



July 23, 2024

Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Biden:

We are writing as members of the Coalition to Close the De Minimis Loophole, representing diverse American voices and millions of people committed to fixing the *de minimis* crisis. The coalition includes families of victims of fentanyl fatalities, law enforcement, drug prevention organizations, nonprofit and nonpartisan organizations, including labor unions, manufacturers, business associations, and consumer safety advocacy organizations.

As the coalition members most directly impacted by the use of the *de minimis* import program to bring illegal, dangerous drugs into the United States, we are writing to urge the Administration to use its current authorities to close this dangerous loophole.

We would like to share our first hand experience of *de minimis* exploitation, which is flooding the United States with fentanyl, fentanyl precursors, pill presses, and other illicit goods. We hope that this information will help inform your Administration on how *de minimis* is impacting American citizens and encourage and want to support you in any way to use the Administration's existing authorities to close this harmful loophole. We are eager to be a resource to the Administration on this critical issue.

The *de minimis* loophole, which now results in four million packages entering the United States daily that skirt normal Customs information and inspection requirements, as well as tariffs and taxes is facilitating a free flow of illegal and dangerous products. This includes increasingly the deadly fentanyl poison that is responsible for killing tens of thousands of Americans each year, including our spouses, partners, children, and other precious family members and friends.

Especially as the volume of *de minimis* packages has exploded, totally overwhelming what already was minimal government inspection, those who seek to smuggle contraband across borders without detection have become increasingly interested in using *de minimis* to gain entry into the United States for their deadly wares. Today, *de minimis* serves as a major artery for the flow of fentanyl and other illicit and harmful products into our country. Numerous families who have lost a loved-one to fentanyl have the *de minimis* package in which the poison arrived on the

decedent's doorstep. According to the U.S. Centers for Disease Control and Prevention, synthetic opioids—primarily illicit fentanyl—remain the largest cause of overdose deaths in the United States. Fentanyl kills on average over 200 Americans daily, which is the equivalent of a packed Boeing 737 crashing every single day. Fentanyl is the leading cause of death for Americans aged 18-45 and a leading cause in the unprecedented drop in American life expectancy during recent past years.

Given the fentanyl epidemic's devastating impact on families and communities, it is imperative that the Administration accurately and fully diagnose the *de minimis* loophole's relationship to the flood of fentanyl entering our country. Recently, Customs and Border Protection (CBP) Acting Commissioner Troy Miller said: "The small package environment skyrocketed in fiscal year 2023... with over one billion packages claiming *de minimis* preferences in the United States. Currently, CBP processes approximately 4 million *de minimis* shipments per day, up from 2.8 million this time last year. This poses significant challenges for all of us as bad actors exploit this explosion in volume to traffic illicit goods."

Nearly three million *de minimis* shipments entered the United States every day in FY2023, a figure that already has increased more than 30 percent to date in FY2024. Predictably, this avalanche of daily parcels has overwhelmed the current screening and security suite deployed by CBP. Officials from the agency have acknowledged that this situation is untenable, as CBP's ability to "identify and interdict high-risk shipments that may contain narcotics, merchandise that poses a risk to public safety, counterfeits, or other contraband" is limited in part by the "overwhelming volume of small packages" shipped using *de minimis*. This admitted inability to inspect even the riskiest shipments among the daily flood of millions of *de minimis* packages means that the U.S. government does not have reliable data on what is in these shipments, much less how many packages include fentanyl.

Notwithstanding the implementation of two data pilot programs established to bolster the government's understanding of the harm caused by *de minimis* shipments, there is a clear gap in both data and interdiction efforts. For example, at a virtual meeting held by CBP's trade advisory committee in September of 2023, CBP Acting Commissioner Troy Miller acknowledged that *de minimis* is a "common pathway for fentanyl, precursor chemicals, and pill presses to get into the hands of criminals is through small package shipments." He further acknowledged that fentanyl has contributed to more than 100,000 overdose deaths over the last two years alone.

It is effectively impossible to inspect the 4 million *de minimis* packages arriving at our ports each day even if funding was made available for the needed addition of more inspectors at express delivery facilities and international mail venues. That is why any meaningful fix of the loophole must result in significantly reducing the volume of packages.

Comprehensive evidence regarding the widespread and large-scale nature of China's fentanyl production and international trafficking was detailed by the House Select Committee on the CCP. The Select Committee provided evidence that fentanyl is readily available from Chinese online platforms and that its delivery is facilitated by the lack of oversight in the *de minimis* environment. Citing law enforcement testimony that cartels are using our lax *de minimis* enforcement given the astonishing number of packages flooding to the United States daily, the

Committee concluded “the current form of the *de minimis* exception makes the United States the most vulnerable nation in North America to this form of drug trafficking.”

We recognize that the southern U.S. border is also a crossing point for drug contraband, including fentanyl. However, our country’s mission to keep out fentanyl and other illicit drugs will fail with deadly repercussions if our focus on stopping drugs at our southern border is not matched by stopping drugs entering via other ports of entry. And the port of entry that is essentially wide open to fentanyl and other dangerous goods is express entry via a tsunami of *de minimis* packages arriving via a system designed to accelerate the shipment of goods and bypass scrutiny. Fighting fentanyl requires a strong commitment to stopping the supply, distribution, and demand of this illicit drug. Changing the *de minimis* rule will help break a vital link in the fake drug supply chain.

We can and must address both problems with urgency and comprehensive solutions. If our goal is to save lives, comprehensive reform that completely shuts down *de minimis* is necessary to significantly reduce the volume of packages utilizing this outdated and dangerous provision.

As it is unclear if Congress will be able to remedy *de minimis* any time soon, the urgent crisis we face requires the Administration to use its authorities to close this loophole now as Congress contemplates potential reforms. We stand ready to partner with you on developing and implementing comprehensive solutions to this crisis.

Sincerely,

Facing Fentanyl
Families Against Fentanyl
Fentanyl Victims Network of North Carolina
Kelsie’s Cause
Lost Voices of Fentanyl
National Association of Police Organizations
National Crime Prevention Council
Shatterproof
United Against Fentanyl
Voices for Awareness
Victims of Illicit Drugs (VOID)