

The opioid is claiming American lives at an alarming rate, displacing legally prescribed painkillers as the main cause of overdoses. Campaigners say it is time to call it what it is: a weapon of mass destruction.

By Jamie Smyth and Oliver Roeder

Jaime Puerto remembers the last night his life felt normal. He had dinner with his son Daniel and they joked around while flicking through old family photographs. The next morning, the former marine found Daniel unconscious on his bed with ashen skin and a blue tint on his lips. What looked like half a tablet of Oxycodone, a prescription-only painkiller, sat on the 16-year-old's dressing table. But the pill was a fake containing fentanyl, a synthetic opioid which is 50 times more potent than heroin.

"When the doctors switched off the life support machines, his mom climbed into bed beside him and I held my son's hand as he passed away," Puerto says. "This wasn't an overdose because Daniel didn't know what he was taking. He was intentionally deceived."

Puerto is far from alone in experiencing such grief. Tens of thousands of American parents are mourning their children amid an unprecedented drugs crisis, which has claimed 107,000 lives in the year to August 2022. About two-thirds of those deaths were caused by fentanyl – a drug prescribed to treat severe cancer pain – which is increasingly being cut into illegal street drugs via a well-honed supply chain built by Chinese and Mexican crime syndicates.

The consequences are sobering. Illicit fentanyl has displaced legally prescribed painkillers as the main cause of overdoses in the US. The skyrocketing death rate – equivalent to one American overdosing every five minutes – and the \$1.5tn annual cost to the economy is forcing a national debate about how to solve a public health emergency that, alongside Covid-19, has helped drive US life expectancy down to a 25-year low of 76.4 years.

Young people, many of whom are experimenting with drugs for the first time, are particularly vulnerable. Victims believe they are ordering heroin, cocaine or painkiller tablets from drug dealers on social media, not knowing the products are mixed with fentanyl.

Unintentional overdose deaths among 15- to 19-year-olds surged by 150 per cent between 2018 and 2021. Overdoses have replaced suicide as the leading cause of death for Americans under 45 years of age, according to Centers for Disease Control and Prevention data.

The grim statistics are a concern for the Biden administration, which is struggling to contain a crisis it vowed to end during the 2020 election campaign. Since taking office, the efforts of US president Joe Biden are visible. He has won praise from healthcare experts for shifting away from criminalising drug users and focusing instead on expanding treatment for people suffering from opioid use disorder as well as information campaigns.

But while overdose rates have dipped marginally in recent months, political opponents and anti-drugs activists say progress is too slow and are demanding tougher policies, from tightening border controls with Mexico to cracking down on social media companies whose platforms can be used for drug dealing.

Campaigners also argue that fentanyl's long tail of tragedy warrants designating it a "weapon of mass destruction" – a category applied to nuclear, chemical and biological substances – saying this would clear the way for the necessary tools and funding needed to combat it.

"In spite of all their effort and the best intentions of the administration, the fentanyl crisis is getting tremendously worse and threatening an entire generation of young people," says Jim Rauh, founder of Families Against Fentanyl, an advocacy group. "Criminal cartels in Mexico and China are continuing to act with impunity. We need greater enforcement powers and more accountability from our own government."

'One pill can kill'

At San Ysidro in San Diego, the busiest land crossing between the US and Mexico, port director Mariza Marin says there has been an "explosion" of fentanyl smuggling in the past three years.

The potency of synthetic opioids enables criminal cartels to generate big profits from small amounts that can be easily concealed in people's pockets or backpacks. By contrast, sea-based, plant-based drugs like marijuana or cocaine used to be smuggled by the carload. In some instances, fentanyl can be ordered from overseas and delivered by post.

Mexico's biggest drug cartels, the Sinaloa and Jalisco New Generation, largely source the precursor chemicals required to make synthetic opioids from China, manufacture the drugs at secret factories in Mexico and then smuggle them into the US.



The US fight to contain fentanyl

Above: Jaime Puerto with his son, Daniel, who took just half a tablet of the painkiller Oxycodone. It turned out to be a fake laced with fentanyl, right. Below right: a photograph of Noah Dunn, who died from a lethal dose of fentanyl, on display during a House Judiciary Committee hearing earlier this month
FT montage: Anna Rose Layden/Bloomberg

istration seized 379mn deadly doses of fentanyl – enough, it said, to kill every man, woman and child in the US.

These doses included 50.6mn fentanyl-laced, fake prescription pills – more than double the 20.4mn seized in 2021. Laboratory tests showed six out of 10 pills contained a potentially lethal dose of the drug. Some shipments involved pills known as rainbow fentanyl, which come in a variety of colours, shapes and sizes, and are specifically targeted at children, according to the agency, which has launched a public awareness campaign warning, "One Pill Can Kill".

Some Republican lawmakers have sought to link the booming trade in fentanyl with illegal immigration, alleging the Biden administration has lost control of the border with Mexico. Several opposition members heckled Biden during his recent State of the Union address, yelling "It's your fault!" as he welcomed his guest, a father whose daughter, Courtney Griffin, died of a fentanyl overdose.

But there is little evidence to suggest migrants are the primary drug smugglers. Data published by the US Sentencing Commission shows 86 per cent of fentanyl trafficking offenders in 2021 were US citizens. In 2020, 83 per cent were US citizens. "These smuggling organisations are actively recruiting kids in high school and some even in junior high," Marin says.

Marin, who has lost three family members under the age of 40 to drug overdoses, says traffickers often falsely told these children they could not be prosecuted either because they were under 18 years old or were US citizens who lived in Mexico. But in the US, children can face the same criminal charge that an adult would, she adds.

Biden used his State of the Union speech to announce a "major surge" to counter fentanyl production, sales and trafficking with more drug detection machines, inspection and scrutiny of cargo. Part of this strategy includes a "sustained diplomatic push" to disrupt the fentanyl supply chain and introduce tougher penalties for suppliers.

Washington plans to use a meeting of

the UN Commission on Narcotic Drugs in Vienna in March to press China and other nations such as India to tighten rules on the transport of the chemicals required to make fentanyl. It follows a warning by Dr Rahul Gupta, the White House drugs tsar, that the fentanyl epidemic in North America would inevitably spread to Europe, Asia and elsewhere without better international collaboration.

A crucial policy the Biden administration wants Beijing to implement is so-called "know your customer" rules to ensure private businesses do not use middlemen that divert precursor chemicals to cartels. The introduction of proper labelling would also help track chemical cargoes and monitor shipping more closely. "I think it's time for us to now really focus on the ideology behind drug trafficking, which is profits at the end of the day," says Gupta. "This is not about politics, or supremacy, or other types of dominance."

War on young people

Co-operation was possible in the past. In 2018, Beijing introduced controls on two key fentanyl precursor chemicals – known as NPP and 4ANPP – following dialogue with US officials. But a rise in diplomatic tensions, which coincided with former Speaker Nancy Pelosi's visit to Taiwan last year, caused China to formally withdraw co-operation in the fight against narcotics in August.

Experts do not believe any diplomatic breakthrough is likely following the shooting down of a Chinese spy balloon by the US air force last week. "There was this hope within the US government that Washington could... have this relationship of rivalry at the strategic level but find areas of mutual interest to co-operate," says Dana Felbab-Brown, director of the Initiative on Nonstate Armed Actors at the Brookings Institution. "And China has said, 'No, thank you very much.'"

There are other options. Felbab-Brown says the US should consider making access to its pharmaceutical and chemical market contingent on agreement from foreign companies to provide samples of all exports. These could be catalogued and placed in an international database that would enable precise tracing of the origin of precursors, even down to specific factories. But many parents of children who are victims of the fentanyl epidemic are pushing for radical government action. Rauh, who founded Families Against Fentanyl following the death of his son Thomas in 2015 from an overdose of the synthetic opioid, is pressing the Biden administration to officially declare fentanyl a "weapon of mass destruction". This, he argues, would unlock more government funding, greater enforcement powers and focus public attention on a drug that he says is being weaponised against America's children.

Beijing rejects allegations it is not acting to stem the flow of precursor chemicals from Chinese manufacturers to Mexican drug lords. But a Chinese foreign ministry spokesman told a press briefing last month that Washington could not expect co-operation while it harmed China's interests by putting sanctions on some of its scientific institutions.

Rauh's son Thomas got addicted to prescription opioids following a roller-blading accident. He later began using heroin and died after consuming drugs laced with fentanyl. US law enforcement traced the consignment to a China-based criminal syndicate called the Zheng Drug Trafficking Organization, court documents show, leading to the US Treasury imposing financial sanctions on its members in 2019.

Rauh's campaign has attracted support from several members of Congress,



who have co-sponsored resolutions and draft bills in favour of the proposal. In September, a bipartisan group of 18 state attorneys-general wrote to Biden requesting the change in policy.

The Biden administration has pushed back, arguing that a change is not needed as there are no extra resources or authority that are not already being deployed to meet the crisis. Officials at the Department of Homeland Security told a congressional hearing last year that such a designation could interfere with legitimate uses of fentanyl for pain relief and divert resources and attention from other WMD threats.

Online marketplace

Given the difficulty in stemming the flow of precursor raw materials or drugs across US borders, some parents – including Puerto – are seeking to disrupt the online marketplaces that local dealers use to connect with buyers.

Puerto, whose son Daniel died in 2020, has joined a group of 26 families who are using the social media giant Snapchat in a case taken on by the Social Media Victims Law Center, an NGO working to hold social media companies to account for harms inflicted on vulnerable users.

In all but one of the cases, in which the child survived, the parents are bringing claims of wrongful death against Snap-

"This wasn't an overdose because Daniel didn't know what he was taking... He was poisoned"

chat arguing their children died after taking a counterfeit drug purchased following contact with dealers on the social media app. In each instance, the parents say, their child did not know the drug contained fentanyl.

The lawsuit alleges that numerous special features on Snapchat, such as disappearing messages and "My Eyes Only", a hidden data vault that requires a pin number to access, have made it the platform of choice for drug dealers. The company is also accused of being too slow in responding to police requests for access to information and removing drug dealers from its platform.

"Almost all the bereaved parents that I speak to tell me that their child bought the pill off a drug dealer on Snapchat," says Puerto, who has set up an NGO to campaign for social media companies to do more to police illegal activity on their platforms. "In my opinion, [Snapchat] is the number one driving force behind drug-related deaths in this country."

Snapchat says it is doing its part in the fight against fentanyl, including using technology to proactively find and shut down drug dealer accounts. "We block search results for drug-related terms, redirecting Snapchatters to resources from experts about the dangers of fentanyl," it adds. "We continually expand our support for law enforcement investigations helping them bring dealers to justice."

Court documents show Snapchat alleges the plaintiffs have mischaracterised how the platform works and intends to seek dismissal of the case on the grounds that Article 230 of the Communications Decency Act shields it from being held liable over content posted on its site by third parties.

Article 230 has been used so often by social media groups, including Facebook and Google, to provide immunity from prosecution that it is often called "the 26 words that made the internet". Matthew Bergman, founder of the Social Media Victims Law Center, believes this case could set legal precedent. "Section 230 protects social media platforms from liability for publishing third-party content, whereas this case arises from Snapchat's dangerously defective design," he says.

Advocates for the social media industry warn that tampering with Article 230 immunity could undermine a core tenet of a "free and open internet" and hinder free speech. But given the huge challenges of sophisticated international fentanyl supply routes, and steady user demand, proponents argue that a clampdown on online marketplaces could save lives.

"The drug cartels are trying to drive this addiction into our kids so they have a customer who comes back time and again," says Puerto. "But fentanyl is not heroin or methamphetamine – it is so lethal that the first, second or third time someone tries it – they are likely to die."

