

Congress of the United States  
Washington, DC 20510

October 19, 2021

Linda Thomas-Greenfield  
United States Ambassador to the United Nations  
760 United Nations Plaza  
Manhattan, New York City, New York 100017

The Honorable Xavier Becerra  
Secretary  
Department of Health and Human Services  
200 Independence Ave, SW  
Washington, DC 20201

Dear Ambassador Thomas-Greenfield and Secretary Becerra,

We are writing to ask that the United States oppose any effort to add kratom and its alkaloids to the 1971 UN Convention on psychotropic substances as a banned substance. The World Health Organization (WHO) Expert Committee on Drug Dependency (ECDD) is currently reviewing this issue and may make a recommendation to the UN Commission on Narcotic Drugs as soon as early December for kratom to be controlled under UN conventions. It is our understanding that in accordance with 21 USC 811(d), if a substance is deemed controlled under the 1971 Convention, the United States' treaty obligations require that such substance also be controlled domestically. This obligation forfeits the will of the American people, ties the United States to the whims of the majority of international actors, and diminishes the need for public health experts to thoroughly evaluate substances that lead to domestic decisions based on evidence and data.

In 2016, 145,906 Americans<sup>1</sup> including consumers, scientists, and state and federal lawmakers,<sup>2</sup> raised their voices in opposition to the Department of Health and Human Services' (HHS) proposal to schedule kratom as a controlled substance. However, due to many factors, "in part on new data, and in part on the relative lack of evidence," the HHS decided in 2018 to rescind its request for the U.S. Drug Enforcement Administration (DEA) to schedule kratom as a Schedule I controlled substance under the Controlled Substance Act.<sup>3</sup>

Since then, there is still no conclusive evidence that would warrant the United States voting in favor of an international control of this substance. Instead, the "Food & Drug Administration

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<sup>1</sup> <https://petitions.obamawhitehouse.archives.gov/petition/please-do-not-make-kratom-schedule-i-substance/>

<sup>2</sup> Congressional Letter to Acting Administrator Rosenberg. (September 26, 2016).

<https://www.washingtonpost.com/blogs/wonkblog/files/2016/09/Final-DEA-Kratom-Letter-9.26.2016.pdf>

<sup>3</sup> HHS Letter to DEA. (August 16, 2018). [https://images.go02.informamarkets.com/Web/Informa02/%7b548e6d56-2ea4-4da4-9404-0348b56e9a88%7d\\_dhillon-8.16.2018-response-letter-from-ash-radm-giroir.pdf](https://images.go02.informamarkets.com/Web/Informa02/%7b548e6d56-2ea4-4da4-9404-0348b56e9a88%7d_dhillon-8.16.2018-response-letter-from-ash-radm-giroir.pdf)

encourages more research to better understand kratom’s safety profile, including the use of kratom combined with other drugs.”<sup>4</sup>

Given the absence of data showing kratom’s purported harms, a vote in favor of controlling this substance would raise serious questions. If there is no scientific basis for control,<sup>5</sup> Congress has not deliberated the need for control, and the clear interests of the American people are against control, then the United States should not be voting in favor of controlling that substance on the international stage.

Sincerely,



Michael S. Lee  
United States Senator



Mark Pocan  
United States Congressman

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<sup>4</sup> FDA and Kratom. (accessed October 8, 2021). <https://www.fda.gov/news-events/public-health-focus/fda-and-kratom>

<sup>5</sup> Boyer, Edward W. et al. “Joint Scientist Comment on WHO Expert Committee on Drug Dependence Pre-Review Report: Kratom (*Myragyna specioca*), mitragynine, and 7-hydroxymitragynine.” (September 23, 2021).