

Date: _____

The Honorable Terrance Cole
Administrator, Drug Enforcement Administration
8701 Morrisette Drive, Springfield, VA 22152

The Honorable Robert F. Kennedy Jr.
Secretary of Health and Human Services
200 Independence Avenue SW, Washington, DC
20201

Re: Notice of Intent 2026-20943, Docket No. DEA-1570, Temporary Placement of 7-Hydroxymitragynine and Mitragynine Pseudoindoxyl in Schedule I

Dear Administrator Cole and Secretary Kennedy:

We, the undersigned elected officials and candidates for public office, oppose the Drug Enforcement Administration's notice of intent to place 7-hydroxymitragynine (7-OH) and mitragynine pseudoindoxyl (MP) in Schedule I, as recommended by the Department of Health and Human Services on October 8, 2026. We ask that the notice be withdrawn and that any future action proceed through full, open rulemaking.

A POLICY THAT PUNISHES THE PEOPLE IT CLAIMS TO PROTECT

Schedule I is the government's harshest category, the same one that holds heroin. Adults who rely on these products to manage pain, or to stay away from far more dangerous opioids, would become federal criminals for simple possession the day the final order is published, which could come as soon as November 13. The notice says public comment is not required, yet more than 30,000 Americans commented in the related HHS docket. Prohibition does not make a product disappear. It moves it out of the light, into untested supplies where fentanyl dominates. Research on patients cut off from prescription opioids found higher rates of overdose and suicide after tapering. We should learn from that experience, not repeat it.

PUBLIC OFFICE MUST NEVER SERVE PRIVATE PROFIT

What Americans may lawfully buy and possess must be decided in the public interest alone. The public record raises serious concerns that this decision has not been. Allies of a kratom leaf company's founder formed a company that has spent \$750,000 lobbying federal agencies to restrict its concentrated competitors. The same leaf company gave \$1,000,000 to a political action committee run by an ally of the HHS Secretary. A sitting cabinet secretary has disclosed a stake worth up to \$1,000,000 in that company, which was not among the holdings he agreed to divest. We need not judge anyone's motives to see the problem. We firmly oppose any official using public office, or the regulatory power of a federal agency, to benefit companies in which they hold a financial interest or from which they or their allies receive political contributions.

WHAT WE ASK

1. **Withdraw notice 2026-20943** and do not issue a temporary scheduling order for 7-OH or MP.
2. **Hear from the public** through full notice-and-comment rulemaking, with the data behind the threshold published.
3. **Disclose and recuse.** Every official involved should disclose any financial interest in or contribution from the kratom industry, and step aside where a conflict exists.
4. **Regulate instead of prohibit:** batch lab testing, accurate labels, child-resistant packaging, sales to adults 21 and over, and no criminal penalties for possession.

In 2016, 51 members of the House and 10 senators from both parties asked DEA to reconsider a similar notice, and DEA withdrew it. We ask you to show the same respect for the public today.

SIGNATORIES: BY SIGNING, I JOIN THIS LETTER AND PUBLICLY OPPOSE THIS ACTION

	PRINTED NAME	OFFICE HELD OR SOUGHT	STATE / DISTRICT	PARTY	SIGNATURE	DATE
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Coordinated by: _____

Contact: info@havenaccess.org

havenaccess.org