

June 25, 2026

Drug Enforcement Administration
Attn: Administrator
8701 Morrissette Drive
Springfield, VA 22152

Re: Request for Reconsideration and Participation in the Matter of Marijuana Scheduling Review Docket No. DEA-1362

Students for Sensible Drug Policy ("SSDP"), by and through undersigned counsel, respectfully submits this Revised Request for Reconsideration and Participation in the administrative hearing concerning the proposed rescheduling of marijuana from Schedule I to Schedule III of the Controlled Substances Act ("CSA"), scheduled to commence on June 29, 2026. Failure to allow SSDP to participate in the hearing would cause immediate and irreparable injury, prejudice SSDP procedurally, create an incomplete and unbalanced administrative record, and be a disservice to both the public and the tribunal by preventing consideration of important evidence necessary for a full and reasoned proceeding concerning the federal legal status of marijuana. The DEA should reconsider and allow SSDP to participate.

I. INTRODUCTION

SSDP timely submitted a Notice of Intention to Participate on May 24, 2026, in conformity with the requirements set forth in the Notice of Hearing published in the Federal Register on April 28, 2026. DEA denied SSDP's participation request by letter dated June 17, 2026, concluding that SSDP is not an "interested person" under 21 C.F.R. § 1300.01(b) because SSDP does not oppose the proposed rule and would not be "adversely affected or aggrieved" by marijuana's transfer to Schedule III as compared to marijuana remaining in Schedule I.

DEA's denial is grounded in a fundamental misapprehension of SSDP's asserted injury and an unduly narrow construction of the "interested person" standard that is inconsistent with the Administrative Procedure Act, the CSA, DEA's own regulations, and established precedent. SSDP respectfully requests that DEA reconsider its denial and grant SSDP full participation in the hearing. In the alternative, SSDP requests limited participation sufficient to develop the administrative record on issues material to SSDP's interests and the legal adequacy of the proposed rescheduling framework.

II. LEGAL STANDARD FOR PARTICIPATION

A. The "Interested Person" Standard Under the CSA and DEA Regulations

DEA regulations define an "interested person" as "any person adversely affected or aggrieved by any rule or proposed rule issuable pursuant to" 21 U.S.C. § 811. 21 C.F.R. § 1300.01(b). The CSA requires that marijuana rescheduling be conducted "after opportunity for a hearing pursuant to the rulemaking procedures" prescribed by the Administrative Procedure Act. 21 U.S.C. § 811(a). DEA regulations further provide the procedures for requesting a hearing or participation. 21 C.F.R. §§ 1308.44, 1316.48.

The APA provides that an interested person may appear before an agency for the presentation or determination of issues in a proceeding in connection with an agency function, subject to the qualification that appearances are permitted "[s]o far as the orderly conduct of public business permits." 5 U.S.C. § 555(b). DEA therefore may impose reasonable hearing-management limits, but it may not deny participation by applying a standard inconsistent with the CSA, the APA, or DEA's own regulations.

B. Associational Standing in Administrative Proceedings

An association may establish standing where: (a) its members would otherwise have standing to sue or participate in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members. *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977).

Courts have recognized injury where agency action creates competitive disadvantage, imposes regulatory burdens, or changes the conditions under which affected persons work, compete, or pursue professional opportunities. See, e.g., *Am. for Safe Access v. DEA*, 706 F.3d 438 (D.C. Cir. 2013).

C. The Zone of Interests Test

For purposes of determining whether a person is "adversely affected or aggrieved" under the APA, courts apply a zone-of-interests test that asks whether the plaintiff's interests are "arguably within the zone of interests to be protected or regulated by the statute" in question. *Thompson v. N. Am. Stainless, LP*, 562 U.S. 170

The CSA aims "to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances," with the ultimate goal of protecting public health and safety. Interests related to these objectives, including the educational, employment, research, and collateral-consequence impacts of drug scheduling on students and young adults, fall within the zone of interests considered by the statute.

III. DEA'S DENIAL MISAPPREHENDS SSDP'S ASSERTED INJURY

A. SSDP's Injury Is Harm from Bifurcated Implementation

DEA's denial letter states that SSDP "does not assert that it opposes the proposed rule" and concludes that "any purported harm that [SSDP] would suffer by transferring marijuana to schedule III but not descheduling marijuana exists regardless of whether marijuana is transferred to schedule III." This conclusion fundamentally mischaracterizes SSDP's position. SSDP does not claim injury from marijuana remaining in Schedule I. SSDP claims injury from the specific regulatory framework that DEA has proposed and already begun implementing, a bifurcated system under which certain marijuana products and state-licensed medical marijuana activity receive Schedule III treatment and federal recognition while adult-use marijuana and non-DEA-registered cannabis activity remain subject to Schedule I consequences. SSDP would be adversely affected or aggrieved by the proposed scheduling framework if adult-use cannabis remains in Schedule I, and SSDP seeks to present material evidence and argument that could affect the record, findings, rationale, or final rule.

B. The Bifurcated Framework Creates New and Concrete Injuries

On April 28, 2026, the same day DEA published the Notice of Hearing for this proceeding, DEA published a separate Final Rule placing FDA-approved drug products containing marijuana and marijuana subject to state medical marijuana licenses in Schedule III, effective immediately. This Final Rule establishes an expedited federal registration process for state-licensed medical marijuana entities and exempts such entities from numerous federal regulatory requirements, including the requirement that DEA monopolize the wholesale trade in marijuana. The Final Rule explicitly removes these registrants from Internal Revenue Code § 280E, which denies ordinary business deductions to businesses trafficking in Schedule I or II substances.

This regulatory structure creates concrete, cognizable injuries to SSDP's members:

1. **Competitive Disadvantage and Market Distortion.** The bifurcated framework grants Schedule III recognition, federal registration, tax relief under § 280E, and streamlined compliance pathways to state-licensed medical marijuana operators while leaving adult-use marijuana businesses and workers subject to Schedule I treatment. This differential treatment directly affects SSDP members who are employed by, seeking employment with, conducting research on, or planning to enter state-licensed adult-use cannabis markets.

Members working in adult-use cannabis businesses remain subject to § 280E's disallowance of ordinary business deductions, which suppresses wages, reduces hiring, eliminates entry-level positions, and forecloses entrepreneurial opportunities. Members seeking careers in cannabis-related fields face a bifurcated labor market in which federally recognized medical channels offer greater professional legitimacy, competitive economic advantage, stability, and advancement opportunities, while adult-use positions remain stigmatized and with fewer

positions and entrepreneurial opportunities available due to the competitive disadvantage adult-use cannabis companies would face.

2. **Institutional and Professional Exclusion.** The federal recognition extended to state-licensed medical marijuana activity under the Final Rule creates institutional legitimacy that is categorically denied to adult-use cannabis activity. Universities, research institutions, and professional organizations that remain cautious about federal law are far more likely to support student research, academic inquiry, and professional development in federally recognized medical channels than in adult-use contexts. SSDP members conducting or seeking to conduct research on adult-use cannabis policy, harm reduction, or non-medical cannabis use face heightened institutional barriers, reduced funding opportunities, and professional marginalization.
3. **Collateral Consequences Tied to Continued Schedule I Status.** Adult-use cannabis consumption and employment remain associated with Schedule I substances under the bifurcated framework, perpetuating criminal exposure, campus discipline, employment screening, housing consequences, financial aid restrictions, immigration consequences, and professional licensing barriers for SSDP members. The creation of a federally recognized medical pathway does not eliminate these consequences for members whose cannabis use, research, or employment is in adult-use contexts and entrenches a regulatory distinction not supported by fact or law between "legitimate" (medical, federally registered) and "illegitimate" (adult-use, non-registered) cannabis activity.
4. **Organizational Mission and Resource Allocation.** SSDP's mission includes advocacy for evidence-based drug policy, harm reduction, student support, and reform of punitive drug laws. The bifurcated framework adopted in the Final Rule directly impacts SSDP's advocacy work and requires SSDP to allocate organizational resources to address the new harms created by bifurcation, including educating students about differential legal treatment, advocating for policy changes to address adult-use exclusion, and supporting members navigating increased complexity and disparity in cannabis policy. SSDP will need to develop new materials for use in its mission, modify its website, distribute member communications, engage in expanded administrative advocacy, and provide additional member support, chapter coordination, and legislative advocacy. SSDP will also be required to develop new programming to explain a complicated bifurcated scheduling regime that is significantly more complex than current federal treatment. These concrete, ongoing organizational expenditures would be shouldered by SSDP and directly caused by the bifurcated regulatory structure at issue in this hearing.

C. Injury Is Distinct from the Status Quo and Traceable to the Proposed Rescheduling Framework

DEA's denial treats SSDP's injury as merely a continuation of existing Schedule I harms. That is incorrect. Under the status quo, all marijuana is treated uniformly as a Schedule I substance.

Under the proposed and implemented framework, marijuana is bifurcated, where some activity receives Schedule III treatment, federal recognition, and substantial regulatory relief, while other activity remains in Schedule I.

This bifurcation creates new injuries that did not exist under uniform Schedule I treatment:

SSDP members would face reduced opportunities in labor markets, entrepreneurial ventures, and professional opportunities involving adult-use markets if federally recognized pathways are available to some cannabis businesses but categorically denied to others.

SSDP members conducting research or advocacy in adult-use contexts face new institutional barriers because federal recognition of medical marijuana creates a bright-line distinction between "legitimate" and "illegitimate" cannabis work.

SSDP as an organization incurs new advocacy and resource burdens responding to the differential treatment and regulatory complexity created by bifurcation.

These injuries would be inextricably tied to the proposed rescheduling action because they flow directly from DEA's potential action to reschedule certain marijuana products to Schedule III while maintaining adult-use marijuana in Schedule I. SSDP's injuries could be redressed by a hearing record that fully examines the consequences of bifurcated scheduling and informs the agency's final decision on whether such a framework is legally sound and consistent with the statutory criteria for scheduling.

D. The DEA Has Improperly Added Additional Requirements for Interested Person Status

The DEA's denial of SSDP's participation in the hearing appears to impose an additional requirement that SSDP show it would be worse off under Schedule III than under the existing Schedule I status quo. That requirement does not appear in 21 C.F.R. § 1300.01(b), 21 C.F.R. § 1308.44(b), or 21 C.F.R. § 1316.48. A person may be adversely affected or aggrieved by a proposed rule even if the rule is partially beneficial, where the rule is incomplete, arbitrary, legally incoherent, or structured in a way that preserves or deepens concrete harms to that person or its members. In the rulemaking context, the D.C. Circuit has recognized the right of an aggrieved party the opportunity to participate even if participation may lead to a more favorable result. *America's Community Bankers v. FDIC*, 200 F.3d 822, 828–29 (D.C. Cir. 2000). The relevant question is not whether Schedule III is preferable to Schedule I in the abstract. The relevant question is whether SSDP has identified particularized interests and objections concerning the proposed rule on which it seeks to be heard.

DEA's contrary reading is also inconsistent with ordinary administrative law principles. Agencies must follow their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267–68 (1954). DEA may not narrow participation by adding a nontextual "net worsening" requirement to the regulatory definition of "interested person." Nor may DEA treat SSDP's affected members as merely holding an "interest in a problem" where SSDP has

identified categories of members who face practical, economic, educational, professional, research, immigration, and collateral-consequence injuries. See *Sierra Club v. Morton*, 405 U.S. 727, 734–40 (1972).

IV. SSDP SATISFIES THE REQUIREMENTS FOR ASSOCIATIONAL STANDING

A. SSDP's Members Would Have Standing in Their Own Right

SSDP's members include college students, graduate students, young workers, emerging professionals, researchers, patients, cannabis industry employees, and prospective entrepreneurs. These members suffer concrete and particularized injuries from the bifurcated scheduling framework described above. To the extent DEA looks to associational standing principles by analogy, SSDP satisfies them because its members would otherwise have standing to assert the identified harms, the interests at issue are germane to SSDP's purpose, and the requested administrative participation does not require individualized adjudication of each member's claim. See *Hunt v. Washington State Apple Advertising Comm'n*, 432 U.S. 333, 343 (1977).

Competitive injury from regulatory disadvantage is a well-recognized basis for standing. *Owner-Operator Indep. Drivers Ass'n v. United States DOT*, 831 F.3d 961. Members employed by or seeking employment in adult-use cannabis businesses are placed at a concrete competitive disadvantage when medical marijuana businesses receive Schedule III treatment, § 280E relief, and federal registration while adult-use businesses remain in Schedule I.

Increased costs and regulatory burdens that an organization's members must bear as a result of agency action constitute injury in fact. The bifurcated framework imposes ongoing compliance costs, professional risks, and career barriers on SSDP members in adult-use contexts that do not apply to members in federally recognized medical contexts. Cognizable injury from differential treatment has been recognized where government action changes the conditions under which individuals work, compete, or pursue professional opportunities. *Americans for Safe Access v. DEA*, 706 F.3d 438. The creation of a federally recognized pathway for some marijuana activity while leaving other activity in Schedule I is precisely this type of differential treatment.

B. The Interests SSDP Seeks to Protect Are Germane to Its Organizational Purpose

SSDP is a national, youth-led student organization dedicated to ending the harms of drug prohibition and advancing evidence-based drug policy. SSDP's mission includes harm reduction, student advocacy, civil rights protection, and reduction of harms caused by punitive drug laws. The impacts of federal marijuana scheduling on students, young adults, workers, researchers, and future professionals are directly germane to SSDP's organizational purpose.

C. Neither the Claim Asserted nor the Relief Requested Requires Individual Member Participation

SSDP seeks prospective participation in an administrative hearing to present evidence and expert testimony concerning the categorical effects of bifurcated marijuana scheduling on students, young adults, workers, researchers, and consumers. This relief does not require individualized adjudication of member-specific claims or remedies. *Hunt v. Wash. State Apple Adver. Comm'n*, 432 U.S. 333.

V. SSDP'S PARTICIPATION IS WITHIN THE SCOPE OF THE HEARING AND WOULD MATERIALLY ASSIST THE TRIBUNAL

The purpose of this hearing is to "receive factual evidence and expert opinion regarding whether marijuana should be transferred to schedule III of the list of controlled substances." DEA's hearing regulations authorize the presiding officer to receive relevant and material evidence while excluding evidence that is incompetent, irrelevant, immaterial, or unduly repetitious.

A. SSDP's Proposed Evidence Is Directly Relevant to the Rescheduling Determination

SSDP seeks to present evidence on the following material issues:

1. The practical, economic, and social consequences of the bifurcated scheduling framework created by transferring certain marijuana products and state-licensed medical marijuana to Schedule III while leaving adult-use marijuana in Schedule I, including impacts on employment, research, education, and professional opportunity for students, young adults, and workers.
2. The legal coherence and statutory justification for bifurcated scheduling under the CSA's scheduling criteria, including whether the abuse potential, accepted medical use, and dependence liability findings that support Schedule III placement for certain marijuana products also support Schedule III placement for marijuana as a whole.
3. The adequacy of the administrative record for evaluating the full scope of marijuana's abuse potential, accepted medical use, and dependence liability given that the hearing record may not adequately reflect the consequences of differential scheduling treatment for populations most directly affected by marijuana policy.
4. The collateral consequences of maintaining Schedule I status for adult-use marijuana, including criminal penalties, campus discipline, immigration consequences, employment barriers, financial aid restrictions, housing consequences, and professional licensing risks that disproportionately affect students and young adults.

5. The impact of continued Schedule I treatment on research access, academic inquiry, harm reduction education, and evidence-based policy development in areas where federal recognition is denied.

This evidence is directly relevant to whether marijuana, as defined in the CSA, should be transferred to Schedule III. If the factual predicates supporting Schedule III placement apply to marijuana generally, then the bifurcated framework may be arbitrary. If those predicates apply only to certain products or uses, then the hearing record should develop evidence on how the bifurcation affects the populations and activities detrimentally affected by failing to move adult-use marijuana to Schedule III.

B. SSDP's Evidence Is Non-Duplicative and Materially Assists the Tribunal

SSDP does not offer the same perspective as any of the interested parties accepted to participate in the hearing. SSDP represents the distinct interests of students, young adults, researchers, workers, and future professionals navigating the consequences of federal cannabis policy.

The hearing record as currently structured may not adequately capture:

The employment, wage, and career-development consequences for young workers and emerging professionals of differential § 280E treatment between medical marijuana and adult-use cannabis;

The research and academic barriers faced by students and early-career researchers studying non-medical cannabis use, adult-use markets, or cannabis policy reform;

The educational, housing, financial aid, and campus discipline consequences that continue for students whose cannabis use or advocacy occurs in adult-use contexts;

The institutional legitimacy gap between federally recognized medical marijuana research and non-recognized adult-use cannabis policy work;

The extent to which treaty obligations are being used to justify or entrench a bifurcated scheduling framework, including whether DEA has adequately developed the record on less restrictive alternatives, the relationship between treaty compliance and domestic scheduling choices, and the consequences of using treaty rationale to preserve Schedule I treatment for adult-use cannabis while extending Schedule III treatment to federally favored medical channels;

The perspective of individuals and communities who bear the ongoing harm of prohibition and who may not benefit from, or may be further disadvantaged by, a partial rescheduling framework.

This evidence would materially assist the tribunal in understanding the real-world operation and consequences of the proposed scheduling action.

VI. DEA'S INTERPRETATION OF "INTERESTED PERSON" IS INCONSISTENT WITH PRECEDENT AND THE INTENT OF THE CSA AND APA

A. DEA's Interpretation Excludes All Reform-Oriented Stakeholders

DEA's conclusion that SSDP lacks standing because SSDP does not "oppose" the proposed rule would effectively exclude from participation any organization or individual that supports some degree of marijuana rescheduling but raises concerns about the specific framework proposed. This interpretation is inconsistent with the purpose of an administrative hearing, which is to develop a complete factual record and test the legal and factual premises of the proposed action not to limit participation to those who categorically oppose any rescheduling.

B. Injury from Differential Regulatory Treatment Is Cognizable

Federal courts have repeatedly recognized that parties may suffer cognizable injury from differential regulatory treatment, competitive disadvantage, and changes to the regulatory conditions under which they operate. *Americans for Safe Access v. DEA*, 706 F.3d 438.

SSDP's claimed injury, harm from a bifurcated regulatory framework that advantages certain cannabis activity while leaving other activity in Schedule I, falls within this body of precedent. SSDP members are directly affected by the creation of federally recognized pathways that exclude them and by the regulatory distinction that subjects their employment, research, and cannabis use to continued Schedule I consequences, as well as increasing operational expenses of the organization.

C. The Zone of Interests Protected by the CSA Includes SSDP's Asserted Interests

The CSA aims to protect public health and safety by controlling the legitimate and illegitimate traffic in controlled substances. The impacts of scheduling decisions on students, young adults, workers, researchers, and communities affected by drug policy enforcement fall within the zone of interests the CSA seeks to protect.

DEA has previously recognized that employment and professional interests can support standing in scheduling proceedings when those interests are directly affected by the scheduling action. The bifurcated framework at issue here directly affects the employment, research, and professional opportunities of SSDP's members by creating differential treatment between medical and adult-use cannabis sectors.

VII. ALTERNATIVE REQUEST FOR LIMITED PARTICIPATION

If DEA concludes that SSDP has not demonstrated entitlement to full participation, SSDP respectfully requests limited participation in one or more of the following forms:

A. Written Submissions

Permission to submit written testimony, declarations, documentary evidence, and proposed findings of fact addressing:

The competitive, employment, and economic consequences of bifurcated scheduling for SSDP members and similarly situated students, young adults, and workers;

The research, academic, and institutional barriers created by differential federal recognition of medical versus adult-use marijuana activity;

The collateral consequences of continued Schedule I treatment for adult-use marijuana;

The legal consistency of bifurcated scheduling under the CSA's statutory criteria.

B. Witness Presentation

Permission to present one witness or expert declarant addressing the impacts of bifurcated scheduling on students, young adults, workers, researchers, or adult-use cannabis policy.

C. Limited Cross-Examination

Permission to participate in limited cross-examination of witnesses whose testimony directly addresses:

The scope and application of marijuana's accepted medical use;

The abuse potential and dependence liability of marijuana in adult-use versus medical contexts;

The regulatory treatment of marijuana products or activities excluded from Schedule III placement;

The economic, employment, or research consequences of differential scheduling treatment.

D. Post-Hearing Submissions

Permission to file a post-hearing statement or proposed findings of fact and conclusions of law addressing evidence admitted at the hearing that bears on SSDP's asserted interests.

E. Record Inclusion

At minimum, SSDP requests that this filing, SSDP's original May 24, 2026 Request to Participate, DEA's June 17, 2026 denial letter, and any accompanying declarations or documentary materials submitted by SSDP be included in the administrative record for this proceeding.

VIII. OFFER OF PROOF

If DEA denies this request for reconsideration and denies all forms of participation, SSDP submits the following offer of proof to preserve the record:

SSDP would present factual evidence, expert testimony, and documentary materials demonstrating that:

1. The bifurcated scheduling framework created by the April 28, 2026 Final Rule and contemplated by the pending rescheduling proposal establishes differential federal treatment for marijuana activity based on whether it qualifies for Schedule III recognition (FDA-approved products and state-licensed medical marijuana) or remains in Schedule I (adult-use marijuana and non-registered cannabis activity);
2. This differential treatment creates concrete, measurable competitive disadvantage, economic harm, and professional barriers for SSDP members and similarly situated students, young adults, workers, researchers, and future professionals engaged in or seeking to engage in adult-use cannabis employment, research, or entrepreneurship;
3. The removal of § 280E tax burdens for Schedule III-recognized marijuana activity while maintaining those burdens for Schedule I adult-use activity suppresses wages, reduces hiring, limits entry-level opportunities, and discourages small-business formation in adult-use sectors, directly affecting employment prospects and career pathways for SSDP members;
4. The federal recognition extended to medical marijuana under the bifurcated framework creates institutional legitimacy that is categorically denied to adult-use cannabis research, policy work, and academic inquiry, resulting in reduced funding, heightened institutional barriers, and professional marginalization for SSDP members conducting or seeking to conduct research on adult-use cannabis;
5. Adult-use cannabis consumption, possession, and employment remain subject to Schedule I-based collateral consequences, including criminal penalties, campus discipline, employment screening, housing restrictions, financial aid consequences, immigration consequences, and professional licensing barriers, that disproportionately affect students and young adults and that are not eliminated by Schedule III treatment for medical marijuana;
6. The hearing record will be materially incomplete if it does not include evidence concerning the impacts of bifurcated scheduling on the populations and activities excluded from Schedule III recognition, including the perspective of students, young adults, workers, researchers, and communities who continue to bear the harms of Schedule I treatment;
7. The factual findings supporting Schedule III placement, including marijuana's abuse potential relative to Schedule I/II drugs, its accepted medical use, and its moderate-to-low dependence liability, raise material questions about the legal coherence and statutory justification for

maintaining a bifurcated framework that applies Schedule III criteria to certain marijuana products while continuing Schedule I treatment for marijuana as a whole;

8. DEA's reliance on treaty obligations, including the Single Convention on Narcotic Drugs, as a basis for limiting the scope or structure of rescheduling raises factual and legal issues that should be developed in the hearing record, including whether treaty compliance actually requires the particular bifurcated framework being pursued, whether less restrictive alternatives are available, and whether treaty rationales are being used to preserve Schedule I consequences for adult-use cannabis while extending Schedule III treatment to federally favored medical channels;
9. The hearing record will be materially incomplete if it does not include evidence concerning how treaty-based justifications operate in practice, including whether DEA's interpretation of treaty obligations affects students, young workers, researchers, adult-use cannabis workers, consumers, and future entrepreneurs by entrenching a two-tier federal cannabis system;
10. If DEA contends that treaty obligations require or justify differential treatment between medical and adult-use cannabis, SSDP would present evidence and argument addressing whether that treaty rationale is adequately supported, whether it is consistent with the CSA's scheduling criteria, and whether it improperly substitutes treaty-based policy preferences for the statutory findings required under 21 U.S.C. § 811.

SSDP would present this evidence through:

Expert testimony, data, and statistical evidence concerning the competitive, wage, and employment effects of differential § 280E treatment;

Expert testimony concerning research access, funding, and institutional barriers in federally recognized versus non-recognized cannabis research contexts;

Data and statistical evidence concerning the scope and demographics of medical and adult-use cannabis employment, consumption, and research activity among students and young adults;

Declarations from SSDP members describing potential employment, research, educational, and professional impacts resulting from a bifurcated scheduling framework.

IX. PRESERVATION OF OBJECTIONS

SSDP respectfully preserves all objections for administrative and judicial review, including but not limited to:

1. Whether DEA's denial of SSDP's participation improperly applied the "interested person" standard set forth in 21 C.F.R. § 1300.01(b) by requiring categorical opposition to the proposed rule rather than cognizable injury from the proposed regulatory framework;

2. Whether DEA mischaracterized SSDP's asserted injury as merely continuation of status quo Schedule I harms rather than new and distinct injury arising from the bifurcated scheduling framework;
3. Whether DEA failed to consider competitive disadvantage, market distortion, employment harms, research barriers, institutional exclusion, collateral consequences, and organizational resource burdens as cognizable injuries for purposes of standing;
4. Whether DEA's construction of the "interested person" standard is inconsistent with the Administrative Procedure Act, established precedent, and the zone of interests protected by the CSA;
5. Whether exclusion of SSDP renders the administrative record incomplete, procedurally imbalanced, or inadequate to support findings concerning the full scope of marijuana's abuse potential, accepted medical use, dependence liability, and public health impacts;
6. Whether the administrative record can support a final bifurcated scheduling framework absent evidence concerning the competitive, employment, research, educational, and collateral-consequence impacts on students, young adults, workers, researchers, consumers, and adult-use cannabis market participants;
7. Whether DEA's denial is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under the Administrative Procedure Act, 5 U.S.C. § 706;
8. Whether DEA's hearing structure and standing determinations satisfy the fairness and due process obligations reflected in DEA's hearing regulations and the Administrative Procedure Act, including 21 C.F.R. §§ 1316.52, 1316.59, and 1316.60;
9. Whether DEA has authority under 21 U.S.C. § 811(d)(1) and the Single Convention on Narcotic Drugs to adopt a bifurcated scheduling framework that applies Schedule III treatment to certain marijuana products while maintaining Schedule I treatment for marijuana as defined in 21 U.S.C. § 802(16);
10. All objections, arguments, and positions stated in SSDP's original May 24, 2026 Request to Participate and in this revised request.

SSDP also respectfully requests that this filing, SSDP's original May 24, 2026 Request to Participate, DEA's June 17, 2026 denial letter, and any accompanying declarations, exhibits, or materials submitted by SSDP be included in the administrative record and in any certified record for judicial review.

X. CONCLUSION

For the foregoing reasons, Students for Sensible Drug Policy respectfully requests that the Drug Enforcement Administration reconsider its June 17, 2026 denial and grant SSDP full participation in the administrative hearing scheduled to commence June 29, 2026.

In the alternative, SSDP requests limited participation sufficient to present written testimony and documentary evidence, offer witness testimony or expert declarations, participate in limited cross-examination on issues directly affecting SSDP's members, file post-hearing proposed findings, and ensure that SSDP's evidence and objections are included in the administrative record.

If DEA denies all forms of participation, SSDP requests that this filing and SSDP's offer of proof be included in the administrative record and that DEA provide a written explanation addressing SSDP's asserted injuries, the basis for continued denial, and the legal standards applied.

Respectfully submitted,

/s/Robert T. Rush

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Certificate of Service

I certify that on June 25, 2026, I served this Request to Participate by electronic mail to: nprm@dea.gov.

/s/Robert T. Rush

Robert T. Rush
Attorney for Students for Sensible Drug Policy