

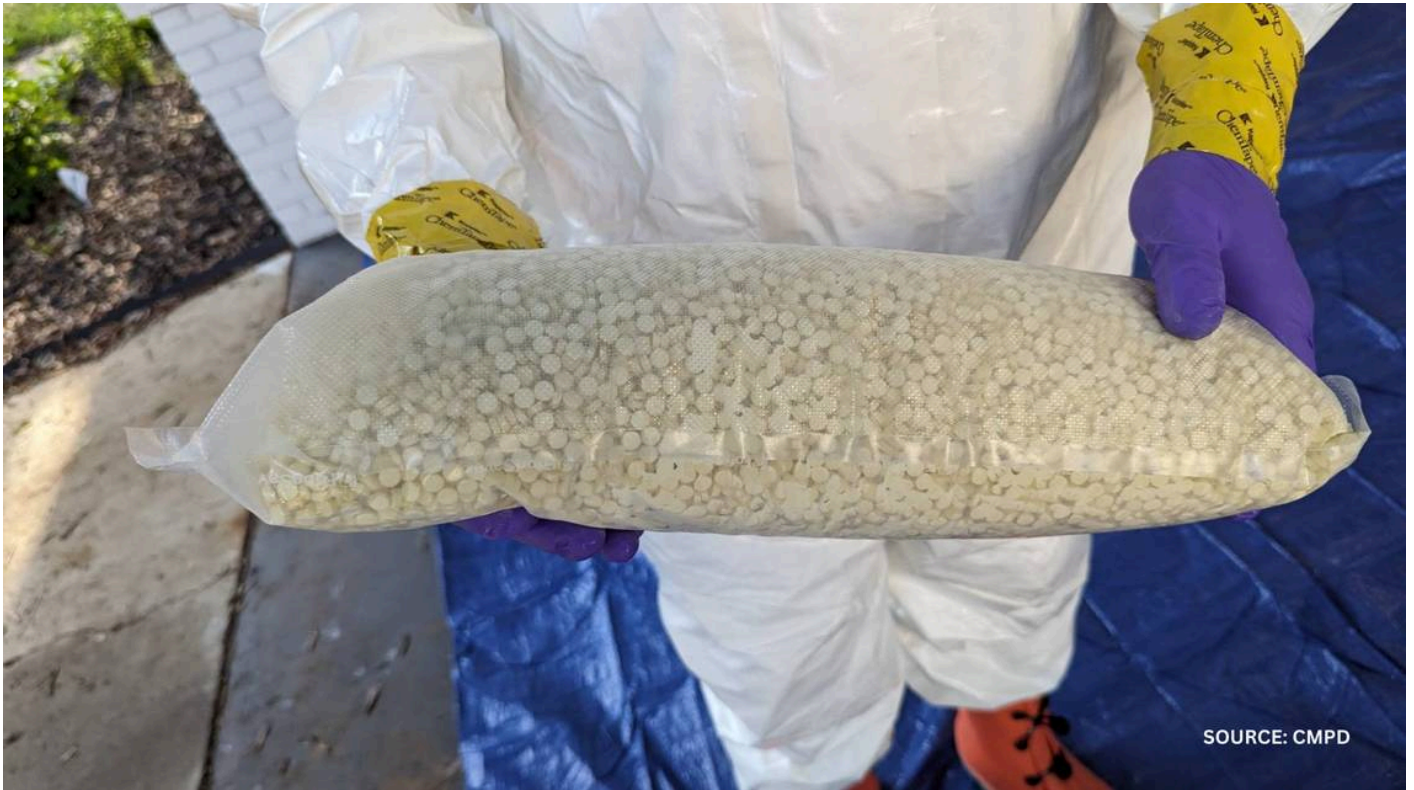
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OPINION

NC sheriff: Donald Trump and Kamala Harris must commit to closing this deadly fentanyl loophole | Opinion

BY GARRY MCFADDEN

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This November 2023 photo shows illegal pills containing fentanyl that were confiscated by the Charlotte -Mecklenburg Police Department. *Charlotte-Mecklenburg Police Department*

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SAVE NOW

The presidential nominees from the Democratic and Republican parties have a lot to say about the crisis at our southern border and the illegal drugs making their way into the United States via cartel smugglers. On average, 300 North Carolinians lose their lives to [overdose each month](#).

In 2023, about 107,542 people died from a drug overdose – [nearly 300 people a day](#) – and the main driver of these deaths is opioids. But this dark trend won't end with a secure border as long as a little-known trade rule remains in place. As the 2024 presidential race heats up, it's time for Vice President Kamala Harris and former President Donald Trump to address this crisis.



Mecklenburg Sheriff Garry McFadden

A U.S. trade law, “de minimis” (formally known as the [Section 321 de minimis provision](#)) is a federal regulation that allows packages valued under \$800 to enter the United States without customs inspection or law enforcement scrutiny. When created in 1930, de minimis was intended to ease the burden on customs officers by waving through low-value souvenirs brought in by tourists.

Unfortunately, bad actors from China and elsewhere have discovered de minimis as a means of pushing counterfeit items, contraband and illegal drugs into U.S. communities in one of the most insidious ways imaginable: the international mail and express shippers.

According to the U.S. Customs and Border Protection agency, “high-risk shipments that may contain narcotics, merchandise that poses a risk to public safety, counterfeits, or other contraband” are [finding their way into the U.S.](#) under the de minimis exemption.

In its 2019 National Drug Threat Assessment, the [Drug Enforcement Administration found](#) that in both “2017 and 2018, China was the single largest country of origin for fentanyl seized in the mail.” The same report states that “wholesale quantities” of illicit substances “are usually trafficked to the United States via commercial mail carriers from China, often intentionally mislabeled or described as not for human consumption in an attempt to avoid scrutiny.”

China is the world’s primary producer of illicit fentanyl and the analog chemicals used to manufacture it. Of more than 106,000 drug-related American deaths last year, more than 70,000 were attributed to fentanyl poisoning. According to federal researchers, fentanyl is the [number one killer](#) of Americans age 18-45. The DEA

says fentanyl is responsible for **almost 70%** of the deaths of Americans under the age of 24.

In North Carolina, these stats hit close to home. In 2021, illicit substances took the lives of 4,041 North Carolinians — **77%** of which were fentanyl-related. It's but a single data point in a system overflowing with scofflaw international shippers. According to estimates more than 1 billion individual packages claiming de minimis preferences were shipped into the United States in fiscal year 2023, marking a nearly 700% increase since 2016 — a number projected to explode another 40% this year alone.

At the same time, seizures of illicit fentanyl by Customs and Border Protection have also skyrocketed, **increasing 860%** from 2019 – 2023 and doubling between 2022 – 2023 alone. Here in North Carolina in 2023, enough illicit fentanyl to **kill 1.1 million people** was seized during a bust that law enforcement called “the largest fentanyl seizure in the history of Buncombe County.”

Law enforcement is doing everything in our power to turn the tide of this scourge. The American people need to be grateful to them. However, allowing the staggering number of packages to make their way into our state via de minimis exploitation isn't doing us any favors.

Congress has granted the president broad authority to make changes to the outdated de minimis rule to protect Americans from the flood of illegal goods entering our country through this loophole.

There has never been a more critical time for the current administration and both presidential campaigns to outline plans and fully commit to finally closing this dangerous loophole. Doing so will help address border security and cartel drug smuggling, and as a means of lowering the incarceration rate — less illicit fentanyl in the U.S. means fewer arrests.

For the sake of American lives, President Biden and both candidates need to take action now.

Garry McFadden is the Mecklenburg County Sheriff.

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