



NATIVE AMERICAN CHURCH OF NORTH AMERICA

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November 17, 2021

Regulatory Drafting and Policy Support Section
Diversion Control Division
Drug Enforcement Administration

Re: Docket No. DEA-888P

Dear Mr. Scott A. Brinks,

Regarding Docket No. DEA-888P, *Proposed Aggregate Production Quotas for Schedule I and II Controlled Substance and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2022*, we offer the following comments on behalf of the Native American Church of North America (NACNA). The NACNA is comprised over 300,000 members, many of whom are members of federally recognized Tribes. As a religious organization we are deeply concerned with any action the federal government takes that may impact our sacred sacrament Peyote. Docket No. DEA-888P has the potential to impact our ability to worship and due to the difficulties with holding business meetings during the Pandemic, we respectfully ask for an extension and consultation from the DEA on this matter to better understand the issue.

As this docket and other actions the DEA takes can impact Peyote and its derivatives, it is of utmost importance that our membership is assured proper consultation in accordance with Executive Order 13175. Therefore, we implore you to consult and seek comments from the NACNA community and federally recognized Tribes on actions that impact Peyote and its derivatives. Although we have not had time to carefully consider how this action may impact our membership now and, in the future, nor have we received proper consultation, we offer the following comments.

This proposal justification is based upon an increase in research and clinical trial applications, however the considerations for increase quotas to Mescaline, which the DEA clearly defines as the active ingredient in Peyote, is not in alignment with the intentions of the American Indian Religious Freedom Act (AIRFA) as Amended. Any action that impacts Peyote can have implications to the NACNA who rely upon Peyote as a medicinal sacrament. We are also concerned that the increase in quota for mescaline and research will ultimately lead to commercialization and exploitation of the Peyote across its natural range and potentially reclassification of its scheduling

status. We would like to consult with the DEA on how to best conserve this species in its natural habitat to continue our way of spiritual life.

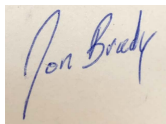
The Native American Church is the only national intertribal ceremony/religion in existence and our Peyote ceremonies are contingent on the continued availability of Peyote in the wild for sacramental use. This proposal provides inclusions for non-Native use in research and clinical studies which will have a direct impact upon the ability for Federally Recognized Tribal People to use, purchase, transport, and possess Peyote as afforded in the AIRFA as Amended.

Due to Peyote having a species status as vulnerable in the United States, quota increases for non-Native peoples, organizations, or entities should not be considered without Tribal consultation and until conducting a feasibility study on wild Peyote of Texas.

As the current President of the NACNA, I am including the written testimony from November 8, 2021, that was submitted to the House of Natural Resources Committee, Sub Committee for Indigenous Peoples of the United States House of Representatives.

Please feel free to reach out to us if you have any questions or comments. We look forward to discussing this matter with you further.

Respectfully,

A handwritten signature in blue ink that reads "Jon Brady". The signature is written in a cursive style and is contained within a rectangular box.

Mr. Jon Brady (Arikara)
President of the NACNA