yes, I would support that and I think that that is a good idea. I think as we see a bit more control over the bulk shipments, however, and over the bulk smuggling, I think that the same concept perhaps could apply to some of these substances up here, the pills and that sort of stuff, the ephedrine and pseudoephedrine, when it is possessed for the purpose of manufacturing methamphetamine and when it is purchased by subterfuge for that purpose. I think it is an outstanding concept and I would suggest you might want to extend it to these for the same reason.

Senator FEINSTEIN. Would you mind taking a look at the 1996 law? We had a huge debate, if you will recall, on the pseudoephedrine as to the amount that could be sold without the druggist having to register the sale. Do you think that that cap is adequate?

Mr. MARSHALL. I think that is adequate because you want to have a balance of controlling the substance and yet have a safeguard in there for the legitimate uses. So I think that is adequate. I think that what we have done, however, is we have had these partnerships with retailers like Wal-Mart and Costco, and I think they have found that as a suspicious order, as it were, they kind of look at lower thresholds and they report lower thresholds, I am told. But I believe to safeguard the balance of the legitimate need with the criminal control, I think that those amounts are adequate.

Senator FEINSTEIN. Would it make any sense to put some limits on the amount of amphetamine that you could sell?

Mr. MARSHALL. No; the amphetamine would be—I mean, that is an illicit substance.

Senator FEINSTEIN. Oh, you can't, that is right.

Mr. MARSHALL. Amphetamine, methamphetamine, those are illegal Schedule I substances. Are you speaking of ephedrine and pseudoephedrine?

Senator FEINSTEIN. Well, then, where is it all coming from?

Mr. MARSHALL. Well, right now it is all—I say "all"—the trend right now for the ephedrine and pseudoephedrine are these over-the-counter medications. That is where a lot of it is coming from.

Senator FEINSTEIN. I am confused. You are saying it is all coming—the cooking ingredients are coming essentially from the over-the-counter ingredients?

Mr. MARSHALL. We are seeing a trend now—and I think this is as a result of the Methamphetamine Control Act of 1996 and operations like Operation Backtrack and investigations where we have seized large amounts of bulk chemicals. I think we are seeing the trend now that the traffickers are getting most of their ephedrine and pseudoephedrine from the over-the-counter remedies. That is what we are seeing nationwide. Ms. Kypridakes may comment on that from a California point of view.

Ms. KYPRIDAKES. If I could just comment in this way, because you asked the question about lowering that threshold amount or what we placed in the MCA, and I believe that was one of the major discussions we had one day in your office. One of the things that I would simply point out—and I think that Missouri can certainly bear this out, as well as some of the problems that have been encountered in Utah and Iowa—a 24-gram threshold is a significant amount of over-the-counter cold and allergy preparations, certainly far more than the average consumer is going to consume probably in a number of years, let alone 1 year. And it is well above what any stovetop cooker would require in order to manufacture in their homes.

Now, one of the things, and I will throw this out there, is there is currently legislation in California which would lower that threshold to 9 grams, which would mean three packages of 96 tablets, if you will, 12 grams being what the average stovetop acquiring, so 4 packages of 3 grams apiece.

Senator FEINSTEIN. So in other words, you would lower that threshold from 24 grams, which is in the 1996 legislation, to 9 grams?

Ms. KYPRIDAKES. That is about a done deal in California.

Senator FEINSTEIN. And that is three packages of how many pills?

Ms. KYPRIDAKES. Ninety-six, I believe.

Senator FEINSTEIN. Ninety-six. That is a lot of pills to buy at one time.

Ms. KYPRIDAKES. Sure. I know that Missouri has enacted certain restrictions on the amount of over-the-counter cold and allergy products that you can purchase, as well as some other States. And one of the key elements that we also included in some of the individual State legislation has been that blister packaging was no longer exempt, which was one of the things which was exempt in the Federal legislation.

And I certainly commend the voluntary compliance which has taken place on the part of—I don't mean to—just so everybody understands, there certainly are reasons for establishing higher thresholds at the Federal level, and I want to commend those companies which cooperated and wanted to cooperate in a partnership with law enforcement, such as Wal-Mart and Costco and some others across the country. But, again, I think we need to look at the volume that we are allowing and just what it takes for the average stovetop cooker to cook because those are the majority of the labs and which pose the greatest threat to all of us.

Senator FEINSTEIN. Just one quick question because my time is expired. When you seize a lab, do you find a lot of evidence of the blister packs?

Ms. KYPRIDAKES. Thousands and thousands of the little packages.

Senator FEINSTEIN. So the blister packs—they are getting somebody to open each little pill before they cook it.

Ms. KYPRIDAKES. Yes.

Senator FEINSTEIN. And the blister packs have become a major problem, would you say, Mr. Marshall?

Mr. MARSHALL. Yes, ma'am.

Mr. WARNER. Senator, if I could just inject very briefly in response?

Senator FEINSTEIN. Certainly, Mr. Warner.

Mr. WARNER. In Utah, I think one of the major reasons that Utah has become unfortunately a high manufacturing State was because of the easy access to precursor chemicals. Our State legislature acted in 1998 to pass a State Precursor Act which has helped us, and it limits possession and sale to 12 grams under our State law. I am being told by our agents that this is helping a great deal as they deal with this problem.

Senator FEINSTEIN. Would you support going to 9 grams, which is three 96-pill packs?

Mr. WARNER. I don't know that I have got a specific number in mind, but I do know that I can say based on anecdotal experience that the law in Utah is helping us with the lab problem.

Senator FEINSTEIN. Thanks very much. Thanks, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Biden, we will finish with you.

Senator BIDEN. Let me ask for people watching this hearing, we talk about 3 packs, 96 pills, 12 grams, 24 grams, 9 grams. I think to the averaged informed person it doesn't mean much. Give me, any one of you, an example of someone who legitimately wishes to purchase these pills for purposes of dealing with allergies or whatever their legitimate purpose is. They walk into a drugstore. How many pills are they likely to buy? What would be a normal purchase.

Is Sudafed on there? I guess a pack is there. When you go in to buy a pack of Sudafed, I mean we must have some numbers on what the average purchase would be for someone who is not going to cook it, somebody who is going to use it in a legitimate fashion.

Mr. MARSHALL. Senator, for myself and my family—and there are three members of my five-member family that are kind of plagued with allergies, unfortunately, myself being one of them, and we normally buy one packet at a time, 30 or 60. And occasionally, if we are going on a trip, we may buy a couple. And the dosage unit, I believe, on those—I would have to actually check the package, but I believe it is——

Senator BIDEN. Let me ask the staff to go down and grab a package of this Sudafed for me, or whatever else is there, please.

Ms. KYPRIDAKES. Under the FDA provisions, the pseudoephedrine can be up to 60 milligrams and the ephedrine is restricted to 30 milligrams per dosage unit.

Senator BIDEN. I understand that. What I am trying to get at is to put this in language that the mother or father who is out there or the individual who is out there trying to understand what we are talking about because it is a concept that is hard for people to imagine.

I mean, were my wife not a teacher and were I not in this business and I were practicing law and she worked for the DuPont Company and we heard this on television replayed, it is all kind of surreal to the average mother or father out there that says, now, wait a minute now, they are talking about cooking stuff that is Sudafed and night-time liquid caps, and they are talking about 12 and 9 and 24 grams, and they can get this over the Internet. I mean, this is like voodoo.

We deal with this so much. I have been dealing with this for so many years of my life. We talk to each other and we think people understand what the heck we are talking about. So what I am trying to get at here is when people think that we are being—the Senator from California or Delaware or Utah is being unreasonable in restricting access to something, the way the drug companies or others will portray it is we don't want somebody to be able to walk in and buy a package of Sudafed.

Now, in this package of Sudafed, how much of the bad stuff is there that allows somebody to cook this, in layman's terms? Can they make anything out of this pack? Can they do anything with this pack?

Mr. DOERGE. Well, it takes several of those packs, Senator, to effect a good cook. The problem with what we are saying here is if we limit the amount of boxes that you can buy at any one place, they just go from place to place.

Senator BIDEN. Right. That is the next thing I was getting at.

Mr. DOERGE. Correct.

Senator BIDEN. So the next point is we are trying to come up with solutions. One of the things that the American people, I think—at least in my experience, they look at us and they sometimes doubt our intentions. In this area, they don't doubt our intentions but doubt our judgment. So we come up and say we are going to limit the ability to buy the equivalent of two or three packs of Sudafed.

And it doesn't take a rocket scientist to say, OK, you limit it and you can't buy more than four packs from one drugstore. But you walk next door, you go to another drugstore. You go to 4 different drugstores and it takes you 5 minutes to buy 4, 5, 6, 7, 8 packs.

But I am trying to get at is this question. For each one of you, including you, sir, who has gone through more trauma related to this than anybody has, if there was only one thing you could do—if you were sitting up here or you were the President of the United States and could have an edict that would attempt—one thing you could do to affect the consumption of methamphetamine, of, you know, black beauties and dexies, the way you hear kids talk about them—you never hear anybody on the street say "methamphetamine." You hear them talking about crank or dexies or beans or black beauties or white beanies. I mean, you know, that is the language of the street.

Now, what would you do? You only get one, you get one deal, you get one thing. You are going to pass legislation. What is the single most important thing, if you are willing to take a shot at it, that you would want done other than the United States having an epiphany or a great alter call and all of a sudden see the Lord and not want to do anything? I mean, short of that, what one thing would you do, Donnie?

Mr. MARSHALL. It is almost an impossible question to say one particular thing, and I don't think one particular thing would really impact on the problem. But I think as a law enforcement professional, perhaps I am biased, but I believe that stiffer penalties and more law enforcement measures against the manufacturers and the traffickers would be the biggest thing.

Senator BIDEN. Paul?

Mr. WARNER. I agree with Mr. Marshall relative to the manufacturer. As I said earlier, I believe there is a qualitative difference in this particular drug between manufacturing and trafficking and the users. I think we want to focus—we, talking about prosecutors, law enforcement—we want to focus on the manufacturers where we can because that is where the production is, that is where this stuff is coming from. When we can do something about the manufacturer and focus on the manufacturer, then we stop the production at the front end.

Senator BIDEN. Again, for the people watching this, the manufacturer can be a 22-year-old kid who is in his basement and has a lab like this, or a 16-year-old kid. Or the manufacturer can be the object of the Senator from California's affection and attention, Mexican drug cartel leaders. They are vastly different.

We busted, State and local, about 5,000 labs last year, if I am not mistaken, all told. So when people think manufacturer, they are used to thinking of cocaine cartels. They are used to thinking of heroin cartels, if you pick 2, 3, 4 or 5. What we are talking about here is folks with old Volkswagen vans with stacks coming out of the top manufacturing on the road—that is how it got into your State, that is how it got to your State; it didn't come any other way—or going out near Coeur d'Alene, ID, and going deep in the woods polluting the ground, because this stuff stinks, too. You know, people smell it.

So my point is that I think we have got to try to figure out how to educate the public about this in the sense that a manufacturer is not like—no one is going to take a coca leaf at 16-years-old and go down in their basement and buy the coca leaf and have a cocaine operation in the basement of their house.

Senator FEINSTEIN. They make crack in the kitchen.

Senator BIDEN. That is my point. That is the point. The Senator is not listening to me.

Senator FEINSTEIN. I am not agreeing with you.

Senator BIDEN. Well, if you listened to me, you would agree with me. [Laughter.]

Let me explain what I mean by that.

The CHAIRMAN. Could we have a little less controversy among our Democrats? [Laughter.]

Senator BIDEN. We have a very different deal here. This can be made anywhere. Anything from crank to black beauties can be

made in the basement. The average person doesn't cook cocaine the way in which we think of the distribution of cocaine. Even crack cocaine is harder to do than this. That is the only point I am making. And because of that, this is a more pernicious problem.

And the Senator from California is right because she is the first one that has been on dealing harshly with precursors, to the point that a lot of the business interests in this country weren't happy because she was dealing so harshly with it.

What I am trying to get at is it seems to me that one of the keys to this, when you say you want to go after the manufacturer, the person who is cooking the stuff, the person who is cooking the stuff can be a little boutique that is cooking a little bit or it can be a major Mexican cartel that is making hundreds of millions of dollars transporting precursor chemicals and/or in this country producing the product as well. So it seems to me this is a little different.

The point I want to get at is this. Mr. Warner, you are a prosecutor. We are up here talking about how tough we are going to get on all of these things. Yet, we went out just this year in the State Department-Commerce-Justice bill and we came in $200 million below the President's request for U.S. attorneys, we came in $300 million below the President's request for the FBI, and we came in $160 million below the President's request for the DEA.

Now, all of you have to sit there and say we thank you for your help, Congress. Don't thank us this year. We didn't do the right thing this year. We didn't do what we were supposed to do this year. And it seems to me that if you want to have an impact, the single greatest impact, because you are talking about an incredibly large number of people, is people. We need more people.

You can increase the penalties, which you should. You can deal with treating the precursor chemical coming across the border the same as the product that we outlaw coming across the border. But if you don't have more DEA agents, if you don't have more FBI agents, if you don't have more U.S. attorneys focusing on this, they ain't going to get very far.

So, in my view, the single most significant thing we can do, in addition to trying to deal with access to the precursor chemicals here, is deal with the enforcement side, people.

Yes, Sheriff.

Mr. DOERGE. Senator, if I may, I believe that 90 percent of the methamphetamine operations in Missouri are done at the mom-and-pop operations, and we are dealing with those people over and over again. We put 100,000 officers on the street through these great programs, and we appreciate that. But we didn't have enough prosecutors and U.S. attorneys to take care of the cases before we put all those officers on the street, before we formed all these drug task forces. We do not have enough people in place to prosecute, and we keep seeing these people come back through and we keep seeing their faces time and time again. And it drains our resources, drains our time.

I would like to be able to put those people away, and the suspended imposition of sentences be reduced down because of expediency and all the other things that they have to consider, and have those people put away to the point that they would at least have enough time in prison that we could deal with the new ones coming

on. And you weren't here before, but this was taken off the Internet at our local library in our county and this is ingredients and instructions on how to do a methamphetamine lab. It is not being done in the basement so much; it is being done on the riverbank in our area and they are dumping the waste in our rivers.

Senator BIDEN. Right. I know my time is up and I will conclude with this, Mr. Chairman, and I thank you for your indulgence. The truth of the matter is there are six major pieces of this dealing with the precursors at one end and dealing with cleanup at the other end, and there is in between the idea of prosecution, penalties, incarceration, and treatment.

And the truth of the matter is, in this area this is high-intensity as it relates to personnel required to deal with this. That is the only point I want to make to you. So if I could only have one thing, I know what I want, and I will take my political career on it having more impact than anything else we could do. If I give you more prosecutors, if I give you more DA's—if I am a responsible governor and give you more DA's to prosecute, if I give you more DEA agents, I can do more with that than I can do with any other single thing.

We should do everything, and the thing that bothers me the most about all of this is why are we in a position where, in the matter of 4 years, 12 to 15 percent more kids think that this is not dangerous than before? And that goes to our overall drug program which I won't bore you all with.

So I thank you all for your testimony. The point I am trying to make here is this can be a mom-and-pop operation. The more easy it is able to be done, the more requirement there is for personnel-intensive efforts—cops, prosecutors, and judges—to deal with it. That is the only point I wanted to make.

The CHAIRMAN. Well, let me end the hearing with this. I agree with virtually everything Senator Biden has said, but I think there is something far more important than all of that, and that is we have got to get back in this country to thinking a little bit more about families and about what is right and wrong and about community support.

Senator Biden, Senator Feinstein and I have worked very hard for the Boys and Girls Clubs of America. We are finding that where we have Boys and Girls Clubs, drug abuse goes down dramatically. And until we start revitalizing the spiritual nature—and I am not necessarily talking about religion, although certainly that is part of it—the spiritual nature of America that has always been here, but has been lost in recent years, or at least has been diminished in recent years, we are not going to have the intestinal fortitude or the spiritual fortitude to be able to fight this stuff.

You can have all the prosecutors in the world and you can have all the policemen and sheriffs in the world, and this is just going to proliferate across this land in ways that nobody ever dreamed of unless we start emphasizing some of the family-type things that really have to occur. You know, in a country where marriage is now starting to slip as a sanctified institution, it is not hard for me to see why kids are looking for release in other areas. And if they don't have the supervision and they don't have the family treatment and care—a lot of these kids are being raised now in single-

parent households where the poor parents don't know what to do. They have got to work and the kids are latchkey kids.

We have got to be very concerned about the spiritual nature of America. And this is a great country. It is the most spiritual country ever in the history of the world, but we are losing it. We have got to get back to that first and then I think we do have to do all these other things that Senator Biden and others and myself have been calling for. We can prosecute these people for the rest of our lives and it isn't going to solve the problem unless we start changing the nature of our society and get it back to where it really was before the 1960's that have really ballooned into now the 1990's, going into the next century.

So you have all been very helpful here today in helping us to understand this plague, really this catastrophic drug problem that is killing our young people. I want to personally thank each and every one of you for the efforts you are making to try and get this under control. And we will try and help you here. We will try to get a really good methamphetamine bill with the very best ideas of everybody on this committee. It is one thing where I just cannot believe we can't get together and work as Democrats and Republicans and come out with something that will really assist you and help you.

But I also suggest this business of families and spirituality and decency and honor has got to start being emphasized. And, again, the Boys and Girls Clubs, the Boy and Girl Scouts, the——

Senator BIDEN. Afterschool programs.

The CHAIRMAN. Afterschool programs, and frankly during-school programs, but mainly programs in the home. We have got to somehow or other start——

Senator BIDEN. Mr. Chairman, I want the record to show I am returning these.

The CHAIRMAN. I have no doubt that you will.

Well, I want to thank all of you for being here. You have been very helpful to us and we just appreciate you very much, and I hope this hearing will educate a lot of people out there.

I have read your statement, Ms. Kypridakes, and I think it is a very good statement. I have read all of your statements and I think all of them are good, but your State has so much of this and you have these super labs, the highest percentage of them, and I think people ought to pay attention to some of the things that you mention in your statement.

Mr. Doerge, your experience has been wonderful here.

Paul Warner, I know what great work you have done. And, of course, the DEA is terrific.

And, Mr. Vasica, we all empathize with you and we are glad that your son has got this under control.

Mr. DOERGE. Mr. Chairman, if I may, please remember the local agencies. Most of these cases start with local law enforcement.

The CHAIRMAN. Right, right.

Mr. DOERGE. And our local task forces need help.

The CHAIRMAN. Yes, and you guys are doing a good job, but you are overwhelmed by it, and you have, I think, eloquently expressed that.

Well, thank you all very much. With that, we will recess until further notice.

Senator BIDEN. Thank you for the hearing, Mr. Chairman.

The CHAIRMAN. We will keep the record alive until August 4 for statements and additional questions. I hope you will answer them by then, if you can.

Thank you.

[Whereupon, at 12:43 p.m., the committee was adjourned.]

○