



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

March 20, 2014

The Honorable Patti B. Saris
Chair
United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500
Washington, DC 20002-8002

Dear Chair Saris:

I write to submit my comments on the proposed amendment to the sentencing guidelines that would alter the guidelines ranges for drug trafficking offenses. As the Sentencing Commission considers revisions to the Drug Quantity Table, I respectfully urge the Commission to increase the penalties for two types of particularly harmful drug-related conduct.

First, I request that the Commission increase the penalty for drug offenders that flavor or market a controlled substance to entice minors to purchase the controlled substance. For years, law enforcement has seen drug dealers combine drugs with chocolate or fruit flavors and package the drug products to look like actual candy and soda. For example, last October, police seized more than 40 pounds of THC-laced candy from a campus apartment at West Chester University, outside of Philadelphia.¹ This candy was vividly colored, in a virtual rainbow assortment—pink, yellow, orange, blue, and red.

Many recent incidents involve methamphetamine. A 2007 article in USA Today entitled “DEA: Flavored meth use on the rise” stated that “[r]eports of candy-flavored methamphetamine are emerging around the nation, stirring concern among police and abuse prevention experts that drug dealers are marketing the drug to younger people.”² In March 2012, police in Chicago warned parents about a drug that “looks and smells like candy,” called “strawberry quick” or “strawberry meth.”³ Because of the drug’s

¹ Sarah Bloomquist, *40 Pounds of Drug-laced Candy Found at West Chester University*, ABC NEWS, Oct. 28, 2013.

² Donna Leinwand, *DEA: Flavored Meth Use on the Rise*, USA TODAY, Mar. 26, 2007.

³ *Police Warn Parents About Strawberry Meth*, ABC NEWS, Mar. 13, 2012.

similarity to candy, police urged parents to tell their children not to take candy from anyone, even a classmate.

I would note that legislation I have introduced that would increase sentences for the manufacture of drugs that have been candied or flavored to entice minors (S. 1686, the "Saving Kids From Dangerous Drugs Act of 2013") has been endorsed by the Community Anti-Drug Coalitions of America, Federal Law Enforcement Officers Association, Fraternal Order of Police, Major Cities Chiefs Association, Major County Sheriffs' Association, National District Attorneys Association, National HIDTA Directors Association, and National Sheriffs' Association.

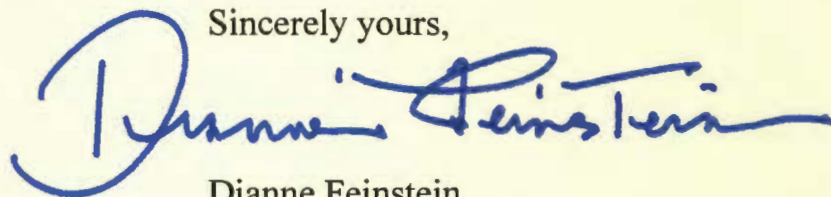
Second, I request that the Commission increase the penalty for offenders who cause environmental damage by drug cultivation, including when this conduct occurs on public or trespassed lands. As you know, on November 21, 2013, five of my colleagues and I wrote to the Commission to advocate for this change, and I am pleased that the Commission is seeking comment specifically on this issue.

Current sentencing guidelines do not sufficiently consider the severe environmental degradation that drug traffickers often wreak on public and private lands. In 2012, over 900,000 marijuana plants were eradicated on National Forest lands at 471 sites⁴ and cost the Forest Service approximately \$5,000 per acre⁵ in reclamation expenses. On private lands, marijuana growers often trespass on a landowner's property and significantly damage or alter the landscape, leaving that property owner with the costs to restore the land.

Drug traffickers also release a range of hazardous chemicals into the environment to produce these illicit substances. Illegal pesticides such as carbofuran are routinely used in order to increase the size of their crop.⁶ Other times legal rodenticides, pesticides, and fertilizers are misused, resulting in significant damage to wildlife and water resources. Existing guidelines do not sufficiently address these threats that the production of controlled substances poses to the environment.

Thank you for your consideration of these views.

Sincerely yours,



Dianne Feinstein
United States Senator

DF:jt/mb

⁴ Fact Sheet, U.S. Forest Service, Marijuana Cultivation on National Forest System (NFS) Lands (2013).

⁵ News Release No. 1152, U.S. Forest Service, Nation's Forests are Severely Damaged by Marijuana Grow Sites (Dec. 7, 2011).

⁶ See Skippy Massey, *Marijuana Growers Lay Waste to Eastern Humboldt*, HUMBOLDT SENTINEL, Aug. 2, 2013.