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REFORM

**Congress of the United States**  
**House of Representatives**  
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October 16, 2017

The Honorable Greg Walden  
Chair, Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Walden:

In the spring of 2016, Congress passed, without dissent, the Ensuring Patient Access and Effective Drug Enforcement Act of 2016. It was signed into law by President Obama on April 19, 2016 (Public Law 114-145).

I cosponsored this bill at the request of Burlington Drug, a reputable drug distribution company in Burlington, Vermont that had been owned by the same family for over 100 years and employs 55 Vermonters. Its mission is to deliver approved prescription drugs to the small independent pharmacists that dot the landscape of rural Vermont and New England.

Burlington Drug is a reputable small distributor that worked hard to build a cooperative relationship with local agents of the Drug Enforcement Agency (DEA). It has no history of DEA enforcement actions. The company made a strong case that, even with a constructive relationship with the local DEA office, and a conservative approach to filling orders for opioids, a lack of clarity in the federal statute about what the company should and should not do when it detects a suspicious opioid drug order put it at risk on a daily basis of its business being disrupted by a DEA enforcement action. The company believed the bill provided the clear statutory guidance it had been seeking.

Yesterday, both the *Washington Post* and *60 Minutes* reported on the results of their investigation into a decline in DEA enforcement actions against drug distributors. Former employees of the DEA believe that the new law, in addition to industry influence on the DEA and the Department of Justice, handcuffed their ability to take action against bad actors in the opioid supply chain.

This investigative report is deeply troubling and raises serious questions about whether the law is working as Congress intended which, in my view, was to provide clear rules of the road for distribution companies like Burlington Drug while freeing up DEA resources to go after bad actors who are accelerating and profiting from the opioid epidemic that is ravaging families and communities in Vermont and across the country.

As Chairman of the authorizing committee that approved this legislation, I urge you to open an investigation and convene oversight hearings to hear from current and former DEA officials. The hearings should examine the allegations and whether changes in the law, or its repeal, are required in order to ensure that bad actors in the opioid supply chain are shut down and brought to justice.

Sincerely,



PETER WELCH  
Member of Congress