

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
COMMERCE
HEALTH, EDUCATION,
LABOR, AND PENSIONS

October 20, 2020

The Honorable William P. Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530

Dear Attorney General Barr:

I write to you to express my concerns regarding a proposed Department of Justice (DOJ) settlement agreement that reportedly would require Purdue Pharma's (Purdue) OxyContin business to be transformed and preserved as a public trust or public benefit company. This proposal, first put forth by Purdue and the Sackler family, would make state and local governments, including those that are currently suing Purdue, owners of the very business that has devastated their communities. The Wisconsin Attorney General and 24 others have already expressed their opposition, noting that "A business that killed thousands of Americans should not be associated with government."¹

In September of last year, the chairman of Purdue's board told CNBC that the company wished to be turned into a public trust organization, and that the best way "to create value to go to the communities that are affected by the opioid crisis is allow it to continue in business."² As he reminded CNBC, Purdue "sells a very valuable product called OxyContin."

Families who have lost loved ones to OxyContin overdoses do not need to be reminded of this drug's "value." More importantly, these families are not looking for the government to be tied to an opioid company, especially one with a history of gross negligence and misconduct. Families are seeking justice, and assurances that Purdue will be held accountable for the deaths of their loved ones. I am extremely concerned by reports that the DOJ, under your leadership, intends to sign agreements that would require that Purdue be preserved as a "public benefit company" which would sell OxyContin on behalf of cities and state governments.³ I am concerned that such a settlement could suggest a preference for the wishes of the billionaire owners of a private company over the interests of the American people.

¹ <https://www.reuters.com/article/uk-purdue-pharma-opioids-investigations-idINKBN26Z2WL>

² <https://www.cnbc.com/2019/09/16/purdue-pharma-chairman-steve-miller-on-bankruptcy-of-oxycontin-maker.html>

³ <https://www.reuters.com/article/us-purdue-pharma-investigations-opioids/exclusive-oxycontin-maker-purdue-nears-guilty-plea-agreement-in-u-s-criminal-probe-sources-idUSKBN26S1P2>

Throughout this crisis, I have called for justice and accountability, and raised concerns with Purdue's efforts to evade justice. I believe that it is incumbent upon all of us to assure the American people that we will do everything we can to hold all parties responsible for their role, and work to make clear that what Purdue and its owners did can never happen again.

Sincerely,

A handwritten signature in blue ink that reads "Tammy Baldwin". The signature is written in a cursive, flowing style.

Tammy Baldwin
United States Senator