Drug Enforcement Administration, Justice § 1310.02

Substances covered.

The following chemicals have been specifically designated by the Administrator of the Drug Enforcement Administration as the listed substances subject to the provisions of this part and parts 1309 and 1313 of this chapter. Each chemical has been assigned the DEA Chemical Code Number set forth opposite it.

(a) List I chemicals

1. Anthranilic acid, its esters, and its salts ..................................................8530
2. Benzyl cyanide ..................................................8735
3. Ephedrine, its salts, optical isomers, and salts of optical isomers ..................................................8113
4. Ergonovine and its salts ..................................................8675
5. Ergotamine and its salts ..................................................8676
6. N-Acetylanthranilic acid, its esters, and its salts ..................................................8522
7. Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers ..................................................8317
8. Phenylacetic acid, its esters, and its salts ..................................................8791
9. Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers ..................................................8125
10. Piperidine and its salts ..................................................2704
11. Pseudoephedrine, its salts, optical isomers, and salts of optical isomers ..................................................8112
12. 3,4-Methylenedioxymethylamphetamine ..................................................8502
13. Methylamine and its salts ..................................................8520
14. Ethylamine and its salts ..................................................8678
15. Proponionic anhydride ..................................................8328
16. Isoasofrole ..................................................8704
17. Safrole ..................................................8323
18. Piperal ..................................................8750
19. N-Methylpseudoephedrine, its salts, optical isomers, and salts of optical isomers (N-Methylpseudoephedrine) ..................................................8115
20. N-Methylpseudoephedrine, its salts, optical isomers, and salts of optical isomers (N-Methylpseudoephedrine) ..................................................8119
21. Hydromorphone ..................................................6695
22. Benzaldehyde ..................................................8256
23. Nitroethane ..................................................6724
24. Gamma-Butyrolactone (Other names: GBL; Dihydro-2 (3H)-furanone; 1,2-Butanoldie; 1,4-Butanoldie; 4-Hydroxybutanoic acid lactone; gamma-hydroxybutyric acid lactone) ..................................................2011
25. Red phosphorus ..................................................6795
26. White phosphorus (Other names: Yellow Phosphorus) ..................................................6796
27. Hypophosphorous acid and its salts (Including ammonium hypophosphate, calcium hypophosphate, iron hypophosphate, potassium hypophosphate, magnesium hypophosphate and sodium hypophosphate) ..................................................6797
28. N-phenylethyl-4-piperidone (NPP) ..................................................8332
29. Iodine ..................................................6699
30. Ergocristine and its salts ..................................................8612

(b) List II chemicals:

1. Acetic anhydride ..................................................8519
2. Acetone ..................................................6532
3. Benzyl chloride ..................................................8570
4. Ethyl ether ..................................................6386
5. Potassium permanganate ..................................................6579
6. 2-Butanone (or Methyl Ethyl Ketone or MEK) ..................................................6714
7. Toluenes ..................................................6594
8. Hydrochloric acid (including anhydrous hydrogen chloride) ..................................................6545
9. Sulphuric acid ..................................................6532
10. Methyl Isobutyl Ketone (MIBK) ..................................................6715

(c) The Administrator may add or delete a substance as a listed chemical by publishing a final rule in the Federal Register following a proposal which shall be published at least 30 days prior to the final rule.

(d) Any person may petition the Administrator to have any substance added or deleted from paragraphs (a) or (b) of this section.

(e) Any petition under this section shall contain the following information:

1. The name and address of the petitioner;
2. The name of the chemical to which the petition pertains;
3. The name and address of the manufacturer(s) of the chemical (if known);
4. A complete statement of the facts which the petitioner believes justifies the addition or deletion of the substance from paragraphs (a) or (b) of this section;
5. The date of the petition.

(f) The Administrator may require the petitioner to submit such documents or written statements of fact relevant to the petition as he deems necessary in making a determination.

(g) Within a reasonable period of time after the receipt of the petition, the Administrator shall notify the petitioner of his decision and the reason therefor. The Administrator need not accept a petition if any of the requirements prescribed in paragraph (e) of this section or requested pursuant to
§ 1310.03 Persons required to keep records and file reports.

(a) Each regulated person who engages in a regulated transaction involving a listed chemical, a tableting machine, or an encapsulating machine shall keep a record of the transaction as specified by §1310.04 and file reports as specified by §1310.05. However, a non-regulated person who acquires listed chemicals for internal consumption or “end use” and becomes a regulated person by virtue of infrequent or rare distribution of a listed chemical from inventory, shall not be required to maintain receipt records of listed chemicals under this section.

(b) Each regulated person who manufactures a List I or List II chemical shall file reports regarding such manufacture as specified in Section 1310.05.

(c) Each regulated person who engages in a transaction with a nonregulated person or who engages in an export transaction that involves ephedrine, pseudoephedrine, phenylpropanolamine, or gamma-hydroxybutyric acid, including drug products containing these chemicals, and uses or attempts to use the Postal Service or any private or commercial carrier must file monthly reports of each such transaction as specified in §1310.05 of this part.


§ 1310.04 Maintenance of records.

(a) Every record required to be kept subject to §1310.03 for a List I chemical, a tableting machine, or an encapsulating machine shall be kept by the regulated person for 2 years after the date of the transaction.

(b) Every record required to be kept subject to Section 1310.03 for List II chemical shall be kept by the regulated person for two years after the date of the transaction.

(c) A record under this section shall be kept at the regulated person’s place of business where the transaction occurred, except that records may be kept at a single, central location of the regulated person if the regulated person has notified the Administration of the intention to do so. Written notification must be submitted by registered or certified mail, return receipt requested, to the Special Agent in Charge of the DEA Divisional Office for the area in which the records are required to be kept.

(d) The records required to be kept under this section shall be readily retrievable and available for inspection and copying by authorized employees of the Administration under the provisions of 21 U.S.C. 880.

(e) The regulated person with more than one place of business where records are required to be kept shall devise a system to detect any party purchasing from several individual locations of the regulated person thereby seeking to avoid the application of the cumulative threshold or evading the requirements of the Act.

(f) For those listed chemicals for which thresholds have been established, the quantitative threshold or the cumulative amount for multiple transactions within a calendar month, to be utilized in determining whether a