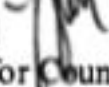


February 22, 2019

INFORMATION

MEMORANDUM FOR THE SECRETARY

FROM: James F. McDonnell 
Assistant Secretary for Countering Weapons of Mass Destruction

SUBJECT: **Use of counter-WMD authorities to combat fentanyl**

Purpose: Discuss plans to use appropriate CWMD authorities against fentanyl. Under this construct, fentanyl would be considered a WMD material when certain criteria are met (e.g. quantity and configuration).

Key Issues:

- Fentanyl's high toxicity and increasing availability are attractive to threat actors seeking nonconventional materials for a chemical weapons attack. In July 2018, the FBI Weapons of Mass Destruction Directorate assessed that "...fentanyl is very likely a viable option for a chemical weapon attack by extremists or criminals."
 - As little as two to three milligrams of fentanyl can induce respiratory depression, respiratory arrest, and possibly death. And some fentanyl analogues, such as carfentanil, are orders of magnitude more potent.
- In the policy arena, the federal interagency has long regarded fentanyl as a chemical weapons threat. However, most CWMD planning efforts and programs do not currently focus on fentanyl as a target material for detection and interdiction (see Background).
- The recent authorization of the DHS CWMD Office through P.L. 115-387, Countering Weapons of Mass Destruction Act of 2018, provides an opportunity to apply DHS CWMD assets and capabilities to the fentanyl problem through the lens of WMD.
 - The CWMD Office can assist in countering fentanyl and its analogues through: managing and developing requirements for technology development, supporting the deployment of sensors (i.e. detection technology), and providing analytical expertise to the operating components.
- CWMD, as a support component, already provides direct support to DHS front line operating Components for WMD detection and prevention. The development and deployment of new capabilities that include fentanyl as a target substance would be a minor adjustment to current activities.
 - As an example, although Office of Health Affairs and Domestic Nuclear Detection Office, as DHS legacy organizations, had not previously planned specifically for countering the Hydrogen Sulfide threat, the newly organized CWMD Office (limited to 872 authorities) was immediately able to develop and field countermeasures and training and deploy detection equipment in twenty urban areas.
- CWMD Office efforts will focus on quantities and configurations that could be used as mass casualty weapons. However, many activities, such as support to fentanyl interdiction and

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detection efforts, would tangentially benefit broader DHS and interagency counter-opioid efforts.

- Additionally, DHS/CWMD is in a position to help coordinate and leverage efforts from across DHS and the broader federal CWMD enterprise toward the fentanyl problem set. Relevant activities include using tools from the CWMD community for supply chain interruption, to include interdiction and targeting as is currently done for other WMD materials.

Background:

- Over the past several years, the federal WMD policy community has periodically discussed the chemical weapons threat from fentanyl and other pharmaceutical-based agents.
 - Senior USG officials have made public statements at the Organization for the Prohibition of Chemical Weapons emphasizing that no country should be developing, producing, stockpiling, or using these agents even in a law enforcement scenario.
 - In parallel, the Department of Defense (DOD) has been developing materiel capabilities against these non-traditional agents within its Chemical and Biological Defense Program.
 - However, certain operational CWMD entities at DOD and elsewhere have been slow to act due to concern of getting pulled into the counter-narcotics mission.
- Within the past couple years, there has been a reinvigorated interest in addressing fentanyl and its analogues as WMD materials due to the ongoing opioid crisis.
- In April 2018, you signed a Material Threat Determination for Pharmaceutical-Based Agents (including fentanyl), indicating that these chemical agents pose a material threat to the U.S. population. This was the first step toward enabling Project BioShield funding and acquisition for medical or other security countermeasures that enhance preparedness for this threat.
- Recently, senior leaders in DOD, such as the Commander of U.S. Southern Command (USSOUTHCOM), have proposed formally designating fentanyl as a WMD material. Over the past two months, DHS/CWMD has had informal discussions on the topic with USSOUTHCOM, the Defense Threat Reduction Agency, U.S. Special Operations Command, USCG, CBP, and ICE.
 - These conversations revealed a general consensus that fentanyl, in certain configurations, has properties that make it a chemical with the potential for mass casualty effects.

Next Steps:

- CWMD will brief DHS operating components on counter-WMD efforts related to fentanyl, and discuss how best to incorporate these efforts into existing DHS interdiction, counter-opioid, and other operational activities.
- DHS/CWMD will host an interagency planning event (including DHS components) to perform a DOD-style "opportunity analysis" model on the fentanyl supply chain including from bulk manufacturing overseas to smuggling through pathways into the U.S.

Attachment(s): Classified slides are available upon request.