

RESOLUTION NO. \_\_\_\_\_

**REQUESTING THAT THE PRESIDENT OF THE UNITED STATES DECLARE A FEDERAL EMERGENCY IN RESPONSE TO THE OPIOID AND FENTANYL CRISIS**

**WHEREAS**, according to [WhatcomOverdosePrevention.org](https://www.whatcomoverdoseprevention.org), overdose deaths in Whatcom County in 2023 (~~117~~132) exceeded deaths in 2022 (91) and have markedly increased every year since 2018; and

**WHEREAS**, the United States is facing the worst drug crisis in its history, and the resulting tragedies are decimating families and contributing to extraordinary levels of despair in our communities; and

**WHEREAS**, there exists a substantial likelihood of risk to persons and property unless further efforts are taken to reduce the threat from fentanyl; and

**WHEREAS**, the [U.S. Department of Drug Enforcement](https://www.dea.gov) (DEA) identifies fentanyl as a potent synthetic opioid drug approximately 100 times more potent than morphine and 50 times more potent than heroin; and

**WHEREAS**, seven out of ten DEA tested pills with fentanyl are potentially deadly making it likely that '[one pill can kill](#),' and ~~this year~~in 2023, the DEA ~~has~~ seized over 360 million deadly doses of fentanyl; and

**WHEREAS**, our community's approach to fentanyl use and fentanyl-related crimes must be different than our approach to other illegal drug use in our community; and

**WHEREAS**, the use of fentanyl continues spreading throughout our community, and new and immediate avenues to enhance capabilities, coordination, and collaboration across local, state, tribal, and federal agencies are needed to promote public health and safety; and

**WHEREAS**, in June 2023, healthcare workers, tribal leaders, educators, community members and law enforcement gathered for a 2-day workshop, All Hands Whatcom: Opioid Summit, as a call to listening, healing, and action for the Whatcom community in response to the devastating consequences of fentanyl, meth, and opioids; and

**WHEREAS**, in June 2023, a coalition of government agencies, community-based organizations, healthcare providers, and others from across Whatcom County formed a Multi-Agency Coordination (MAC) Group in response to the local opioid and overdose crisis; and

**WHEREAS**, according to the Federal Emergency Management Agency (FEMA), a [Multiagency coordination system](#) is used for extraordinarily large, complex incidents occurring in the city or county involving numerous agencies and/or jurisdictions; and

**WHEREAS**, the [mission of the MAC Group](#) is to coordinate the ongoing community-wide response efforts to the opioid crisis, identify and prioritize additional short-term objectives and

1 strategies to reduce drug-related deaths, and mitigate the impacts on property and public safety  
2 in Whatcom County; and

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4 **WHEREAS**, the Whatcom County MAC group aligns with the Washington State [Opioid](#)  
5 [and Overdose Response \(SOOR\) plan](#), which includes five priority goals

- 6 1. Prevent opioid misuse,
- 7 2. Identify and treat substance use disorder,
- 8 3. Ensure and improve the health and wellness of individuals that use drugs,
- 9 4. Use data to detect opioid misuse/abuse, monitor illness, injury and death, and  
10 evaluate interventions,
- 11 5. Support individuals in recovery; and

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13 **WHEREAS**, on September 22, 2023, the Lummi Indian Business Council approved  
14 Resolution 2023-145, declaring a state of emergency in response to the fentanyl crisis; and

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16 **WHEREAS**, Resolution 2023-145 provides the Lummi Indian Business Council with new  
17 and immediate avenues to enhance capabilities, coordination, and collaboration across tribal,  
18 local, state, and federal agencies and bring together state agencies, local law enforcement, and  
19 internal and external partners to pursue and achieve solutions that promote public health and  
20 safety on the Lummi Reservation; and

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22 **WHEREAS**, on October 24, 2023, the Whatcom County Council approved [Resolution](#)  
23 [2023-041](#) supporting the Lummi Indian Business Council's state of emergency declaration in  
24 response to the fentanyl crisis; and

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26 **WHEREAS**, on December 12, 2023, Whatcom County Councilmembers Buchanan and  
27 Elenbaas sent a letter requesting that President Biden declare a national emergency on the  
28 opioid epidemic and open additional resources and authorities to address the crisis; and

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30 **WHEREAS**, the Whatcom County Council understands coordination between all agencies  
31 in our county as well as state and federal supports is needed to fight the fentanyl crisis; and

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33 **WHEREAS**, declarations of emergency at the federal, state, and county levels can open  
34 up additional resources, funding, and assistance to address the fentanyl emergency; and

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36 **WHEREAS**, on Thursday October 26, 2017, the U.S. President officially declared the  
37 [opioid crisis](#) a "public health emergency," adding that the "epidemic is a public health  
38 emergency;" and

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40 **WHEREAS**, on October 26, 2017, and after consultation with public health officials as  
41 necessary, Eric D. Hargan, Acting Secretary of Health and Human Services, pursuant to the  
42 authority under section 319 of the Public Health Service Act, determined that [a public health](#)  
43 [emergency \(PHE\) exists nationwide](#); and

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45 **WHEREAS**, as per section 310 of the public Health Service Act, a PHE declaration [allows](#)  
46 the Secretary to enter into contracts and conduct and support investigations into the cause,  
47 treatment, or prevention of the disease or disorder; and

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49 **WHEREAS**, a declared PHE also allows the Secretary to access funds appropriated to the  
50 Public Health Emergency Fund as well as temporarily waive or modify certain requirements for  
51 federal medical programs and staffing procedures; and

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53 **WHEREAS**, a PHE declaration lasts until the Secretary declares that the PHE no longer  
54 exists or upon the expiration of the 90-day period; and

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1           **WHEREAS**, the public health emergency declaration was renewed on [January 24, 2018](#)  
2 and extended on [April 24, 2018](#) and [July 23, 2018](#); and

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4           **WHEREAS**, according to [GAO-23-106102](#), the Public Health Emergency Fund has a fund  
5 balance of \$57,000 and has not received appropriations in recent years, and the Department of  
6 Health and Human Services' (HHS's) congressional budget justification for fiscal year 2024  
7 includes a request for \$50 million to address health threats and declared emergencies; and

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9           **WHEREAS**, the [Public Health Emergency Fund](#) allows HHS to address the breadth of the  
10 Department's responsibilities and to rapidly deploy resources early in a response effort including  
11 deploying human services resources after a natural disaster, responding to the public health  
12 effects of a terrorist attack, addressing emergency nutritional needs for vulnerable populations,  
13 or responding to any other public health threat; and

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15           **WHEREAS**, on November 16, 2023, the White House issued '[Fact Sheet: Biden-Harris](#)  
16 [Administration Continues Progress on Fight Against Global Illicit Drug Trafficking](#),' which includes  
17 the following actions

- 18       - A strategic approach to commercially disrupting the global illicit fentanyl supply chain,
- 19       - Increasing security at the border,
- 20       - Deploying detection technology,
- 21       - Expanding the High Intensity Drug Trafficking Area Program (HIDTA),
- 22       - Targeting the global illicit supply chain,
- 23       - Launching the Global Coalition to address synthetic drug threats,
- 24       - Regulating 'precursor' chemicals used to produce illicit fentanyl,
- 25       - Bringing law enforcement actions against every aspect of the global illicit fentanyl
- 26       supply chain, and
- 27       - Establishing a Trilateral Fentanyl Committee, working with Mexico and Canada; and

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29           **WHEREAS**, additional Biden-Harris Administration actions include expanding access to  
30 life-saving public health services, and removing decades-long barriers to treatment for  
31 substance use disorder; and

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33           **WHEREAS**, the Biden-Harris Administration has requested \$26 billion for the prevention,  
34 harm reduction, treatment, and recovery support services in the FY24 budget request, and an  
35 additional 1.55 billion in a supplemental budget request to strengthen these support services  
36 across the country; and

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38 ~~———— **WHEREAS**, just as the United States took urgent and decisive action with the threats~~  
39 ~~posed by COVID-19, similar action is needed to address the opioid and fentanyl crisis in our~~  
40 ~~country; and~~

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42           **WHEREAS**, Whatcom County Council Resolution 2024-\_\_\_\_ respectfully requests that  
43 the Governor of the State of Washington declare a national emergency to address the fentanyl  
44 crisis.

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1           **NOW, THEREFORE, BE IT RESOLVED** that the Whatcom County Council respectfully  
2 requests that the President of the United States declare a national emergency for the opioid and  
3 fentanyl crisis, and open additional resources and authorities to address the crisis; and

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5           **NOW, THEREFORE, BE IT FINALLY RESOLVED** that the Whatcom County Council  
6 respectfully requests that the President of the United States work with the United States  
7 Congress and Senate to rapidly reassess a response to this crisis.

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10           **APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

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15 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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19 \_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

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22 APPROVED AS TO FORM:

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25 /s/ Royce Buckingham (ch)  
26 Civil Deputy Prosecutor