



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Industrial Hygiene
Compliance Audit**

**Findings of
Noncompliance,
Regulatory Misconduct and
Professional Malfeasance**

**at an
Illegal Drug Laboratory**

**Located at:
1410 Maxwell Street
Colorado Springs, Colorado**

**Prepared for:
Confidential Client #946**

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

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EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) was contacted by a Confidential Client to review the available documentation prepared by Occupational Health Technologies, Inc. associated with 1410 Maxwell Street, Colorado Springs, Colorado (the subject property), and to perform a regulatory compliance audit based on those documents.

Over the last few years, other audits¹ of Occupational Health Technologies, Inc.'s work by FACTs personnel has resulted in similar findings; indicating that the work by Occupational Health Technologies, Inc. has an history of technical incompetence and regulatory noncompliance.

Upon review of the available Occupational Health Technologies, Inc.'s documents for this subject property, FACTs finds the following:

General Conclusions

- An illegal drug laboratory was discovered at the subject property by law enforcement personnel.
- For this project, State Regulation and State statutes have not been followed. The work products (documents) prepared by Occupational Health Technologies, Inc. include no fewer than eighty (80) violations and omissions of State regulations.
- No sampling, as required by State regulations, has been performed at the property.
- The property remains in a state of noncompliance.
- There is no indication that any kind of a legitimate Preliminary Assessment, as required by regulation, has been performed at this property.
- No cleaning, or decontamination activities, as required by regulations has been performed at this property.
- No legitimate post decontamination clearance activities, as required by regulations, has occurred at this property.
- The February 28, 2012 document identified by Occupational Health Technologies, Inc. as a "Final Methamphetamine Assessment" exhibits profound incompetency, is fatally flawed, is in violation of state regulations and cannot be used for regulatory compliance purposes.
- The work violates the American Industrial Hygiene Association's (AIHA) Code of Ethics.
- The work contains false statements, and gross misrepresentations that may rise to the standard of criminal activity on the part of Occupational Health Technologies, Inc.

¹ Critical Review Occupational Hygiene Technologies (Thomas Antonson). Finding of Regulatory Misconduct and Professional Malfeasance for 7465 Cabin Ridge Drive, Fountain, Colorado, 10/14/11, http://forensic-applications.com/meth/Critical_review_Cabin_Ridge.pdf



- FACTs has identified the following deficiencies:
- Colorado Board of Health Regulations 6 CCR 1014-3
 - Failure to comply with Paragraph 4.1
 - Failure to comply with Paragraph 4.2
 - Failure to comply with Paragraph 4.3
 - Failure to comply with Paragraph 4.4
 - Failure to comply with Paragraph 4.5
 - Failure to comply with Paragraph 4.6
 - Failure to comply with Paragraph 4.7
 - Failure to comply with Paragraph 4.8
 - Failure to comply with Paragraph 4.9
 - Failure to comply with Paragraph 4.10
 - Failure to comply with Paragraph 4.11
 - Failure to comply with Paragraph 4.12
 - Failure to comply with Paragraph 4.13
 - Failure to comply with Paragraph 4.14
 - Failure to comply with Appendix A
 - Failure to comply with Appendix B
 - Failure to comply with Appendix D
 - Failure to Comply With Section 4.0 (Decontamination requirements)
 - Failure to Comply With Paragraph §5.1
 - Failure to Comply With Paragraph §5.2
 - Failure to Comply With Paragraph §5.3
 - Failure to Comply With Paragraph §5.4
 - Failure to Comply With Paragraph §5.5
 - Failure to Comply With Paragraph §5.6
 - Failure to Comply With Paragraph §5.8
 - Failure to Comply With Paragraph §5.9
 - Failure to Comply With Paragraph §5.10
 - Failure to Comply With Appendix C
 - Failure to Comply With Appendix C, Paragraph 1
 - Failure to Comply With Appendix C, Paragraph 2
 - Failure to Comply With Appendix C, Paragraph 3
 - Failure to Comply With Appendix C, Paragraph 4
 - Failure to Comply With Appendix C, Paragraph 5
 - Failure to Comply With Appendix C, Paragraph 6
 - Failure to Comply With Appendix C, Paragraph 7
 - Failure to Comply With Appendix C, Paragraph 8
 - Failure to Comply With Appendix C, Paragraph 9
 - Failure to Comply With Appendix C, Paragraph 10
 - Failure to Comply With Appendix C, Paragraph 11
 - Failure to Comply With Appendix C, Paragraph 13
 - Failure to Comply With Appendix C, Paragraph 14
 - Failure to Comply With Section 8.0
 - Failure to Comply With Paragraph §8.1



- Failure to Comply With Paragraph §8.2
 - Failure to Comply With Paragraph §8.4
 - Failure to Comply With Paragraph §8.5
 - Failure to Comply With Paragraph §8.6
 - Failure to Comply With Paragraph §8.7
 - Failure to Comply With Paragraph §8.8
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 - Failure to Comply With Paragraph §8.20
 - Failure to Comply With Paragraph §8.21
 - Failure to Comply With Paragraph 8.22 (Fraudulent Statements)
 - Failure to Comply With Paragraph 8.23
 - Failure to Comply With Section 6.0
 - Failure to Comply With Section 6.0.1
 - Failure to Comply With Section 6.0.3
 - Failure to Comply With Section 6.1
 - Failure to Comply With Section 6.1.1
 - Failure to Comply With Paragraph 6.3 Chain of Custody
 - Failure to Clear the Ventilation System (viz: Section 6.0)
 - Violation of Sampling Provisions of Appendix A
 - Failure To Test the Mandatory Hypothesis
 - Collection of Prohibited Random Samples
 - Collection of Samples From Prohibited Porous Surfaces
 - Collection of Prohibited Composites
 - Failure to Collect Sufficient Surface Areas
 - Failure to Submit Field Blanks
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 - Violation of AIHA (II)(A)(2)
 - Violation of AIHA (II)(A)(3)
 - Violation of AIHA (II)(A)(5)
 - Violation of AIHA (II)(A)(6)
 - Violation of AIHA (II)(C)(1)
 - Violation of AIHA (II)(C)(2)
 -
 - Colorado Criminal Code – Fraud; Offering a false instrument for recording



The following discussion provides the rationale for our conclusions and opinions.

OVERVIEW OF REGULATIONS

According to Colorado State Regulation 6-CCR 1014-3, following the discovery and notification of an illegal drug laboratory, as those terms are used in CRS §25-18.5-101, very specific, mandatory action must occur to bring the property into compliance. The regulations and statutes describing the necessary actions are not *guidelines* or *suggestions*; the regulations and statutes carry force of law and the elements contained therein are mandatory provisions.

No consultant has the authority to unilaterally decide to circumvent, or eliminate or otherwise ignore any of the mandatory provisions set forth by State legislature and promulgated by the Colorado Board of Health.

When a contaminated property (illegal drug laboratory) is discovered the following must occur:

1. Preliminary Assessment
2. Decontamination
3. Final Verification Sampling
4. Decision Statement

The steps must occur in that order and must meet each of the specified elements for that step.

Preliminary Assessment

The Preliminary Assessment (PA) must contain each and every one of the elements contained in 6 CCR 1014-3 Section 4. The PA must be prepared by a consultant who meets the definition of an “Industrial Hygienist” as specified in Title 24, Article 30 Part 1402 of the Colorado Revised Statutes. Home Inspectors, geologists, asbestos technicians, clean-up companies, environmental consultants, electronic engineers, and any and all other terms do not meet the definition of “Industrial Hygienist.” Furthermore, the Industrial Hygienist must have specific training in illegal drug laboratories and their assessment, and the Industrial Hygienist must have training in and knowledge of Colorado’s regulations pertaining to illegal drug laboratories.

Decontamination

Decontamination cannot lawfully occur except upon completion of the PA. No cleaning is permitted except pursuant to the PA. The cleaning must be performed pursuant to mandatory provisions found in regulation.

Final Verification Sampling

Following the decontamination process, final verification sampling must be performed. The verification sampling must be based on the Preliminary Assessment and must contain



each and every one of the pertinent elements contained in 6 CCR 1014-3. The final verification sampling must be prepared by a consultant who meets the definition of an “Industrial Hygienist” as specified by in Title 24, Article 30 Part 1402 of the Colorado Revised Statutes. Home Inspectors, geologists, asbestos technicians, clean-up companies, environmental consultants, electronic engineers, and any and all other terms do not meet the definition of “Industrial Hygienist.” Furthermore, the Industrial Hygienist must have specific training in illegal drug laboratories and their assessment, and must have training in and knowledge of Colorado’s regulations pertaining to illegal drug laboratories.

Decision Statement

If, and only if, the decision criteria have been met, can the Industrial Hygienist issue a “Decision Statement” making a declaration of compliance and releasing a specific property.

If the above steps are not completed, the property remains noncompliant.

If, and only if, the registered owner of the property has completed each of the mandatory steps, and met each of the mandatory elements in each step, then that owner is not obligated to disclose the history of the property during a title transaction.

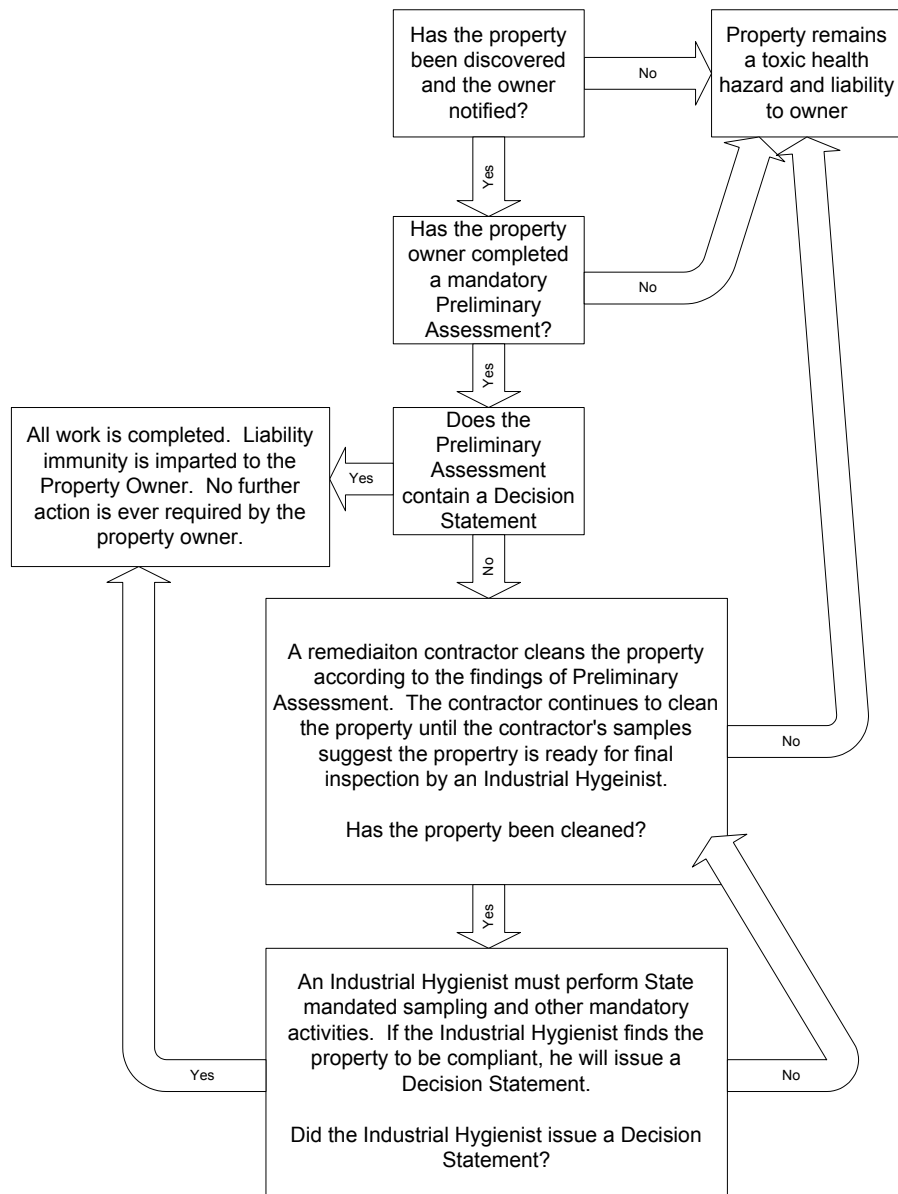
A simplified flow-chart of the process is given on the following page.

Compliance Status of 1410 Maxwell Street

For this property, it would appear that on November 2, 2011, in violation of Colorado Revised Statutes §25-18.5-104, the seller permitted an untrained asbestos technician (Mr. Zachariah Casias) to unlawfully enter the property. In violation of all elements of Section 4 of CCR 1014-3, and in violation of Appendix A, and in violation of Attachment to Appendix A, Mr. Casias ignored all the regulatory elements of a PA and collected some meaningless “random” samples from the property using his own, (prohibited), sampling protocols.

It would appear that on January 19, 2012, in violation of CRS §25-18.5-104, the seller again permitted the untrained asbestos technician, Mr. Casias, to unlawfully enter the property. And again, in violation of all elements of Section 4 of CCR 1014-3, and in violation of Appendix A, and in violation of Attachment to Appendix A, Mr. Casias again ignored all the regulatory elements of a PA and collected some meaningless “random” samples from the property again using his own invented sampling protocols.





**Figure 1
Regulatory Decision Flow Chart**

It would appear that on February 28, 2012, in violation of CRS §25-18.5-104, the seller again permitted the untrained asbestos technician, Mr. Casias to unlawfully enter the property. And again, in violation of all elements of Section 4 of CCR 1014-3, and in violation of Appendix A, and in violation of Attachment to Appendix A, Mr. Casias again ignored all the regulatory elements of a PA and collected some meaningless “random” samples from the property using his own sampling protocols.



Then, in violation of Section 4 and Section 8 of 6 CCR 1014-3, Occupational Health Technologies, Inc., issued a document titled “Methamphetamine Final Assessment” claiming that someone called Richard Ralston was the Industrial Hygienist on site. However, no further mention of who “Richard Ralston” is or his involvement in the project could be found.

In his report, Mr. Casias fraudulently claimed

“I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, § 4, and that I conducted post-decontamination clearance sampling in accordance with 6 CCR 1014-3, § 6. I further certify that the property has been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3, § 5, and that the cleanup standards established by 6 CCR 1014-3, § 7 have been met as evidenced by testing I conducted.”

The objective facts and documentation demonstrate the following:

- Mr. Casias never conducted a Preliminary Assessment of the subject property.
- Mr. Casias never conducted any work at any time in accordance with 6 CCR 1014-3, § 4.
- Mr. Casias never conducted post-decontamination clearance sampling in accordance with 6 CCR 1014-3, § 6.
- Mr. Casias entirely failed to document any support for his “certification” that the property had been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3, § 5.
- Mr. Casias entirely failed to provide any documentation that the cleanup standards established by 6 CCR 1014-3, § 7 had been met as evidenced by any legitimate testing conducted.
- Nowhere in the document is there any indication that the mysterious “Richard Ralston” was ever even on site, or otherwise had anything to do with the project.

According to Colorado Revised Statute CRS §18-5-114 (*Offering a false instrument for recording*), a person commits a class 5 felony when offering a false instrument for recording in the first degree if, knowing that a written instrument relating to or affecting real or personal property or directly affecting contractual relationships contains a material false statement or material false information, and with intent to defraud, he presents or offers it to a public office or a public employee, with the knowledge or belief that it will be registered, filed, or recorded or become a part of the records of that public office or public employee.

In their report, Mr. Casias, and Mr. Antonson (who supposedly reviewed the report), explicitly state that they possess knowledge of the regulations, and therefore, establish the fact that they are aware of the requirements and such recording with a public official.



Therefore, the elements of the criminal fraud statutes appear to have been met. We recommend that the situation be forwarded to the State Attorney for proper evaluation, and to determine if the case rises to the level of criminal conduct, especially considering that OHT has a documented history of ignoring State Regulations and State Statutes, engaging in exactly the same activities, and has, with foreknowledge, failed to perform its regulatory and professional obligations in this matter.

FAILURE TO PERFORM A PRELIMINARY ASSESSMENT

According to State statutes and State regulations, upon discovery of an illegal drug laboratory in a property or vehicle, the property owner must complete a Preliminary Assessment (PA). To the extent that no PA was conducted for this property, none of the elements of a PA were met.

Pursuant to the regulations, information obtained in the PA, must be used as the basis for remediation, and must be the basis for any final clearance sampling. Therefore, all subsequent actions are similarly flawed.

According to regulation and statutes, the PA must be conducted according to specified requirements² and must contain specific elements. The Industrial Hygienist does not have the authority to simply not comply with the regulations or “pick-and-choose” which elements he will follow and which elements he will ignore. Failure to comply with the regulations will invalidate the PA.

In the following section, we have presented just a small portion of the errors, omissions, violations and fatal flaws associated with the OHT report. The following list of errors is not exhaustive or all inclusive, but is sufficient to demonstrate the entire report was prepared without regard to mandatory State regulations by an individual who apparently lacks any legitimate knowledge in clandestine drug laboratories and the State regulations surrounding their assessment and remediation.

One of the mandatory provisions, pursuant to state regulations promulgated by the Colorado State Board of Health and designated as “6 CCR 1014-3, *Regulations Pertaining To The Cleanup Of Methamphetamine Laboratories*” states that assessments of properties within the scope of the regulation can only be performed by an Industrial Hygienist who meets the statutory definition of an Industrial Hygienist.

In their report, OHT claims that their Industrial Hygienist on site for this project, was Mr. Richard Ralston, who meets the definition of Industrial Hygienist as found in “Section 240” of the Colorado Revised Statutes. There are three problems with this statement:

1. There is no “Section 240” in Colorado’s Revised Statutes,
2. There is no evidence Mr. Ralston had any association with the property,
3. There is no evidence Mr. Casias, an asbestos technician, is an Industrial Hygienist.

² Section 4 of 6 CCR 1014-3



During the PA, mandatory State requirements state the Industrial Hygienist must perform hypothesis testing wherein:

The strength of evidence needed to reject the hypothesis is low, and is only that which would lead a reasonable person, **trained in aspects of methamphetamine laboratories**, to conclude the presence of methamphetamine, its precursors as related to processing, or waste products.

However, the OHT reports contain so many gross errors (including being unable to even define an “Industrial Hygienist”), and contains so many regulatory violations, omissions and false statements, and has been so incompetently prepared, that one is led to the obvious conclusion that both the author and reviewer of the OHT report have no legitimate training or knowledge in either Industrial Hygiene and/or clandestine drug laboratories.

Nowhere in the report, does OHT even attempt to document that Mr. Casias is in anyway competent to perform the work and does not even attempt to argue that he is an Industrial Hygienist. Therefore, based on available documentation, Mr. Casias was not qualified or authorized to perform the work.

Failure to Comply With Mandatory Elements of a Preliminary Assessment

According to Colorado State regulation 6 CCR 1014-3, when a Preliminary Assessment is conducted, specific elements must be included:

6 CCR 1014-3 4.0 Preliminary Assessment. A preliminary assessment **shall** be conducted by the consultant, in accordance with section 6.7 of this regulation, prior to the commencement of property decontamination. ... Information collected during the preliminary assessment **shall** include, but not be limited to, the following:

The regulation then identifies each of the mandatory elements. To the extent that no PA was conducted for the property, the following violations are identified:

- Failure to comply with Paragraph 4.1
- Failure to comply with Paragraph 4.2
- Failure to comply with Paragraph 4.3
- Failure to comply with Paragraph 4.4
- Failure to comply with Paragraph 4.5
- Failure to comply with Paragraph 4.6
- Failure to comply with Paragraph 4.7
- Failure to comply with Paragraph 4.8
- Failure to comply with Paragraph 4.9
- Failure to comply with Paragraph 4.10
- Failure to comply with Paragraph 4.11
- Failure to comply with Paragraph 4.12
- Failure to comply with Paragraph 4.13



Failure to comply with Paragraph 4.14
Failure to comply with Appendix A
Failure to comply with Appendix B
Failure to comply with Appendix D

DECONTAMINATION

Based on the available documentation, no decontamination, as required by regulation, has occurred at the property.

It would appear that the seller simply (and unlawfully) asked the untrained asbestos technician to keep returning to the property to collect additional samples, and then “cherry picked” sample results that were deemed to be favorable (below a specific numerical value) to represent property conditions.

According to State regulations:

6 CCR 1014-3 Section 5: Decontamination Procedures... Decontamination shall be conducted in accordance with procedures designed to protect workers, future occupants, neighbors and the general public, and shall include, but not be limited to, the following:

The regulation then specifies the mandatory elements for the decontamination. Based on the best information provided, none of the elements were met. Therefore, based on the totality of circumstances, FACTs has identified that, at a minimum, the remediation failed to comply with the following provisions of mandatory Colorado Regulations:

- Failure to Comply With Section 4.0
- Failure to Comply With Paragraph §5.1
- Failure to Comply With Paragraph §5.2
- Failure to Comply With Paragraph §5.3
- Failure to Comply With Paragraph §5.4
- Failure to Comply With Paragraph §5.5
- Failure to Comply With Paragraph §5.6
- Failure to Comply With Paragraph §5.8
- Failure to Comply With Paragraph §5.9
- Failure to Comply With Paragraph §5.10

- Failure to Comply With Appendix C Paragraph 1
- Failure to Comply With Appendix C Paragraph 2
- Failure to Comply With Appendix C Paragraph 5
- Failure to Comply With Appendix C Paragraph 7
- Failure to Comply With Appendix C Paragraph 8
- Failure to Comply With Appendix C Paragraph 9
- Failure to Comply With Appendix C Paragraph 10
- Failure to Comply With Appendix C Paragraph 11



Failure to Comply With Section 4.0

According to Colorado Regulations 6 CCR 1014-3, Section 4.0:

Preliminary Assessment. A preliminary assessment shall be conducted by the consultant, in accordance with section 6.7 of this regulation, prior to the commencement of property decontamination. Information gained during the preliminary assessment shall be the basis for property decontamination and clearance sampling.

Since no Preliminary Assessment was performed for this property, required clean-up recommendations contained in a Preliminary Assessment could not have been the basis for any remediation and any cleaning (if any was performed). The remediation actions were unlawful to the extent that the cleanup must be based on the Preliminary Assessment.

Failure to Comply With Paragraph §5.1

According to Colorado Regulations 6 CCR 1014-3, Section 5.0, Paragraph 5.1:

5.1. A negative air unit, equipped with a HEPA filtration system, shall be used throughout the decontamination process to reduce airborne particulates.

Based on the totality of circumstances, and based on the documentation, no such engineering controls were ever employed at the property.

Failure to Comply With Paragraph §5.2

According to Colorado Regulations 6 CCR 1014-3, Section 5.0, Paragraph 5.2:

5.2 Detergent water washing of non-porous, porous and semi porous surfaces that are contaminated, or that are reasonably expected to be contaminated, that will not be removed.

Based on the totality of circumstances, and based on the documentation, no such activities occurred at the property.

Failure to Comply With Paragraph §5.3

State Regulations require removal of all contaminated material that will not or cannot be decontaminated to specified cleanup levels. According to Colorado Regulations 6 CCR 1014-3, Section 5.0, Paragraph 5.3:

5.3. Removal of all contaminated material that will not or cannot be decontaminated to cleanup levels specified in Section 7.0 of the regulation. Removal of all contaminated materials if sampling cannot demonstrate that cleanup levels have been met. *et seq.*

In this case, based on the information in the OHT reports, and based on OHT's photographs, contaminated materials were simply left in place without any cleaning, thus exposing the new occupants to those contaminants.



Failure to Comply With Paragraph §5.4

Encapsulating surfaces prior to final clearance sampling is prohibited. According to Colorado Regulations 6 CCR 1014-3, Section 5.0, Paragraph 5.4:

5.4. Encapsulation of porous and semi porous surfaces may be conducted after detergent water washing and after clearance sampling has demonstrated that cleanup levels have been achieved.

In this case, in violation of regulation, it appears from the photographs that surfaces were painted following official discovery and prior to the performance of State mandated clearance sampling. Since, OHT failed to comply with Section 8 of the regulations, (as described later), and the mandatory documentation was not included in the report, there is nothing to demonstrate this was not the case.

Failure to Comply With Paragraph §5.5

State regulations require the decontamination of contaminated ventilation systems. According to Colorado Regulations 6 CCR 1014-3, Section 5.0, Paragraph 5.5:

5.5. Decontamination of ventilation systems by a contractor that is trained and equipped to comply with the protocol for ventilation system decontamination presented in Appendix C of these regulations.

Since OHT failed to include the mandatory documentation as required by regulation, there is no evidence that the ventilation system was even addressed.

Failure to Comply With Paragraph §5.6

State regulations require the decontamination of plumbing in the structure. According to Colorado Regulations 6 CCR 1014-3, Section 5.0, Paragraph 5.6:

5.6. Water flushing of plumbing systems connected to the sanitary sewer to eliminate any residual chemicals.

There is nothing in the documentation that would indicate that the plumbing was addressed at all.

Failure to Comply With Paragraph §5.8

According to Colorado Regulations items within the contaminated structure must be addressed.

5.8.1 Personal property must either be decontaminated to the cleanup levels specified in section 7.0 of this regulation, or properly disposed in accordance with these regulations.
5.8.2 Personal property that will not be disposed of must be sampled in accordance with procedures described in Appendix A of this regulation. Discrete samples must be collected from each individual item, except as provided in 5.8.3.



None of the documentation provided addresses the fate of the chattels that were in the structure (if any). Based on the best information available, in violation of State regulations and State statutes, the chattels were merely removed from the property.

Failure to Comply With Paragraph §5.9

According to Colorado Regulations, the waste from the process shall be handled in a specific manner. Since OHT failed to comply with 6 CCR 1014-3, §8.18, there is no documentation of compliance with this regulatory mandate.

Failure to Comply With Paragraph §5.10

According to Colorado Regulations, any demolition conducted at the property shall be so conducted in a specific manner. Since OHT failed to comply with 6 CCR 1014-3, §8.16, there is no documentation of compliance with this regulatory mandate.

Failure to Comply With Appendix C

The State of Colorado has established mandatory minimum requirements that must be followed in the decontamination of a ventilation system. Those requirements are presented in:

APPENDIX C
METHAMPHETAMINE LABORATORIES
VENTILATION SYSTEM DECONTAMINATION

Purpose

The purpose of this appendix is to establish minimum requirements for the decontamination of ventilation systems at buildings and structures that have been used as drug laboratories.

According to this mandatory regulation:

Decontamination Protocol

Decontamination of ventilation systems shall be conducted by a ventilation contractor experienced in the decontamination of ventilation systems in structures used as drug laboratories. At a minimum, the ventilation contractor shall:

The regulations then go on to identify each of the mandatory elements of decontamination. FACTs has identified, at a minimum, the following violations of this mandatory Appendix:

- Violation of Appendix C, Paragraph 1
- Violation of Appendix C, Paragraph 2
- Violation of Appendix C, Paragraph 3
- Violation of Appendix C, Paragraph 4
- Violation of Appendix C, Paragraph 5
- Violation of Appendix C, Paragraph 6
- Violation of Appendix C, Paragraph 7
- Violation of Appendix C, Paragraph 8
- Violation of Appendix C, Paragraph 9
- Violation of Appendix C, Paragraph 10
- Violation of Appendix C, Paragraph 11



- Violation of Appendix C, Paragraph 12
- Violation of Appendix C, Paragraph 13
- Violation of Appendix C, Paragraph 14

Failure to Comply With Appendix C, Paragraph 1

1. Perform a walk-through of the structure prior to initiation of the project to establish a specific plan for decontamination of the ventilation system.

There is no documentation that the required plan was developed or employed by anyone for this property.

Failure to Comply With Appendix C, Paragraph 2

2. Follow health and safety procedures, in accordance with OSHA requirements, to protect workers and others in the vicinity of the structure during the decontamination process.

Since OHT failed to comply with Section §8.14 of the regulations, there is no documentation that OSHA regulations were followed.

Failure to Comply With Appendix C, Paragraph 3

3. Place protective coverings in areas where work is being performed, including plastic or drop cloths around each area where the duct is penetrated.

Since no ducts appear to have been cleaned or opened; compliance with this provision could not have occurred.

Failure to Comply With Appendix C, Paragraph 4

4. Shut off and lock out all air handler units before working on each air conveyance system.

There is no indication in the documentation that compliance was achieved.

Failure to Comply With Appendix C, Paragraph 5

5. Perform a visual inspection of the interior ductwork surfaces and internal components.

There is nothing in the provided documentation that indicates an inspection of the ventilation system or its internal components was performed as required.

Failure to Comply With Appendix C, Paragraph 6

6. Draw a negative pressure on the entire ductwork, using HEPA exhausted vacuum filters, throughout the cleaning process.



As already discussed, there is no indication the ventilation system was ever addressed and there is no indication HEPA filtration was ever used; therefore, there is no reason to believe this provision was met.

Failure to Comply With Appendix C, Paragraph 7

7. Remove and clean all return air grills.

According to the available documentation there is no documentation to support that the grilles had been cleaned.

Failure to Comply With Appendix C, Paragraph 8

8. Beginning with the outside air intake and return air ducts, clean the ventilation system using pneumatic or electrical agitators to agitate debris into an airborne state. Additional equipment may be also be used in the cleaning process, such as brushes, air lances, air nozzles, and power washers. Controlled containment practices shall be used to ensure that debris is not dispersed outside the air conveyance system during cleaning.

Since the ventilation apparently was not addressed, there is no documentation supporting compliance with this section.

Failure to Comply With Appendix C, Paragraph 9

9. Open and inspect air handling units, and clean all components.

Since the ventilation apparently was not addressed, there is no documentation supporting compliance with this section.

Failure to Comply With Appendix C, Paragraph 10

10. Remove and clean all supply diffusers.

Since the ventilation apparently was not addressed, there is no documentation supporting compliance with this section.

Failure to Comply With Appendix C, Paragraph 11

11. Clean the supply ductwork using the techniques described in item 8 above.

Since the ventilation apparently was not addressed, there is no documentation supporting compliance with this section.

Failure to Comply With Appendix C, Paragraph 13

13. Seal shut access points used for agitation purposes.



Since the ventilation apparently was not addressed, there is no documentation supporting compliance with this section.

Failure to Comply With Appendix C, Paragraph 14

14. Bag and label all debris, including any filters, and properly dispose of at a landfill.

Since OHT failed to comply with 6 CCR 1014-3, §8.18, there is no documentation of compliance with this regulatory mandate.

POST DECONTAMINATION ACTIVITIES

Following a legitimate Preliminary Assessment or a remediation activity, the property owner must have a qualified Industrial Hygienist assess the property to determine if the property is compliant.

The verification process is explicitly delineated by regulation, and OHT entirely failed to follow any aspect of that regulation.

Contrary to popular belief, the Industrial Hygienist's role is not to demonstrate that the property has been cleaned, but rather, the Industrial Hygienist is required by regulation to prove the property is NOT compliant:

Post-Decontamination sampling

In post-decontamination sampling, the hypothesis is made that the area is non-compliant, and data is collected to test the hypothesis. The role of the consultant in post decontamination sampling is not to demonstrate that the area is "clean," but rather, using biased sampling, to diligently attempt to prove that the area is not clean. The lack of data supporting the hypothesis leads the consultant to accept the null hypothesis and conclude that the area is compliant.

For this property, at no time, did any of the sampling performed by OHT conform to State requirements.

The document prepared by OHT is a jumble of false statements, contradictions, errors and omissions. In some places, OHT states they collected discrete samples, but failed to identify those samples; in other places they state they collected composite samples. In some places, OHT states that specific samples were in excess of State regulations, but failed to identify which samples they are discussing.

Failure to Comply With Section 8.0

Section 8 of the Colorado Regulations requires a final report to be prepared. The final report must contain specific information.

8.0 Reporting. A final report shall be prepared by the consultant to document the decontamination process and demonstrate that the property has been decontaminated to



the cleanup levels listed in Section 7.0 of these regulations. The final report shall include, but not be limited to, the following:

As described in detail below, OHT failed to document the decontamination process and failed to demonstrate that the property has been decontaminated to the cleanup levels listed in Section 7.0 of the regulations, and failed to include the mandatory information in the final document.

Failure to Comply With Paragraph §8.1

According to the regulations, the final document is required to contain specific information including:

Property description including physical address, legal description, ownership, number and type of structures present, description of adjacent and/or surrounding properties, and any other observations made.

OHT failed to perform its regulatory and professional duty by failing to comply with this requirement. Nowhere within the documentation do we see where OHT has specified the number and type of structures involved, failed to identify the registered owner of the property, and failed to identify surrounding features.

Failure to Comply With Paragraph §8.2

According to the regulations, the final document is required to contain specific information including:

8.2. Description of manufacturing methods and chemicals used, based on observations, law enforcement reports and knowledge of manufacturing method.

The asbestos technician used by OHT for this project has no demonstrated or documented knowledge of clandestine drug laboratories or manufacturing processes. Throughout the report, the OHT asbestos technician continually refers to “fumes” but uses the term incorrectly, indicating a basic lack of knowledge in Industrial Hygiene.

The OHT asbestos technician does not appear to have conducted the mandatory visual inspection, as required, and since the asbestos technician has not documented that he had any kind of legitimate knowledge in illegal drug laboratory assessments, there is no reason to expect an asbestos technician to have sufficient competency in recognizing, or knowing the significance of observations.

Failure to Comply With Paragraph §8.4

According to the regulations, the final document is required to contain specific information including:

8.4. A description of chemical storage areas, with a figure documenting location(s).



OHT failed to perform its regulatory duties and failed to provide the mandatory information. Nowhere in the documents provided did OHT provide any drawings or figures or other depictions of the known chemical storage areas.

Failure to Comply With Paragraph §8.5

According to the regulations, the final document is required to contain specific information including:

8.5 A description of waste disposal areas, with a figure documenting location(s).

OHT entirely failed to perform its duties and comply with this mandatory requirement. Nowhere in the final document do we find a description of waste disposal areas, with a figure documenting location(s).

Failure to Comply With Paragraph §8.6

According to the regulations, the final document is required to contain specific information including:

8.6. A description of cooking areas, with a figure documenting location(s).

OHT entirely failed to perform its duties and comply with this mandatory requirement. Nowhere in the final document do we find a description of cooking areas with a figure documenting the location(s).

Failure to Comply With Paragraph §8.7

According to the regulations, the final document is required to contain specific information including:

8.7. A description of areas with signs of contamination such as staining, etching, fire damage, or outdoor areas of dead vegetation, with a figure documenting location(s).

In their report, OHT indicated that:

No signs of septic tank or yard contamination i.e., patches of dead grass or other vegetation were observed.

However, our first-hand on-site visual inspection of the property, and photographic evidence, clearly indicates distressed vegetation and extensive evidence of outdoor disposal. The photograph below, was taken on October 22, 2011, just two weeks prior to the November 2, 2011 visit by the asbestos technician.





Photograph 1
Aerial Photograph of Subject Property

When looking at the photograph, or standing at the property, it is extremely difficult to understand how any sentient human could conceivably look at the condition of the yard, and conclude there was no evidence of dead grass or other vegetation when there is scant little evidence of anything else but dead grass and dead vegetation.

Therefore, either the asbestos technician entirely failed to perform the mandatory inspection, or the asbestos technician was entirely incompetent and incapable of understanding the significance of his observations, or the asbestos technician knowingly lied and fraudulently and criminally misrepresented his findings in the OHT report.

In any event, OHT entirely failed to perform its duties and comply with the mandatory requirement. Nowhere in the final document do we find a description of areas with signs of contamination such as staining, etching, fire damage, or outdoor areas of dead vegetation, with a figure documenting location(s).

Failure to Comply With Paragraph §8.8

According to the regulations, the final document is required to contain specific information including:

8.8. The results of inspection of plumbing system integrity and identification of sewage disposal mechanism.

OHT entirely failed to perform its duty and comply with this regulatory requirement. Nowhere in the provided document do we find the mandatory information regarding the integrity of the plumbing system. Considering that the asbestos technician utterly was incapable of identifying a yard full of dead grass, it is not reasonable to think that a



person with such extremely poor observational abilities (or lack of honesty) could be expected to adequately report on the condition of the plumbing system.

Failure to Comply With Paragraph §8.9

According to the regulations, the final document is required to contain specific information including:

8.9. A description of adjacent units and common areas where contamination may have spread or been tracked.

OHT entirely failed to perform its duty and comply with this regulatory requirement. Nowhere in the provided document do we find the mandatory information; and nowhere do we find that OHT even addressed fugitive emissions from the property. Clearly, the conditions and photograph given above indicate an high probability of fugitive emissions.

Failure to Comply With Paragraph §8.11

According to the regulations, the final document is required to contain specific information including:

8.11. A description of the sampling procedures used, including sample collection, handling, and QA/QC.

This section of the OHT report is, at best, confusing. Although in the past, OHT has traditionally confused the HPLC analytical technique with GC/MS, in this case they at least looked at the report, and realized their samples were not being analyzed by HPLC as they have traditionally thought. Nevertheless, OHT entirely failed to describe the locations of their samples, entirely failed to describe the QA/QC and entirely failed to submit the mandatory field blanks as required by regulation.

Failure to Comply With Paragraph §8.12

According to the regulations, the final document is required to contain specific information including:

8.12. A description of the analytical methods used and laboratory QA/QC requirements.

OHT entirely failed to describe the QA/QC and entirely failed to submit the mandatory field blanks as required by regulation.

Failure to Comply With Paragraph §8.13

According to the regulations, the final document is required to contain specific information including:

8.13. A description of the location and results of initial sampling (if any), including a description of sample locations and a figure with sample locations and identification.

OHT entirely failed to perform its duty and comply with this regulatory requirement. Nowhere in the provided document do we find the mandatory information. Nowhere in



the documentation do we find any descriptions, figures or drawings to indicate where samples were collected, as required by regulation. The documentation merely identifies samples such as “Garage” and “Crawl space.”

Furthermore, even the description of the final samples is contradictory. In some parts of the report, the asbestos technician states:

A single sample was collected in all rooms in the house.

Elsewhere in the report, the asbestos technician states:

Each functional space had five (5) wipe samples collected from the walls, ceilings, floors windows, doors studs, HVAC system, drains, and/or rafters, into a composite sample.

This statement creates many problems, not least of all because it contradicts the earlier statement, but also because it explicitly admits, that in violation of State regulations, samples from prohibited porous surfaces were collected. It also explicitly admits that, in violation of the State regulations, substrates were mixed in composites. Finally, the statement also explicitly admits that, in violation of the State regulations, samples were collected from areas expected to have the lowest possible concentrations of methamphetamine.

OHT entirely failed to provide any of the mandatory figures of sample locations, and entirely failed to properly identify any of the sampling locations. In some cases, by looking at the (unidentified) photographs, one can try to piece together the actual locations of the samples – however, the photographs of the sample locations also very clearly reveal that the samples were collected from surfaces prohibited by regulations.

Failure to Comply With Paragraph §8.14

According to the regulations, the final document is required to contain specific information including:

8.14. A description of the health and safety procedures used in accordance with OSHA requirements.

OHT failed to comply with this regulatory requirement and nowhere in the final documentation do we see where OHT has provided this information.

Failure to Comply With Paragraph §8.15

According to the regulations, the final document is required to contain specific information including:

8.15. A description of the decontamination procedures used and a description of each area that was decontaminated.

OHT has entirely failed to comply with this section, and based on the best information available, no decontamination ever occurred at the property. OHT has entirely failed to



comply with this section, and we do not see where this information has been included in their report.

Failure to Comply With Paragraph §8.16

According to the regulations, the final document is required to contain specific information including:

8.16. A description of the removal procedures used and a description of areas where removal was conducted, and the materials removed.

OHT has entirely failed to comply with this section, and we do not see where this information has been included in their report.

Remarkably, OHT exhibited gross and profound incompetence by stating the following:

“8.16. A description of the removal procedures used and a description of areas where removal was conducted, and the materials removed.

- *No information was presented for this question.”*

To whom did OHT put this question? Why did OHT not perform their mandatory regulatory obligation and simply note that, based on extant conditions, NO decontamination, pursuant to State regulations, had occurred? Why did OHT return to the site on three occasions to perform additional sampling unless they had been requested, and why did OHT not sample each of the areas required, unless they were so directed (in violation of regulation) by the seller?

Failure to Comply With Paragraph §8.17

According to the regulations, the final document is required to contain specific information including:

8.17. A description of the encapsulation procedures used and a description of the areas and/or materials where encapsulation was performed.

OHT has entirely failed to comply with this section, and we do not see where this information has been included in their report.

Failure to Comply With Paragraph §8.18

According to the regulations, the final document is required to contain specific information including:

8.18. A description of the waste management procedures used, including handling and final disposition of wastes.

OHT entirely failed to comply with this paragraph. Although no such description was included in the OHT report we received, it is difficult if not impossible to understand how an entire residence can be decontaminated without generating ANY waste materials.



Failure to Comply With Paragraph §8.19

According to the regulations, the final document is required to contain specific information including:

8.19. A description of the location and results of post-decontamination samples, including a description of sample locations and a figure with sample locations and identification.

In what must truly be the most profound example of technical incompetence ever exhibited by a supposed Industrial Hygiene firm, OHT made the following statement:

“8.19. A description of the location and results of post-decontamination samples, including a description of sample locations and a figure with sample locations and identification.

- *No information was presented for this question.”*

Since only the asbestos technician would have this information, (since he claims he collected the samples), the asbestos technician states that he has no idea what the sample results were, from where he collected the samples, and he has no idea what the sample identification numbers were, and therefore, he did not provide the mandatory figures showing the locations of the samples.

It is obvious that the asbestos technician (and by extension, Mr. Antonson who “reviewed” the report and signed off the report) were both so completely incompetent, that neither realized that they alone were in possession of that information and it was exclusively their responsibility to include that information in their report. To whom did they think they needed to go and ask where they collected their own samples?

In any event, OHT entirely failed to provide the laboratory reports for the November 2, 2011, analysis.

The degree of incompetence (or possibly criminal fraud) exhibited by this consultant is almost beyond comprehension. (Especially since these same issues have already been documented on other properties “processed” by OHT).

OHT has entirely failed to comply with this section, and we do not see a description of the sample locations nor do we find any of the mandatory drawings in the OHT report.

Failure to Comply With Paragraph §8.20

According to the regulations, the final document is required to contain specific information including:

8.20. Photographic documentation of pre- and post-decontamination property conditions, including cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination, sampling and decontamination procedures, and post-decontamination conditions.



OHT failed to comply with this provision and offered a few limited views of some close-ups of the property. Curiously, OHT makes the following cryptic statement about dodging its regulatory obligation:

Occupational Health Technologies was first called to investigate the project in 2011 which is 8 years after the original incident. This time delay makes it impossible to produce original pictures of the property or of the crime scene itself.

However, OHT is so poorly trained and technically incompetent that OHT doesn't realize that the regulations do not require any photographs of the original crime scene (which would have been available through the law enforcement office anyway). The regulations require the Industrial Hygienist to provide photographic documentation of extant pre- and post-decontamination property conditions, including cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination, sampling and decontamination procedures, and post-decontamination conditions.

The pre-decontamination photographs should have been taken on November 2 (2011) January 19, (2012), and February 28 (2012). Since the property has never been decontaminated, there cannot be any post-decontamination photos.

Failure to Comply With Paragraph §8.21

According to the regulations, the final document is required to contain specific information including:

8.21. Consultant statement of qualifications, including professional certification or qualification as an industrial hygienist as defined in section 24-30-1402, C.R.S., and description of experience in assessing contamination associated with methamphetamine labs.

Nowhere in the document do we find the mandatory documentation that demonstrates that the asbestos technician, Mr. Casias, or Mr. Antonson, or the mysterious Mr. Richard Ralston, has included the mandatory statement of qualifications, professional certification or qualification to perform the work, or a description of Mr. Casias's, or Mr. Antonson's or Mr. Ralston's, experience in assessing contamination associated with methamphetamine labs. OHT has entirely failed to perform this duty and provide that information.

As already stated, one of the mandatory provisions, pursuant to state regulations, is that assessments of properties within the scope of the regulations can only be performed by an authorized Industrial Hygienist who not only meets the definition found in CRS 24-30-1402, but also, the Industrial Hygienist must perform hypothesis testing wherein:

The strength of evidence needed to reject the hypothesis is low, and is only that which would lead a reasonable person, **trained in aspects of methamphetamine laboratories**, to conclude the presence of methamphetamine, its precursors as related to processing, or waste products.



This OHT report, and other OHT reports we have similarly reviewed, is so grossly errant, and contains so many regulatory violations, omissions and false statements, FACTs cannot help but conclude that no one within OHT has any legitimate training or knowledge in clandestine drug laboratories and/or the regulations surrounding the performance of the assessments.

Failure to Comply With Paragraph 8.22 (Fraudulent Statements)

OHT failed to comply with the provisions of Paragraph 8.22 which states that the Industrial Hygienist must provide:

8.22. Certification of procedures and results, and variations from standard practices.

The work performed by OHT at this property involved numerous deviations and variations from the State regulations, as described in this Critical Review. Yet, OHT failed to document any of the numerous deviations identified in our review as required.

Further, in its “certification” OHT has patently provided false information by signing the following statement:

I do hereby certify that I conducted a Final Assessment of the subject property in accordance with 6 CCR 1014-3, § 4, and that I conducted post-decontamination clearance sampling in accordance with 6 CCR 1014-3, § 6. I further certify that the subject property has been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3 § 5, and that the cleanup standards established by 6 CCR 1014-3 § 7 have been met, evidenced by testing I conducted.

As clearly demonstrated above (and in the following sections):

The objective facts and documentation demonstrate the following:

- Mr. Casias never conducted a Preliminary Assessment of the subject property.
- Mr. Casias never conducted any work at any time in accordance with 6 CCR 1014-3, § 4.
- Mr. Casias never conducted post-decontamination clearance sampling in accordance with 6 CCR 1014-3, § 6.
- Mr. Casias entirely failed to document any support for his “certification” that the property had been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3, § 5.
- Mr. Casias entirely failed to provide any documentation that the cleanup standards established by 6 CCR 1014-3, § 7 had been met as evidenced by any testing he conducted.
- Nowhere in the document is there any indication that the mysterious “Richard Ralston,” who is identified as the Industrial Hygienist for the project, was ever even on site, or otherwise had anything to do with the project (indeed, there is no indication that Mr. Ralston is actually an Industrial Hygienist or otherwise authorized to perform the work anyway).



Failure to Comply With Paragraph 8.23

OHT made a false certification, and failed to meet the provisions of the requirements of Paragraph 8.23 of 6 CCR 1014-3 which require the consultant to provide:

8.23. A signed certification statement in one of the following forms, as appropriate:

“I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, § 4, and that I conducted post-decontamination clearance sampling in accordance with 6 CCR 1014-3, § 6. I further certify that the property has been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3, § 5, and that the cleanup standards established by 6 CCR 1014-3, § 7 have been met as evidenced by testing I conducted.

”“I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, §4. I further certify that the cleanup standards established by 6 CCR 1014-3, § 7 have been met as evidenced by testing I conducted.”

Please see the comments listed in the section discussed immediately above.

Failure to Comply With Section 6.0

Failure to Comply With Section 6.0.1

According to regulations, sampling, when it is performed for a Preliminary Assessment, must comply with specific elements.

6.0.1 Except as provided in 6.0.2, assessment sampling shall be conducted as part of the preliminary assessment to characterize the nature and extent of contamination. Assessment sampling and laboratory analysis shall be conducted in accordance with Appendices A, B and D of these regulations.

Since a Preliminary Assessment was not performed, no samples were collected in conjunction with the Preliminary Assessment.

Failure to Comply With Section 6.0.3

However, the regulations then move on to the collection of samples for post-mitigation compliance verification and states:

6.0.3 Post-decontamination clearance sampling shall be conducted to verify that cleanup standards have been met. Sample collection and laboratory analysis shall be conducted in accordance with the procedures set forth in Appendices A, B and D of these regulations.

OHT entirely failed to comply with Section 6.0.3 for the reasons specified and outlined below.



Failure to Comply With Section 6.1

According to regulations,

6.1. Locations of samples shall be based on information gathered during the preliminary assessment.

Since OHT failed to perform a PA, it would be impossible to base their post-decontamination sampling on a PA.

Failure to Comply With Section 6.1.1

According to State regulations,

6.1. Locations of samples shall be based on information gathered during the preliminary assessment. Samples shall be collected from:

6.1.1. Areas expected to have the highest levels of contamination, such as cooking areas, chemical storage areas, and waste disposal areas.

Collection of samples from the areas of highest anticipated contamination is a mandatory requirement and is heavily based on the training of the Industrial Hygienist.

Failure to Comply With Paragraph 6.3 Chain of Custody

State regulations require that:

6.3. Sample handling, including labeling, preservation, documentation, and chain-of-custody, shall be conducted in a manner consistent with the requirements of the analytical method being used.

We do not see where chain-of-custody was maintained, in violation of Paragraph 6.3 of the State regulations.

Failure to Clear the Ventilation System (*viz*: Section 6.0)

According to State Regulation 6 CCR 1014-3, following decontamination, the Industrial Hygienist is required to collect samples from the ventilation system to confirm decontamination. Section 6.0 of the State regulations generally addresses post decontamination verification sampling thusly:

6.1. Locations of samples shall be based on information gathered during the preliminary assessment. Samples shall be collected from:

6.1.1. Areas expected to have the highest levels of contamination, such as cooking areas, chemical storage areas, and waste disposal areas.

6.1.2. Areas where contamination may have migrated, such as adjacent rooms or units, common areas, and ventilation systems.



We do not find any evidence to indicate that any lawful clearance samples were collected from the ventilation system challenging the post-decontamination hypothesis. In their report, OHT shows that they collected samples merely from the opening of the ducts (representing the lowest possible contamination) and not the interior of the system.

It is well established knowledge in the Industrial Hygiene and medical professions that the use of methamphetamine in a home results in elevated exposures to the occupants via airborne migration. When methamphetamine is even just smoked, between 80%³ and half⁴ of the substance is released from the user's pipe. Of that material which is inhaled, between 33%⁵ and 10%⁶ of the nominal dose is not absorbed into the body, but rather exhaled back into the ambient air.

Work conducted by Industrial Hygienists at the National Jewish Hospital⁷ in Denver indicate that a single use of methamphetamine, by smoking, could result in an average residential area ambient airborne concentration of methamphetamine ranging from 35 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to over 130 $\mu\text{g}/\text{m}^3$. These authors found that smoking methamphetamine just once in the residence can result in surfaces being contaminated with methamphetamine. The authors concluded:

*"If methamphetamine has been smoked in a residence, it is likely that children present in that structure will be exposed to airborne methamphetamine during the "smoke" and to surface methamphetamine after the 'smoke.'"*⁸

³ Cook CE, *Pyrolytic Characteristics, Pharmacokinetics, and Bioavailability of Smoked Heroin, Cocaine, Phencyclidine, and Methamphetamine* (From: Methamphetamine Abuse: Epidemiologic Issues and Implications Research Monograph 115, 1991, U.S. Department Of Health And Human Services Public Health Service Alcohol, Drug Abuse, and Mental Health Administration National Institute on Drug Abuse)

⁴ Cook CE, Jeffcoat AR, Hill JM, et al. *Pharmacokinetics of Methamphetamine Self-Administered to Human Subjects by Smoking S-(+)-Methamphetamine Hydrochloride*. Drug Metabolism and Deposition Vol. 21 No 4, 1993 as referenced by Martyny JW, Arbuckle SL, McCammon CS, Erb N, Methamphetamine Contamination on Environmental Surfaces Caused by Simulated Smoking of Methamphetamine (The publication of this study is currently pending. Copies of the study are available from the Colorado Alliance for Drug Endangered Children.)

⁵ Harris DS, Boxenbaum H, Everhart ET, Sequeira G, et al, *The bioavailability of intranasal and smoked methamphetamine*, Pharmacokinetics and Drug Disposition, 2003;74:475-486.)

⁶ Cook CE, Jeffcoat AR, Hill JM, Pugh DE, et al *Pharmacokinetics of methamphetamine self-administered to human subjects by smoking S-(+)-methamphetamine hydrochloride* Drug Metabolism and Disposition, Vol 21, No. 4, pp. 717-723, 07/01/1993

⁷ Martyny JW, Arbuckle SL, McCammon CS, Erb N, *Methamphetamine Contamination on Environmental Surfaces Caused by Simulated Smoking of Methamphetamine* (The publication of this study is currently pending. Copies of the study are available from the Colorado Alliance for Drug Endangered Children.)

⁸ Martyny JW, Arbuckle SL, McCammon CS, Erb N, *Methamphetamine Contamination on Environmental Surfaces Caused by Simulated Smoking of Methamphetamine* (The publication of this study is currently pending. Copies of the study are available from the Colorado Alliance for Drug Endangered Children.)



Since it is the purpose of the forced air ventilation system to move air throughout the structure, and the furnace has been confirmed to be contaminated by virtue of lack of exclusion in the Preliminary Assessment, and lack of inclusion in the final clearance, we conclude the furnace remains an effective mechanism of dissemination of methamphetamine contamination and may be a continued source of contamination until appropriately addressed.

The remaining noncompliant status of the furnace would lead a reasonable person, trained in aspects of methamphetamine laboratories, to conclude the *presence* of widespread elevated methamphetamine contamination throughout the entire occupied space, all other sample results notwithstanding, and in the absence of any sample result for any specific location.

Violation of Sampling Provisions of Appendix A

Failure To Test the Mandatory Hypothesis

According to Colorado Regulations, a legitimate and authorized Industrial Hygienist is required to perform hypothesis testing during post mitigation assessments.

According to Colorado Regulations:

Post-Decontamination sampling

In post-decontamination sampling, the hypothesis is made that the area is non-compliant, and data is collected to test the hypothesis. The role of the consultant in post decontamination sampling is **not** to demonstrate that the area is “clean,” but rather, **using biased sampling**, to diligently attempt to prove that the area is **not** clean. The lack of data supporting the hypothesis leads the consultant to accept the null hypothesis and conclude that the area is compliant.

Decision Statement

If, **based on the totality of the circumstances**, the consultant finds that insufficient evidence exists to support the hypothesis that any given area is non-compliant, that area shall be deemed to be compliant with section 25-18.5-103 (2), C.R.S., and shall be released. If objective sampling data indicates contamination is less than the cleanup level, that data may be used as *prima facie* evidence that insufficient evidence exists to support the hypothesis that any given area is non-compliant.

That is, the Industrial Hygienist **MUST** determine if there is ANY evidence to support the hypothesis that the area is noncompliant and if there is no evidence, then and only then, shall the Industrial Hygienist collect samples as *prima facie* evidence that insufficient evidence exists to support the hypothesis that any given area is non-compliant. In this case, just the documentation alone would indicate noncompliance even if no samples were collected.

Instead, OHT collected prohibited random sampling.



Collection of Prohibited Random Samples

OHT states in their report:

Five sample sites were selected at random within the functional spaces.

Nowhere in State regulations or in state statutes is there a provision for the collection of random samples under these conditions. If OHT had received appropriate training in State regulations and had been familiar with the same, OHT would have known that random sampling was prohibited by the regulations for the site conditions. As specified in Colorado's regulations:

Sampling Theory

The type of sampling used for stationary structures and vehicles described in this protocol is a type of sampling recognized as "authoritative" sampling. Authoritative sampling is a nonstatistical sampling design that **does not** assign an equal probability of being sampled to all portions of the population. Consultants using this protocol will have *a priori* knowledge of the property to be sampled. The *a priori* knowledge, in the hands of a competent consultant, permits immediate inclusion/exclusion of sampling areas, based on professional judgment. As such, the weight of validity of the data gathered with authoritative sampling is largely dependent on the knowledge and competency of the sampler.

The Colorado regulations continue with:

Biased Sampling

Biased sampling is the type of authoritative sampling that intends not to estimate average concentrations or typical properties, but to estimate "worst" or "best" cases (as described in ASTM Method D6051-96 (2001), Standard Guide for Composite Sampling and Field Subsampling for Environmental Waste Management Activities. As described later in this protocol, the aim of the consultant performing post-decontamination sampling is to demonstrate the worst-case scenario in the drug laboratory. The term "biased," as used here, refers to the collection of samples with expected high concentrations. For example, a sample taken at the source of the actual "cook," known release, spill or storage area could serve as an estimate of the "worst-case" concentration found in the functional space.

Random sampling is entirely incapable of identifying worst case scenarios and is in direct violation of the language for post-decontamination sampling. OHT has exhibited gross technical incompetency in understanding Colorado's methlab regulations, and that lack of technical competence translated into gross errors and omissions during their work at the subject property.

Since the OHT report is presented in such an unprofessional manner, it appears to be a jumble of reports from other properties that mentions other consultants who apparently had no association with this project, and the sampling performed in other properties was not associated with this property.



Due to the gross and profound incompetence exhibited by OHT, it is impossible to know exactly how many additional violations of regulation have occurred. Based on the available information in the available documentation however, OHT has nevertheless demonstrably violated the requirements of Appendix A.

Furthermore, OHT explicitly stated that it collected samples from those areas anticipated as having the lowest levels of contamination, such as windows.

Collection of Samples From Prohibited Porous Surfaces

According to Appendix A of the Colorado Regulations:

Wipe sampling shall not be used to demonstrate that cleanup levels have been met on porous surfaces.

Unfortunately, since Mr. Casias is neither trained nor authorized to perform this type of work, porous surfaces are exactly where he collected several of his samples. For example, in his (unidentified) photographs of his sample locations, OHT explicitly shows that they collected samples from bare, rough, porous wood studs. Indeed, even in the body of the language of the report, they state:

Each functional space had five (5) wipe samples collected from the walls, ceilings, floors windows, doors studs, HVAC system, drains, and/or rafters, into a composite sample.

OHT is so poorly trained and incompetent that they actually identify that fact that they intentionally collected samples from prohibited surfaces.

Since OHT entirely failed to properly document the actual sample locations, we must assume that many more of the samples whose locations were not documented were similarly collected from porous surfaces. (We don't actually know how many samples were collected from the property, since OHT references different numbers of samples at different times in the report, and at one point even makes the following cryptic statement:

“All but five of the samples were above the criteria.”

However, that portion of the report indicates that only five samples were collected! The report does not describe which samples are being referenced, or the locations from where these noncompliant samples were collected, or how those areas were subsequently remediated following initial sampling. Presumably “cleaning” occurred in those areas, which would have recontaminated the previously sampled areas.

Collection of Prohibited Composites

Colorado State Regulations explicitly prohibit the mixing of substrates during composite sampling:

Any composite sampling must consist of like media, matrices or substrates. The mixing of media, matrices or substrates is not permitted.



Yet, in violation of the regulations, OHT mixed matrices and stated:

Each functional space had five (5) wipe samples collected from the walls, ceilings, floors windows, doors studs, HVAC system, drains, and/or rafters, into a composite sample.

Failure to Collect Sufficient Surface Areas

According to State regulations:

For any given functional space, at least 500 cm² of surface shall be sampled, unless the area is assumed to be non-compliant.

In this case, OHT identified the attic as a functional space but failed to collect a sample from the attic.

Failure to Submit Field Blanks

According to regulations:

At least one sample media blank, treated in the same fashion but without wiping, should be submitted for every 10 samples collected.

During the project, OHT appears to have collected approximately 13 samples (the actual number is not known, since OHT failed to document its samples and failed to provide the laboratory reports from November 2, 2011). However, regardless of the number of samples collected, OHT was required by regulation to submit at least one blank for every ten samples; for this project, we do not see where OHT submitted any field blanks. Similarly Section 6.6 below, also requires field blanks.

Failure to Comply With Paragraph 6.6

State regulations require that:

Quality Control/Quality Assurance (QA/QC) samples, including sample blanks, field duplicates, matrix spike and matrix spike duplicates, shall be collected and/or analyzed as specified in the sampling and analysis protocols presented in Appendices A, B and D of these regulations.

Nowhere do we see where OHT has provided the mandatory blanks.

Violations of the AIHA Code of Ethics

Mr. Antonson, who has signed off the document, states that he is a member of the American Industrial Hygiene Association (AIHA). Therefore, it is imperative for FACTs to point out that the work performed by Mr. Antonson constitutes a gross violation of the AIHA Code of Ethics. Specifically, Mr. Antonson has violated the following AIHA Codes of Ethics:

- AIHA (I)(A)(1)
- AIHA (I)(A)(5)
- AIHA (II)(A)(1)
- AIHA (II)(A)(2)



- AIHA (II)(A)(3)
- AIHA (II)(A)(5)
- AIHA (II)(A)(6)
- AIHA (II)(C)(1)
- AIHA (II)(C)(1)
- AIHA (II)(C)(2)

Violation of AIHA (I)(A)(1)

Comply with laws, regulations, policies, and ethical standards governing professional practice of industrial hygiene and related activities, including those of professional associations and credentialing organizations.

Clearly, as described above, and yet to be delineated below, Mr. Antonson has failed to comply with the mandatory Colorado Regulations in the performance of this work.

Violation of AIHA (I)(A)(5)

Refrain from any public behavior that is clearly in violation of accepted professional, ethical or legal standards.

Clearly, as described above, and yet to be delineated below, Mr. Antonson has failed to refrain from behavior that is in violation of the accepted professional and legal standards, by violating both.

Violation of AIHA (II)(A)(1)

Deliver competent services in a timely manner, and with objective and independent professional judgment in decision-making.

As described above, and yet to be delineated below, Mr. Antonson has not performed the necessary work in a competent manner.

Violation of AIHA (II)(A)(2)

Recognize the limitations of one's professional ability, and provide services only when qualified. The member is responsible for determining the limits of his/her own professional abilities based on education, knowledge, skills, practice experience, and other relevant considerations.

As described above, and yet to be delineated below, Mr. Antonson has clearly performed work for which he was not capable or qualified. If, on the other hand, Mr. Antonson argues that he was capable and qualified, one must then conclude that his work was intentionally deficient, which would constitute criminal fraud.

Violation of AIHA (II)(A)(3)

Provide appropriate professional referrals when unable to provide competent professional assistance.

Mr. Antonson failed to refer the work to a competent Industrial Hygienist.



Violation of AIHA (II)(A)(5)

Properly use professional credentials and provide truthful and accurate representations concerning education, experience, competency and the performance of services.

By claiming to have performed over 40 clandestine drug lab assessments, Mr. Antonson is axiomatically claiming to have *properly* performed that work. However, since there are no documented references as required by regulations, one is forced to conclude that Mr. Antonson has essentially botched over forty property assessments, or has simply fabricated his experience.

Violation of AIHA (II)(A)(6)

Provide truthful and accurate representations to the public in advertising, public statements/representations, and in the preparation of estimates concerning costs, services, and expected results.

Mr. Antonson falsely presented himself to the public as a competent Industrial Hygienist qualified to perform clandestine drug laboratory assessments pursuant to Colorado Regulations 6 CCR 1014-3. Clearly, as described above, Mr. Antonson is not capable or qualified to perform the required work in a proper or professional manner.

Violation of AIHA (II)(C)(1)

Follow appropriate health and safety procedures in the course of performing professional work to protect clients, employers, employees, and the public from conditions where injury and damage are reasonably foreseeable.

By performing grossly deficient work, and, as described below, demonstrating an history of habitual gross incompetence, one can reasonably foresee that Mr. Antonson's clients, and the general public, are now placed at risk of injury and damage due to his incompetency.

Violation of AIHA (II)(C)(2)

Inform appropriate management representatives and/or governmental bodies of violations of legal and regulatory requirements when obligated or otherwise clearly appropriate.

Mr. Antonson has stated in the past that he is familiar with State Regulation 6 CCR 1014-3. Therefore, Mr. Antonson must be aware of the fact that his work is in gross violation of those regulations. Therefore, Mr. Antonson had the professional obligation to bring his regulatory violations to the attention of the appropriate Governing Body with jurisdiction over this property.

We recommend that our confidential client report Mr. Antonson to the AIHA for the above violations.

In other reports, Mr. Antonson claims to have assessed over 40 clandestine drug labs; therefore, we conclude that there are at least 40 victims whose properties have been similarly placed in jeopardy by the incompetence of his company. We recommend that



the Governing Body review each of those reports, and warn the property occupants of the noncompliance of their properties.

Colorado Criminal Code – Fraud; Offering a false instrument for recording

One of two mental states necessarily must have been present in the performance of the OHT work: 1) Either Mr. Casias and Mr. Antonson knew that the work they were performing was grossly incompetent and not in compliance with State Regulations (as demonstrated above) or, 2) Mr. Casias and Mr. Antonson were unaware of the fact that their work was grossly deviating from mandatory State requirements.

Since FACTs has performed other, similar critical reviews of Mr. Antonson's work (finding almost the exact same deficiencies), it is clear that Mr. Antonson, willingly and knowingly violated State statutes and appears to have committed criminal fraud.

If Mr. Casias did not know that his work was grossly deviating from mandatory State requirements, then that is sufficient to surmise that he lacked the technical competency and authority to perform the work in the first place since it would have been his professional obligation to conform to those regulations and perform work pursuant to those regulations. Indeed, on two occasions OHT personnel have signed statements falsely affirming, on a legal document, that the work they performed conformed to those regulations.

However, since personnel associated with OHT presented themselves as knowledgeable, one must surmise that personnel associated with OHT knowingly and willingly performed work that grossly deviated from mandatory State requirements with the intent to defraud.

According to Colorado Revised Statute CRS §18-5-114 (*Offering a false instrument for recording*), a person commits a class 5 felony when offering a false instrument for recording in the first degree if, knowing that a written instrument relating to or affecting real or personal property or directly affecting contractual relationships contains a material false statement or material false information, and with intent to defraud, he presents or offers it to a public office or a public employee, with the knowledge or belief that it will be registered, filed, or recorded or become a part of the records of that public office or public employee.

Pursuant to State statute, if the seller of the property, presents the false documents as genuine, then this too would appear to meet the definition of *Offering a false instrument for recording*, since from at least April 20, 2012, when FACTs spoke with the current seller of the property, he was made aware of the fact that the work provided by OHT was fatally flawed, and was not valid.

We recommend that the situation be forwarded to the District Attorney or State Attorney General for proper evaluation, and to determine if the case rises to the level of criminal conduct, especially considering that OHT has a documented history of ignoring State



Regulations and State Statutes, and has, with foreknowledge, failed to perform its regulatory and professional obligations in this matter.

CONCLUSIONS

No Preliminary Assessment has been performed for the subject property.

No decontamination, as required by regulation, has been performed at the subject property.

No post remediation sampling, as required by regulation, has occurred at the property.

The property remains a non-compliant illegal drug laboratory.

Entry into the structure is restricted by State statutes.

A legitimate Preliminary Assessment must be performed for the property.

Legitimate decontamination must be conducted.

A legitimate Decision Statement must be prepared for the property.

FACTs recommends that the entire case, including all other work performed by personnel associated with OHT be reviewed by the District Attorney or State Attorney General for evaluation of possible criminal activity.



Caoimhín P. Connell
Forensic Industrial Hygienist





**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.
CONSULTANT STATEMENT OF QUALIFICATIONS**

(as required by State Board of Health Regulations 6 CCR 1014-3 Section 8.21)

FACTs project name:	Maxwell Street	Form # ML15
Date	April 23, 2012	
Reporting IH:	Caoimhín P. Connell, Forensic IH	

Caoimhín P. Connell, who has been involved in clandestine drug lab (including meth-lab) investigations since 2002, is a consulting forensic Industrial Hygienist meeting the Colorado Revised Statutes §24-30-1402 definition of an "Industrial Hygienist." He has been a practicing Industrial Hygienist in the State of Colorado since 1987; and is the contract Industrial Hygienist for the National Center for Atmospheric Research.

Mr. Connell is a recognized authority in methlab operations and is a Certified Meth-Lab Safety Instructor through the Colorado Regional Community Policing Institute (Colorado Department of Public Safety, Division of Criminal Justice). Mr. Connell was the lead instructor for the Colorado Division of Criminal Justice and has provided over 260 hours of methlab training for officers of over 25 Colorado Police agencies, 20 Sheriff's Offices, federal agents and probation and parole officers throughout Colorado judicial districts. He has provided meth-lab lectures to prestigious organizations such as the County Sheriff's of Colorado, the American Industrial Hygiene Association, US Air Force, and the National Safety Council.

Mr. Connell is Colorado's only private consulting Industrial Hygienist certified by the Office of National Drug Control Policy High Intensity Drug Trafficking Area Clandestine Drug Lab Safety Program, and P.O.S.T. certified by the Colorado Department of Law; he is a member of the Colorado Drug Investigators Association, the American Industrial Hygiene Association (where he serves on the Clandestine Drug Lab Work Group), the American Conference of Governmental Industrial Hygienists and the Occupational Hygiene Society of Ireland. From 2009, as a law enforcement officer representing his agency, Mr. Connell served as the Industrial Hygiene Subject Matter Expert on the Interagency Board (www.IAB.gov) Health, Medical, and Responder Safety SubGroup, and was elected full member of the IAB-HMRS in 2011, and he conducted the May, 2010, AIHA Clandestine Drug Lab Course.

He has received over 144 hours of highly specialized law-enforcement sensitive training in meth-labs and clan-labs (including manufacturing and identification of booby-traps commonly found at meth-labs) through the Iowa National Guard/Midwest Counterdrug Training Center and the Florida National Guard/Multijurisdictional Counterdrug Task Force, St. Petersburg College as well as through the US NHTSA, and the U.S. Bureau of Justice Assistance (US Dept. of Justice). Additionally, he received extensive training in the Colorado Revised Statutes, including Title 18, Article 18 "Uniform Controlled Substances Act of 1992" and is currently ARIDE Certified.

Mr. Connell is a current law enforcement officer in the State of Colorado, who has conducted clandestine laboratory investigations and performed risk, contamination, hazard and exposure assessments from both the law enforcement (criminal) perspective, and from the civil perspective in residences, apartments, motor vehicles, and condominiums. Mr. Connell has conducted over 260 assessments in illegal drug labs in Colorado, Nebraska and Oklahoma, and collected over 2,550 samples during assessments (a detailed list of drug lab experience is available on the web at):

<http://forensic-applications.com/meth/DrugLabExperience2.pdf>

He has extensive experience performing assessments pursuant to the Colorado meth-lab regulation, 6 CCR 1014-3, (State Board Of Health *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*) and was an original team member on two of the legislative working-groups which wrote the regulations for the State of Colorado. Mr. Connell was the primary contributing author of Appendix A (*Sampling Methods And Procedures*) and Attachment to Appendix A (*Sampling Methods And Procedures Sampling Theory*) of the Colorado regulations. He has provided expert witness testimony in civil cases and testified before the Colorado Board of Health and Colorado Legislature Judicial Committee regarding methlab issues. Mr. Connell has provided services to private consumers, Indian Nations, state officials and Federal Government representatives with forensic services and arguments against fraudulent industrial hygienists and other unauthorized consultants performing invalid methlab assessments.

Mr. Connell, who is a committee member of the ASTM International Forensic Sciences Committee, was the sole sponsor of the draft ASTM E50 *Standard Practice for the Assessment of Contamination at Suspected Clandestine Drug Laboratories*, and he is a coauthor of a 2007 AIHA Publication on methlab assessment and remediation.

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