

seized by federal and state/local law enforcement agencies in 21 states and Washington DC. Since 2000, there have been 77 cases involving seizures of BZP/TFMPP with total of over 33,000 tablets/capsules and 752,000 grams of powder. Although both BZP and TFMPP have legitimate uses as chemical intermediates, they are being purchased illegally from Internet chemical supply houses. They are sold in powder or liquid form or formulated into tablets and sold on the Internet for human consumption. These substances are being promoted as legal alternatives to MDMA and sold as "Ecstasy" or as "BZP", "A2", "legal E", or "legal X". Law enforcement data indicate that these piperazines are mainly encountered as tablets, with imprints of logos commonly seen on MDMA tablets.

The available scientific evidence as discussed above suggests that BZP and TFMPP share substantial pharmacological similarities with the Schedule II controlled substance amphetamine and the Schedule I controlled substance MDMA, respectively. The risks to the public health associated with amphetamine and MDMA, both substances with high potential for abuse, are well known and documented. BZP is about 10 to 20 times more potent than amphetamine in producing stimulant-like subjective, euphoric and cardiovascular effects in humans. TFMPP, similar to MDMA, produces hallucinogenic effects. BZP and TFMPP can alter sensory and judgment processes and thus can cause serious adverse health consequences for both the user and the general public. DEA is aware of several instances where BZP and TFMPP have been used in combination and sold as counterfeit MDMA, a Schedule I controlled substance. In 2001, a report from a university in Zurich, Switzerland details the death of a young female which was attributed to the combined use of BZP and MDMA. The above data show that the continued, uncontrolled tablet production, distribution and abuse of BZP and TFMPP pose an imminent hazard to the public safety. There are no recognized therapeutic uses of these substances in the United States.

The Administrator, based on the information gathered and reviewed by her staff and after consideration of the factors in 21 U.S.C. 811(c), believes that sufficient data exist to support the placement of 2C-T-7, BZP, and TFMPP into Schedule I of the CSA pursuant to 21 U.S.C. 811(a). The specific findings required pursuant to 21 U.S.C. 811 and 812 for a substance to be placed into Schedule I are as follows:

(1) The drug or other substance has a high potential for abuse.
(2) The drug or other substance has no currently accepted medical use in treatment in the United States.

(3) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

Before issuing a final rule in this matter, the DEA Administrator will take into consideration the scientific and medical evaluation and scheduling recommendation of the Department of Health and Human Services in accordance with 21 U.S.C. 811(b). The Administrator will also consider relevant comments from other concerned parties.

Interested persons are invited to submit their comments, objections, or requests for a hearing in writing, with regard to this proposal. Requests for a hearing should state with particularity the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted to the Administrator, Drug Enforcement Administration, Washington, DC 20537. In the event that comments, objections or requests for a hearing raise one or more questions that the Administrator finds warrants a hearing, the Administrator shall publish a notice in the **Federal Register** summarizing the issues to be heard and setting the time for the hearing.

What Is the Effect of This Proposed Rule?

This proposed rule, if finalized, would continue to subject those who handle 2C-T-7, BZP, and TFMPP to the regulatory controls and administrative, civil and criminal sanctions applicable to the manufacture, distribution, dispensing, importing and exporting of a Schedule I controlled substance.

Regulatory Certification

Regulatory Flexibility Act

The Administrator hereby certifies that this proposed rulemaking has been drafted in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation, and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This action permanently places 2C-T-7, BZP, and TFMPP into Schedule I of the Controlled Substances Act.

Executive Order 12988

This regulation meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

Executive Order 13132 Federalism

This proposed rulemaking will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this proposed rulemaking will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act

This proposed rulemaking will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This proposed rulemaking is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

For the reasons set out above, 21 CFR part 1308 is proposed to be amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b) unless otherwise noted.

2. Section 1308.11 is proposed to be amended by:

- a. Redesignating existing paragraphs (d)(6) through (d)(27) as paragraphs (d)(7) through (d)(28),
- b. Adding a new paragraph (d)(6),
- c. Redesignating existing paragraphs (d)(28) through (d)(31) as paragraphs (d)(30) through (d)(33),
- d. Adding a new paragraph (d)(29),