



U.S. Department of Justice  
Drug Enforcement Administration

Office of the Administrator

Springfield, VA 22152

June 17, 2026

Robert T. Rush, Esq.  
Attorney for Students for Sensible Drug Policy  
600 17th Street, Suite 2800  
South Denver, CO 80202  
(201) 759-1493  
rrush@rrushlaw.com

Dear Mr. Rush,

This is in response to your May 24, 2026 email, on behalf of Students for Sensible Drug Policy (SSDP), requesting to participate in a hearing on the notice of proposed rulemaking (NPRM) to transfer marijuana from schedule I of the Controlled Substances Act (CSA) to schedule III of the CSA, which is currently scheduled to begin on June 29, 2026. *See Schedules of Controlled Substances: Rescheduling of Marijuana*, [89 FR 44597](#) (May 21, 2024) (NPRM); *Schedules of Controlled Substances: Rescheduling of Marijuana*, [91 FR 22777](#) (Apr. 28, 2026) (Notice of Hearing). For the reasons stated below, DEA denies your request to participate in the hearing.

As set forth in the Notice of Hearing, any “interested person” requesting to participate in the hearing must file a written notice, which must be in conformity with the requirements of [21 CFR 1308.44\(b\)](#) and in the form prescribed in [21 CFR 1316.48](#). *See* Notice of Hearing, [91 FR at 22778](#). Among those requirements, such requests must: (1) state with particularity the interest of the person in the proceeding; (2) state with particularity the objections or issues concerning which the person desires to be heard; and (3) state briefly the position of the person regarding the objections or issues. *Id.* Further, as both the NPRM and the Notice of Hearing make clear, the purpose of the hearing is to “receive factual evidence and expert opinion regarding whether marijuana should be transferred to schedule III of the list of controlled substances.” NPRM, [89 FR at 44599](#) (cleaned up); Notice of Hearing, [91 FR at 22778](#) (cleaned up).

To begin, DEA regulations define an “interested person” as “any person adversely affected or aggrieved by any rule or proposed rule issuable” under [21 U.S.C. 811](#). [21 CFR 1300.01\(b\)](#). In your request to participate in the hearing on the NPRM, you state that SSDP “is a national, youth-led, student organization dedicated to ending the harms of drug prohibition and advancing evidence-based drug policy,” and its “members include college students,

graduate students, young workers, emerging professionals, researchers, patients, advocates, organization ambassadors, cannabis workers, prospective entrepreneurs, and people directly affected by federal cannabis policy.” According to your participation request, “SSPD does not submit this request merely to support the proposed rule.” Rather, “SSDP seeks participation because it and its members will be adversely affected or aggrieved if DEA adopts a final rule that transfers marijuana to Schedule III while failing to address the continued federal criminalization, administrative burdens, collateral consequences, market distortions, and civil-liberties harms that flow from *continued CSA scheduling*, particularly as applied to adult-use cannabis and young people.” (Emphasis added). Although the participation request claims that “SSDP does not seek relief outside the scope of this rulemaking hearing,” it is SSDP’s “broader position that cannabis should be descheduled through appropriate administrative, legislative, or judicial channels.”

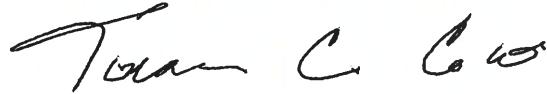
Upon review, DEA finds that you have failed to sufficiently explain how or why SSDP in particular would suffer any supposed harm or injury-in-fact by the promulgation of a rule transferring marijuana from schedule III of the CSA, as proposed in the NPRM, as opposed to marijuana remaining in schedule I. Indeed, SSDP does not assert that it opposes the proposed rule, and any purported harm that you claim SSDP would suffer by transferring marijuana to schedule III but not descheduling marijuana exists regardless of whether marijuana is transferred to schedule III. In other words, SSDP is not adversely affected or aggrieved by the promulgation of the proposed rule to transfer marijuana to schedule III. Because SSDP is not adversely affected or aggrieved by the proposed rule itself, as compared to the status quo of marijuana remaining in schedule I, DEA concludes that SSDP is not an “interested person.” See *Schedules of Controlled Substances: Placement of Lorcaserin Into Schedule IV*, [78 FR 26701](#) (May 8, 2013); *Schedules of Controlled Substances: Placement of Lacosamide Into Schedule V*, [74 FR 23789](#) (May 21, 2009); see also *Dir., Office of Workers’ Comp. Programs v. Newport News Shipbuilding & Dry Dock Co.*, 514 U.S. 122, 127 (1995) (holding that, for purposes of 5 U.S.C. 702, an individual is “adversely affected or aggrieved” if he establishes that he is “injured in fact” by agency action, and the interest he seeks to vindicate is arguably within the “zone of interests” to be protected or regulated by the statute in question); *Sierra Club v. Morton*, 405 U.S. 727, 739 (1972) (holding that, for purposes of 5 U.S.C. 702, “a mere ‘interest in a problem,’ no matter how longstanding the interest and no matter how qualified the organization is in evaluating the problem, is not sufficient by itself to render the organization ‘adversely affected’ or ‘aggrieved’”).

Moreover, whether marijuana can be “descheduled”—i.e., removed entirely from the CSA schedules—is a question of law that is outside the purpose of this hearing. Importantly, the U.S. Court of Appeals for the D.C. Circuit, DEA, DOJ’s Office of Legal Counsel, and the Department of State have all recognized that the United States cannot comply with its legal obligations under the United Nations Single Convention on Narcotic Drugs, Mar. 30, 1961, 18 U.S.T. 1407, 520 U.N.T.S. 151, if marijuana, as defined in [21 U.S.C. 802\(16\)](#), was removed entirely from the CSA schedules. See *Nat’l Org. for Reform of Marijuana Laws v. Drug Enforcement Admin.*, 559 F.2d 735, 751 & n.71 (D.C. Cir. 1977); *Schedules of Controlled Substances: Placement in Schedule V of Certain FDA-Approved Drugs Containing Cannabidiol; Corresponding Change to Permit Requirements*, [83 FR 48950](#) (Sept. 28, 2018); *Petition to Decontrol Marijuana; Interpretation of Section 201 of the Controlled Substances*

*Act of 1970, Op. O.L.C. at \*12-13 (Aug. 21, 1972); Notice of Proposed Hearing, Letter from Department of State, [39 FR 23072](#) (June 26, 1974).*

Accordingly, DEA denies your request to participate in the hearing on the NPRM.

Sincerely,

A handwritten signature in black ink that reads "Terrance C. Cole". The signature is written in a cursive style with a large initial "T" and a distinct "C" and "C" for the last name.

Terrance C. Cole  
Administrator