



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Industrial Hygiene
Compliance Audit**

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

**at a
Illegal Drug Laboratory**

**Located at:
7465 Cabin Ridge Drive
Fountain, Colorado**

**Prepared for:
Confidential Client #919**

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

185 Bounty Hunter's Lane
Bailey, CO 80421



October 14, 2011

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EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) was contracted by a Confidential Client to review the available documentation associated with 7465 Cabin Ridge Drive, Fountain, Colorado (the subject property), and to perform a regulatory compliance audit based on those documents.

Upon review of the documents, FACTs finds the following:

General Conclusions

- An illegal drug laboratory was discovered at the property by law enforcement personnel.
- For this project, virtually no aspect of State Regulation or State statutes has been followed.
- The property remains in a state of noncompliance.
- No legitimate Preliminary Assessment, as required by regulation, has been performed at this property. The October 6, 2008 document identified by Occupational Health Technologies Inc. as a "Preliminary Assessment" is fatally flawed, and cannot be used for regulatory Compliance purposes.
- 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, occurred at the property. The July 14, 2011 document identified by Occupational Health Technologies Inc. as a "Final Methamphetamine Assessment" is fatally flawed, is in violation of state regulations and cannot be used for regulatory Compliance purposes.
- The July 14, 2011, document prepared by Occupational Health Technologies Inc. appears to be the exact same document as the earlier October 6, 2008 document, except the table of results has changed. As such, both documents equally exhibit gross technical incompetence, and neither can be used for regulatory compliance purposes.
- Based on the documents provided, it would appear that Occupational Health Technologies Inc. merely prints out the same report over and over again, regardless of actual site conditions, changing the names and results tables as necessary.
- As of October 6, 2008, entry into the property has been unlawful, and the current seller (Cindy Hunt) had previously been advised of this information.
- As of June 29, 2011, the current seller, Cindy Hunt, had been advised that the service provider, Occupational Health Technologies Inc., had issued a fatally flawed assessment on the property.
- As of June 29, 2011, the current seller, Cindy Hunt, had been advised that the service provider, Occupational Health Technologies Inc., had no documented authority to perform an lawful assessment at the property.
- As of June 29, 2011, the current seller, Cindy Hunt, had been advised that the October 6, 2008 work performed by the service provider, Occupational Health Technologies Inc.,



exhibited gross technical incompetence, and failed to meet the mandatory elements of a Preliminary Assessment and was, therefore, invalid.

- Both of the work products (documents) prepared by Occupational Health Technologies Inc. include no fewer than 92 (ninety two) violations of State regulations, omissions, AIHA Code violations, false statements, and gross misrepresentations that may rise to the standard of criminal activity on the part of Occupational Health Technologies Inc.

Preliminary Assessment

- The October 6, 2008 document identified by Occupational Health Technologies Inc. as a “Preliminary Assessment” is fatally flawed, and cannot be used for regulatory Compliance purposes.
- The document identified by Occupational Health Technologies Inc. as a “Preliminary Assessment” was not prepared by an individual documented as being capable or authorized under regulation to perform such work.
- The document identified as a “Preliminary Assessment” exhibited gross technical incompetence in regulatory compliance and illegal drug laboratory assessment.
- The document identified by Occupational Health Technologies Inc. as a “Preliminary Assessment” failed to comply with the following mandatory State regulations.
 - 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 4.4
 - Failure to Comply With Paragraph 4.5
 - Failure to Comply With Paragraph 4.6
 - Prohibited Composite Samples
 - Prohibited Random Sampling
 - 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 4.14
 - Failure to Comply With Paragraph 6.1
 - Failure to Comply With Paragraph 6.3
 - Failure to Comply With Paragraph 6.6
 - Failure to Comply With Section 8
 - Failure to Comply With Paragraph 8.11
 - Failure to Comply With Paragraph 8.12
 - Failure to Comply With Paragraph 8.13
 - Failure to Comply With Paragraph 8.14
 - Failure to Comply With Paragraph 8.20
 - Failure to Comply With Paragraph 8.21
 - Failure to Comply With Paragraph 8.22
 - Failure to Comply With Paragraph 8.23



- The work also constitutes a violation of the following Code of Ethics of the American Industrial Hygiene Association:
 - Violation of AIHA (I)(A)(1)
 - Violation of AIHA (I)(A)(5)
 - Violation of AIHA (II)(A)(1)
 - 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)

Decontamination

- In violation of State Regulations, there is no documentation to verify that any cleaning or decontamination occurred at the residence.
- Based on our observations of the photographs, nothing in the property was cleaned, and no decontamination occurred.
- FACTs identified failure to comply with the following regulatory requirements:
 - 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 §5.8
 - Failure to Comply With Appendix C
 - Failure to Comply With Paragraph 1
 - Failure to Comply With Paragraph 2
 - Failure to Comply With Paragraph 5
 - Failure to Comply With Paragraph 7
 - Failure to Comply With Paragraph 8
 - Failure to Comply With Paragraph 9
 - Failure to Comply With Paragraph 10
 - Failure to Comply With Paragraph 11

Post Decontamination Clearance

- The July 14, 2011, document identified by Occupational Health Technologies Inc. as a “Final Methamphetamine Assessment” is also identified by Occupational Health Technologies Inc. as a “Preliminary Assessment” and indeed, appears to be virtually the same document prepared by Occupational Health Technologies Inc. for Dennis Jordan (the original owner of the subject property) on October 6, 2008, with a few, minor alterations.
- The July 14, 2011, document identified by Occupational Health Technologies Inc. as a “Final Methamphetamine Assessment” is fatally flawed, and cannot be used for regulatory Compliance purposes.
- The July 14, 2011, document identified by Occupational Health Technologies Inc. as a “Final Methamphetamine Assessment” was not prepared by an individual documented to be capable, knowledgeable or authorized under regulation to perform such work.



- The July 14, 2011, document identified by Occupational Health Technologies Inc. as a “Final Methamphetamine Assessment” exhibited gross technical incompetence in regulatory compliance and illegal drug laboratory assessment.
- The July 14, 2011, document identified by Occupational Health Technologies Inc. as a “Final Methamphetamine Assessment” exhibited violations of the Code of Ethics of the American Industrial Hygiene Association (of which the author of the document is a member).
- The July 14, 2011, document identified by Occupational Health Technologies Inc. as a “Final Methamphetamine Assessment” entirely failed to comply with the following mandatory elements that constitute valid post mitigation sampling and clearance:
 - 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 §8.3
 - 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
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 - Failure to Comply With Paragraph §8.19
 - 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
 - Colorado Criminal Code – Fraud; Offering a false instrument for recording
 - Failure to Clear the Ventilation System (viz: Section 6.0)
 - Failure to Collect Lawful Post Mitigation Clearance Samples
 - Failure To Test the Mandatory Hypothesis
 - Failure to Collect Samples As Required
 - Failure to Comply with Section 6.1.1
 - Violation of Appendix A
 - Collection of Samples From Prohibited Porous Surfaces
 - Collection of Prohibited Composites
 - Failure to Collect Sufficient Surface Areas
 - Failure to Submit Field Blanks
- Failure to comply with the AIHA Code of Ethics
 - Violation of AIHA (I)(A)(1)
 - Violation of AIHA (I)(A)(5)
 - Violation of AIHA (II)(A)(1)
 - 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)
- None of the post mitigation samples were collected in a manner that was compliant with Colorado's mandatory regulations.
 - The property remains in a state of overt non-compliance.
 - FACTs recommends that the Governing Body prepare a list of properties assessed by this contractor for independent review, since the deficiencies identified here are an hallmark of this individual's work.
 - FACTs recommends that the Governing Body forward this critical review to the District Attorney's office to determine if the activities rise to the standard of criminal fraud.

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

HISTORY OF PROPERTY DOCUMENTATION

On June 28, 2011, Ms. Cindy Hunt contacted Forensic Applications Consulting Technologies Inc. (FACTs), and provided our office with a Public Domain document prepared by Mr. Thomas F. Antonson, with Occupational Health Technologies Inc. and which was identified as a Preliminary Assessment. Ms. Hunt informed us she had concerns the document did not comply with State regulations.

We reviewed the documentation provided, and on June 28, 2011, FACTs informed Ms. Hunt, in writing, of the following:

We reviewed the October 6, 2008 report prepared by Occupational Health Technologies for the property at 7465 Cabin Ridge Drive, Fountain, CO. Although the authors of the report identify the report as a "Preliminary Assessment" the report is not a Preliminary Assessment (PA). A "Preliminary Assessment" is a legal term defined by State Regulations 6 CCR 1014-3. A Preliminary Assessment is a process of completing several specified elements (that may or may not involve the collection of samples). The completion of each element of the PA is mandatory, and cannot be skipped, otherwise, the PA is invalid.

The report by Occupational Health Technologies for the property does not contain the necessary elements of a PA, and cannot be used as a PA. The report is grossly deficient, and has not been prepared according to mandatory State regulations. In fact, very little about the report is compliant with State regulations 6 CCR 1014-3. Essentially the consultant appears to have collected some samples at the property; however, even the collection of the samples was not performed in a manner compliant with State regulations. It would appear that Occupational Health Technologies was not aware of their obligations under the regulations or that they ignored their regulatory obligations. Either way, there is no Preliminary Assessment on record for this property.



We also informed Ms. Hunt of the following:

- The individual who prepared the October 6, 2008 document was not documented as being authorized to perform the work.
- Entry into the property was restricted by State statutes.
- Until such time that a legitimate Preliminary Assessment, and a legitimate Decision Statement had been prepared, entry into the property remained restricted by State statutes.

REVIEW OF THE OCTOBER 6, 2008 DOCUMENT

According to Colorado State Regulation 6-CCR 1014-3, following the discovery of an illegal drug lab as that term is defined in CRS §25-18.5-101, (which occurred no later than October 6, 2008, with the presentation of the Occupational Health Technologies Inc. (OHT) report), and following “notification,” (which occurred when the property owner received such information from OHT) the property must either be demolished or a “Preliminary Assessment” must be conducted at that property to characterize extant contamination (if any), and to direct appropriate decontamination procedures (if any). Pursuant to these regulations, information obtained in the Preliminary Assessment, must be used as the basis for remediation, and must be the basis for any final clearance sampling.

The Preliminary Assessment must be conducted according to specified requirements¹ 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 authorized Industrial Hygienist who not only meets the definition found in Section 24-30-1402 of the Colorado Revised Statutes, 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**

¹ Section 4 of 6 CCR 1014-3



laboratories, to conclude the presence of methamphetamine, its precursors as related to processing, or waste products.

The OHT reports contain so many gross errors, regulatory violations, omissions and false statements, and has been so completely incompetently prepared, that one is led to the obvious conclusion that the OHT author has no legitimate training or knowledge in clandestine drug laboratories. Therefore, the author is not qualified or authorized to perform the work. This conclusion is not subjective, but as described in detail later in this discussion, the author, Mr. Thomas F. Antonson, has violated State regulations by entirely failing to demonstrate that he has any kind of knowledge in performing the work at all. Additionally, the work by the author constitutes a gross violation of the AIHA² Code of Ethics, and we recommend that our confidential client report Mr. Antonson to the AIHA for those violations. We have provided additional detail in the section that deals with Regulatory Section 8.21.

In his report, 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 this company. We recommend that the Governing Body pull and review each of those reports, and warn the property occupants of the potential noncompliance of their properties.

Failure to Comply With Mandatory Elements of a Preliminary Assessment

FACTs has conducted a Critical Review of the document titled:

Preliminary Methamphetamine Assessment 7465 Cabin Ridge Road, Fountain, Colorado 80911. Prepared For: Mr. Dennis Jordan 347 Darlington Way, Colorado Springs, Colorado 80906. Prepared by: Mr. Thomas F. Antonson, (OHT). Date of Report: October 6, 2008

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:

Failure to Comply With Paragraph 4.1

According to State regulations, the Preliminary Assessment shall include a property description containing specific elements.

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

² American Industrial Hygiene Association



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.

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 provided a description of adjacent and/or surrounding buildings.

Failure to Comply With Paragraph 4.2

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist shall perform specific duties regarding law enforcement documentation:

4.2 Review of available law enforcement reports that provide information regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and observed areas of contamination or waste disposal.

OHT failed to perform its duties and fulfill regulatory requirements by failing to determine if law enforcement documents were available.

In its report, OHT merely stated:

Law Enforcement Reports

The owner of the property has not disclosed a copy of the Colorado Springs Police report regarding the incident to Occupational Health Technologies; therefore we are unable to incorporate information, including but not limited to: manufacturing methods, chemicals used, areas of contamination, chemical storage areas, waste disposal areas, cooking areas, plumbing system conditions, and signs of contamination from the police report in our report at this time.

The State regulations do NOT require property owners to “disclose” to the Industrial Hygienist law enforcement documentation. Instead, the State regulations require the Industrial Hygienist to “Review of available law enforcement reports...” The onus of determining which law enforcement documents are available and obtaining and reviewing those that are available is a professional obligation on the part of the Industrial Hygienist.

In this case, OHT alludes to the presence of law enforcement documents, and therefore, OHT ostensibly was aware of those documents and had a fiduciary responsibility to his client to attempt to obtain and review those documents as required by regulation.

OHT failed to perform its duty, and nowhere do we find that OHT made any attempts whatever to obtain and review the mandatory law enforcement documents.

Failure to Comply With Paragraph 4.4

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist shall identify the manufacturing process used on site. The information is imperative and indispensable during the Preliminary Assessment, since the decontamination efforts may be incumbent on the type of process used. Furthermore, the



post decontamination sampling shall be incumbent on the type of process used. The state regulations explicitly require the Industrial Hygienist to:

4.4. Identification of manufacturing methods based on observations and law enforcement reports.

Since OHT failed to attempt to obtain law enforcement records as required, OHT could not have complied with this provision. Similarly, since OHT has not demonstrated any documentable knowledge of manufacturing processes, and does not appear to have conducted any kind of a visual inspection as required, OHT personnel could not have determined if manufacturing took place. Since OHT did not document that it has any kind of legitimate knowledge in illegal drug laboratory assessments, there is no reason to expect OHT to have sufficient competency in recognizing, or knowing the significance or having the ability of discerning which method was used.

OHT entirely failed to perform its obligatory and professional duties, and entirely failed to even grasp the importance of this determination and the OHT report does not even address manufacturing anywhere within the body of the report.

State Regulations explicitly require the following:

7.3. If the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface wipe samples for lead shall not exceed a concentration of 40 µg /ft², and vapor samples for mercury shall not exceed a concentration of 1.0 µg /m³.

Similarly, according to State Regulations (6 CCR 1014-3 (7.2):

If there is evidence of iodine contamination on materials or surfaces that will not be removed, surface wipe samples for iodine shall not exceed a concentration of 22 µg/100 cm².

Had OHT possessed even the slightest rudimentary knowledge of clandestine drug laboratory assessment, OHT would have known that identification of the manufacturing process is imperative since one needs to determine what other contaminants may be present, and the final verification process **MUST** be based on these determinations.

Nowhere in the OHT documentation do we see where OHT has made any attempt to address these, or other, possible contaminants, and nowhere do we see that OHT even addressed this mandatory issue in its report.

Since there is no indication that OHT even make the slightest attempt to retrieve any law enforcement documentation, OHT simply appears to have entirely ignored this very important information, upon which both the decontamination and the final clearance sampling MUST be based.



Failure to Comply With Paragraph 4.5

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.5. Identification of chemicals used, based on observations, law enforcement reports, and knowledge of manufacturing method(s).

OHT entirely failed to perform its professional, regulatory obligations and duties and failed to fulfill this regulatory requirement by failing to identify the chemicals identified in the law enforcement documents or through any observations. It would appear the OHT merely walked through the house and collected some samples – even those samples failed to meet the regulatory requirements for sample collection.

Since OHT failed to attempt to obtain law enforcement records as required, OHT could not have complied with this provision.

Failure to Comply With Paragraph 4.6

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.6 Identification and documentation of areas of contamination. This identification may be based on visual observation, law enforcement reports, proximity to chemical storage areas, waste disposal areas, or cooking areas, or based on professional judgment of the consultant; or the consultant may determine that assessment sampling is necessary to verify the presence or absence of contamination...

OHT failed to perform its duties and fulfill regulatory requirements by failing to identify or recognize signs of contamination by either obtaining law enforcement documents or by even conducting a visual inspection. Instead OHT appears to have merely collected samples in the structure.

According to State regulations 6 CCR 1014-3, Paragraph 4.6, when an Industrial Hygienist collects samples, those samples MUST be collected pursuant to State regulations which state:

If the consultant determines that assessment sampling is necessary, such sampling shall be conducted in accordance with the sampling protocols presented in Appendices A and D. Sample analysis shall be conducted in accordance with the method requirements presented in Appendices B and D.

This section leads us to a point in OHT's report that is extremely convoluted. In their report, OHT makes the following statement:

Five sample sites were selected at random within the functional spaces. The five sample sites were combined to form one composite sample.

This creates several problems:



There was no composite information included in the report or described in the report.

Random sampling is not permitted by regulations for these conditions.

Composite Samples

Although OHT has identified that they collected composite samples, they failed to identify those composites as required by regulation.

Instead, OHT has listed 13 sample results. Also, since OHT has identified each area as 100cm², it is impossible to have complied with Appendix A which would have required 500 cm². It is impossible to reconcile the conflicting language in the OT report. As described above and later in this report below, the OHT report is presented in such a manner one has no idea of what work was actually done.

Random Sampling

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. OHT has exhibited gross technical incompetency in understanding Colorado's methlab regulations, and that lack of technical incompetence translated into gross errors and omissions during their work at the subject property.

Disturbingly, the language used in the OHT report is the EXACT same language FACTs observed in the "final report" OHT prepared two and a half years later. Therefore, it appears that OHT is in the habit of generating meaningless and false information for all projects regardless of actual site conditions and, in violation of State regulation 6 CCR 1014-3 Paragraph 6.3, falsifying the sampling description.

Since the OHT report is presented in such an unprofessional manner, it appears to be a jumble of reports from other properties, it is impossible to know exactly how many additional violations of regulation have occurred. Based on the available information in the October 6, 2008 report, OHT has nevertheless demonstrably violated the requirements of Appendix A .

Based on the fact that OHT failed to comply with so many other provisions of the State regulations, it is difficult to properly assess the samples that were collected. However, based on the limited information in the October 6, 2008 report, sample collection did not follow the protocols presented in Appendices A and D.

Failure to Comply With Paragraph 4.7

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.7. Identification and documentation of chemical storage areas.

Since OHT entirely failed to review the available law enforcement documents, as required by regulation, and since there is no documentation of a visual inspection by OHT, and since OHT entirely failed to address chemical storage in their report, OHT failed to comply with this mandatory provision.

Failure to Comply With Paragraph 4.8

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.8. Identification and documentation of waste disposal areas.

OHT failed to perform its duties and fulfill regulatory requirements by failing to identify the waste disposal areas. In their report, OHT entirely fails to even address the issue. Indeed, in their two reports, separated by two and a half years, for two different owners of the same property, under two completely different exposure scenarios, OHT makes the exact same declaration in their two reports:



October 8, 2011

Law Enforcement Reports

The owner of the property has not disclosed a copy of the Colorado Springs Police report regarding the incident to Occupational Health Technologies; therefore we are unable to incorporate information, including but not limited to: manufacturing methods, chemicals used, areas of contamination, chemical storage areas, waste disposal areas, cooking areas, plumbing system conditions, and signs of contamination from the police report in our report at this time.

July 14, 2011

Law Enforcement Reports

The owner of the property has not disclosed a copy of the Colorado Springs Police report regarding the incident to Occupational Health Technologies; therefore we are unable to incorporate information, including but not limited to: manufacturing methods, chemicals used, areas of contamination, chemical storage areas, waste disposal areas, cooking areas, plumbing system conditions, and signs of contamination from the police report in our report at this time.

FACTs concludes that OHT simply grinds out the same reports over, and over again, without any consideration for actual site conditions.

Failure to Comply With Paragraph 4.9

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

- 4.9. Identification and documentation of cooking areas.

This is imperative information, where available, since it helps to direct proper decontamination as well as final clearance sampling activities.

In their report, OHT entirely failed to address the issue as required by regulation.

Failure to Comply With Paragraph 4.10

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

- 4.10 Identification and documentation of signs of contamination such as staining, etching, fire damage, or outdoor areas of dead vegetation.

Nowhere in the OHT report do we find that OHT even addressed this mandatory element for a Preliminary Assessment. However, the photographs provided by OHT in their second report clearly exhibit signs of stressed vegetation.



Failure to Comply With Paragraph 4.11

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.11. Inspection of plumbing system integrity and identification and documentation of potential disposal into the sanitary sewer or an individual sewage disposal system (ISDS). ... *et seq.*

Clearly OHT simply exhibited absolutely no effort to perform its regulatory and professional obligation since it made absolutely no attempt to comply with this section of the regulations.

Failure to Comply With Paragraph 4.12

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.12. Identification of adjacent units and common areas where contamination may have spread or been tracked.

Nowhere in the OHT report do we find that OHT even addressed this mandatory element for a Preliminary Assessment. However, the photographs provided by OHT in their second report, and commercially available aerial photography, clearly show areas where contamination could have spread to adjoining properties.

Failure to Comply With Paragraph 4.14

During the Preliminary Assessment, the Industrial Hygienist is required to provide:

Photographic documentation of property conditions, including cooking areas, chemical storage areas, waste disposal areas, and areas of obvious contamination.

Since OHT failed to meet its regulatory, professional and fiduciary responsibilities by failing to identify these areas, it is not surprising that OHT failed to meet its obligations by photographing them.

Failure to Comply With Paragraph 6.1

State regulations require that samples 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

Since insufficient information was included in the initial report, there is no way of knowing exactly from where samples were collected (also, there were no photographs included in the initial report provided to us by Ms. Hunt). However, judging that OHT failed to follow this requirement in their second report, there is a good reason to believe that they ignored this requirement in their initial visit as well.



Failure to Comply With Paragraph 6.3

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 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.

Similarly, Appendix A, being referenced above states:

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

Therefore, since OHT collected 13 samples, mandatory compliance QA/QC would have included at least two blanks. In violation of Appendix A, OHT did not submit any blanks. Although the failure to submit blanks is not a fatal flaw, we see that the same error was also repeated in OHT's second report, and note that in the context of all of the above identified deficiencies, and the many more described below, OHT's standard of care is so poor, in our opinion, as to rise to the level of gross malfeasance.

Failure to Comply With Section 8

State Regulation 6 CCR 1014-3 contains several required elements to be included in the final documentation. Some of those elements that must be included in the final documentation must necessarily come from the Industrial Hygienist performing the Preliminary Assessment; specifically:

- Section §8.11
- Section §8.12
- Section §8.13
- Section §8.14
- Section §8.20
- Section §8.21
- Section §8.22
- Section §8.23

Failure to Comply With Paragraph 8.11

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:



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

Nowhere in the OHT report, do we find where this information has been provided for inclusion in the final documentation. In fact, OHT is so unfamiliar with its own sampling and analysis procedures, it falsely claims that its laboratory is analyzing the samples by high pressure liquid chromatography (HPLC). Yet, if OHT had simply read their own laboratory report, they would have known that Reservoirs Laboratory did NOT analyze the samples by HPLC but, as clearly stated on the Reservoirs report, the samples were analyzed by gas chromatography coupled with a mass spectrophotometer; and that information is printed very clearly and explicitly on the Reservoirs report.

Also, Reservoirs did NOT use the d-5 deuterated methamphetamine as claimed by OHT. OHT simply made this up. It would appear that OHT simply invents information on their reports regardless of actual objective facts.

Failure to Comply With Paragraph 8.12

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

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

As already stated, OHT was so remarkably incompetent that they were entirely unaware of the laboratories methods, and OHT entirely failed to comply with mandatory QA/QC requirements.

Failure to Comply With Paragraph 8.13

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document 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.

Nowhere in the OHT report, do we find any drawings indicating sample locations as required by State regulations.

Furthermore, nowhere in the document do we find where OHT has actually even described their sample locations. Instead, we merely see descriptions such as “Upper Floor Kitchen.” This is a description of a room, not a sample location.

A description of a sample location, along with the mandatory figure, is that which would permit the reader to understand exactly where the sample was collected. This information is not provided, and therefore, the author cannot demonstrate that he actually followed the mandatory provisions of Appendix A of the regulations.



Failure to Comply With Paragraph 8.14

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

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

Nowhere in the OHT report, do we find the information as required by State regulations.

Failure to Comply With Paragraph 8.20

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document 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.

Nowhere in the OHT report, do we find the photographs as required by State regulations. However, since there is an appendix identified as Photographs, we presume photographs were included somewhere but not provided.

However, since OHT entirely failed to follow State regulations and identify cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination, and sampling locations, those areas could not have been included in the photographic record.

Failure to Comply With Paragraph 8.21

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document 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 Mr. Antonson's statement of qualifications, professional certification or qualification, or a description of Mr. Anderson's experience in assessing contamination associated with methamphetamine labs. OHT has entirely failed to perform this duty and provide that information. As an example of a *bone fide* SOQ, the author of this review has appended a copy of his SOQ to this discussion.

In their documentation, Mr. Antonson merely provides a document of certification for the laboratory that he used for sample analysis. However, this speaks to the issue of the competency of the laboratory, not to the competency of the consultant. In any event, as already described, Mr. Antonson entirely failed to even understand what the laboratory



was doing, and how they were doing it, and he falsely attributed to the lab conditions that simply don't exist.

In his documentation Mr. Antonson fails to document his experience and simply states:

Our Industrial Hygienists have more than 15 years of experience in the field of Industrial Hygiene including the investigation of methamphetamine laboratory contamination. Since 2002, Occupational Health Technologies has investigated over forty suspected and confirmed methamphetamine labs.

It is important to note that this is the EXACT same language that appears in his second report that was prepared two and a half years later. Therefore, from this language we can surmise three troubling points:

1. Mr. Antonson has botched at least 40 other property assessments.
2. Mr. Antonson simply uses "boilerplate" language regardless of actual facts.
3. Mr. Antonson has misrepresented his credentials and experience and has no actual legitimate experience in performing Preliminary Assessments, but may have experience in inventing his own make-believe rules and procedures.

As already stated, one of the mandatory provisions, pursuant to state regulations, is that assessments of properties within the scope of the regulation can only be performed by an authorized Industrial Hygienist who not only meets the definition found in Section 24-30-1402 of the Colorado Revised Statutes, 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.

The OHT reports are so many grossly errant, and contain so many regulatory violations, omissions and false statements, FACTs cannot help but conclude the author has no legitimate training or knowledge in clandestine drug laboratories and/or the regulations surrounding the performance of the assessments. Therefore, the author is not qualified or authorized to perform the work.

Violations of the AIHA Code of Ethics

The author states he is a member of the American Industrial Hygiene Association. Therefore, it is imperative for FACTs to point out that the work performed by Mr. Antonson's work 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 and yet to be delineated below, 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 states 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 Governing Body.

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

In his report, 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 this company. We recommend that the Governing Body review each of those reports, and warn the property occupants of the noncompliance of their properties.



Failure to Comply With Paragraph 8.22

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

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

In the preceding document, FACTs has identified scores of deviations from standard practices, and yet not a single one of these deviations has been identified by OHT in their report, as required by regulations.

Failure to Comply With Paragraph 8.23

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

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."

Nowhere in the OHT report does this mandatory language appear. OHT has utterly failed to perform its duties in the assessment of this property.

DECONTAMINATION

Based on our observations, and based on the available documentation, no decontamination, as required by regulation, occurred at the property.

It would appear that the seller simply (and unlawfully) painted over surfaces.

Based on the totality of circumstances, FACTs has identified that, at a minimum, the remediation contractor failed to comply with the following provisions of mandatory Colorado Regulations:

- Failure to Comply With Section 4.0
- 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 §5.8



- Failure to Comply With Appendix C
- Failure to Comply With Paragraph 1
- Failure to Comply With Paragraph 2
- Failure to Comply With Paragraph 5
- Failure to Comply With Paragraph 7
- Failure to Comply With Paragraph 8
- Failure to Comply With Paragraph 9
- Failure to Comply With Paragraph 10
- Failure to Comply With 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, any attempts to clean the property were unlawful to the extent that the cleanup must be based on the Preliminary Assessment.

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.

As described later, the mandatory information regarding decontamination was not provided. FACTs concludes there was no decontamination that 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.

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.



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.

Failure to Comply With Paragraph §5.5

State regulations require the decontamination of contaminated ventilation systems.

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.

OHT was required by regulation to either assume the ventilation duct system was contaminated and require its decontamination or, OHT was required to clear the ventilation system through specific sampling requirements. In fact, based on the available information, OHT did neither.

The Contractor was required to clean or remove the ventilation system. Neither of these options appears to have occurred, and the contaminated system was apparently never addressed.

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. 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 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.

Failure to Comply With 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.

No specific plan appears to have been developed by anyone for this property.

Failure to Comply With Paragraph 2

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; this section was obviously not followed.

Failure to Comply With Paragraph 5

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

This task apparently was never performed since there is no documentation that even addresses this issue.

Failure to Comply With Paragraph 7

7. Remove and clean all return air grills.

According to the available photographs, we observed that the return grilles had not been removed, and there is no documentation to support the grilles had been cleaned.

Failure to Comply With 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.

There is no documentation to support that this work had been performed.



Failure to Comply With Paragraph 9

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

There is no documentation to support the completion of this task.

Failure to Comply With Paragraph 10

10. Remove and clean all supply diffusers.

There is no documentation to support that this work had been performed.

Failure to Comply With Paragraph 11

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

There is no documentation to support that this work had been performed.

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.

Contrary to popular belief, the Industrial Hygienist's role is not to find out if the remediation contractor cleaned the property but to prove the following:

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, OHT utterly and entirely failed to perform its regulatory and contractual obligations and utterly failed to comply with regulations.

FACTs reviewed the document titled Final Methamphetamine Assessment, dated July 14, 2011, prepared by Thomas F. Antonson, Occupational Health Technologies.

The July 14, 2011, document appears to be virtually identical in almost every respect to the October 6, 2008 document.



Executive Summary

Based on the totality of circumstances, FACTs makes the following observations:

- State regulations require post mitigation activities to be performed at the subject property. No post mitigation assessment was ever performed for this property.
- Although OHT was on site, and claimed to comply with State regulations, OHT entirely failed to comply with State regulations. Specifically, FACTs has identified a failure to comply with the following sections of 6 CCR-1014-3 and State Statutes:
 - 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 §8.3
 - 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
 - Failure to Comply With Paragraph §8.9
 - Failure to Comply With Paragraph §8.11
 - Failure to Comply With Paragraph §8.12
 - Failure to Comply With Paragraph §8.13
 - Failure to Comply With Paragraph §8.14
 - Failure to Comply With Paragraph §8.15
 - Failure to Comply With Paragraph §8.16
 - Failure to Comply With Paragraph §8.16
 - Failure to Comply With Paragraph §8.18
 - Failure to Comply With Paragraph §8.19
 - 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
 - Colorado Criminal Code – Fraud; Offering a false instrument for recording
 - Failure to Clear the Ventilation System (viz: Section 6.0)
 - Failure to Collect Lawful Post Mitigation Clearance Samples
 - Failure To Test the Mandatory Hypothesis
 - Failure to Collect Samples As Required
 - Failure to Comply with Section 6.1.1
 - Violation of Appendix A
 - Collection of Samples From Prohibited Porous Surfaces
 - Collection of Prohibited Composites
 - Failure to Collect Sufficient Surface Areas
 - Failure to Submit Field Blanks
- Failure to comply with the AIHA Code of Ethics
 - Violation of AIHA (I)(A)(1)
 - Violation of AIHA (I)(A)(5)
 - Violation of AIHA (II)(A)(1)
 - 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)
- Samples were collected from prohibited surfaces
 - None of the post mitigation samples were collected in a manner that was compliant with Colorado's mandatory regulations.
 - The property remains in a state of overt non-compliance.
 - FACTs recommends that the Governing Body prepare a list of properties assessed by OHT for independent review, since the deficiencies identified here are similar in nature and scope to those we observed in the October 6, 2008 report and thus an hallmark of this individual's work.
 - FACTs recommends that the Governing Body forward this critical review to the District Attorney's office to determine if the activities rise to the standard of criminal fraud.

Introduction

Following a remediation action, an Industrial Hygienist is required by regulation to assess the property for adequacy of decontamination and collect a specific number of samples of a specific size from specific locations.

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

The document prepared by OHT is a jumble of false statements, contradictions, errors and omissions. For example, in some places OHT identifies the document as a Preliminary Assessment and in other places OHT contradicts itself and identifies the document as a Final Clearance document. In some places OHT states that 6 CCR 1014-3 does not apply to this property and in other places OHT states that 6 CCR 1014-3 does apply. In some places OHT states they collected just five composite samples and in other places in the document, OHT states they collected 13 discreet samples.

The author falsely states that Colorado Regulations 6 CCR 1014-3 do not apply to this property. To be sure, 6 CCR 1014-3 definitely does apply to this property, and, in fact, in its October 8, 2008 document, OHT acknowledges that the regulations do apply, and the property must be brought into compliance.

The document falsely states:

I do hereby certify that I conducted a Final Assessment of the subject property in accordance with 6 CCR 1014-3 §4...



However, Section 4 of 6 CCR 1014-3 pertains to a Preliminary Assessment, not the final verification assessment. And, as clearly demonstrated in the previous section, OHT entirely failed to comply with Section 4 of 6 CCR 1014-3.

The OHT document continues on with:

...and that I conducted post decontamination clearance sampling in accordance with 6 CCR 1014-3 §6...

As we will demonstrate below, OHT entirely fail to comply with the mandatory provisions of Section of 6 CCR 1014-3.

The OHT document continues on with:

I further certify that the subject property has been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3 §5...

As described in the section above, the available information indicates that the property was never decontaminated, and indeed, OHT itself, has entirely failed to provide the mandatory documentation on any supposed decontamination.

The OHT document continues with:

And that the cleanup standards established by 6 CCR 1014-3 §7 have been met as evidenced by the testing I conducted.

As we will describe below, OHT entirely failed to perform its duties in accordance with Sections 6 and 7, and therefore, OHT cannot lawfully make the certification. In short, the certification appears to constitute criminal fraud as described later.

In short, the July 14, 2011 report is an unintelligible jumble of mismatched words and phrases, and partial descriptions of unlawfully collected samples.

Failure to Comply With Section 8.0

Section 8 of the Colorado Regulations require 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.

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 provided a description of adjacent and/or surrounding buildings.

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.

OHT failed to perform its duties and fulfill regulatory requirements by failing to provide a description of the manufacturing methods and chemicals used, and failed to determine if law enforcement documents were even available.

Similarly, since OHT has not demonstrated any documentable knowledge of manufacturing processes, and does not appear to have conducted any kind of a visual inspection as required, OHT personnel could not have determined if manufacturing took place. Since OHT did not document that it has any kind of legitimate knowledge in illegal drug laboratory assessments, there is no reason to expect OHT to have sufficient competency in recognizing, or knowing the significance or having the ability of discerning which method was used.

OHT entirely failed to perform its obligatory and professional duties, and entirely failed to even grasp the importance of this determination and the OHT report does not address manufacturing anywhere within the body of the report.

Failure to Comply With Paragraph §8.3

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

8.3. If available, copies of law enforcement reports that provide information regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and observed areas of contamination or waste disposal.



Law enforcement documents do not copy and deliver themselves without solicitation to consultants. Consultants have the obligation to determine if such documents are in fact available. OHT entirely failed to perform its duty and entirely failed to comply with this regulatory requirement.

OHT failed to perform its duties and fulfill regulatory requirements by failing to determine if law enforcement documents were available.

In its report, OHT merely stated:

Law Enforcement Reports

The owner of the property has not disclosed a copy of the Colorado Springs Police report regarding the incident to Occupational Health Technologies; therefore we are unable to incorporate information, including but not limited to: manufacturing methods, chemicals used, areas of contamination, chemical storage areas, waste disposal areas, cooking areas, plumbing system conditions, and signs of contamination from the police report in our report at this time.

Disturbingly, this is the exact same language as found in the October 6, 2008 document. The State regulations do NOT require property owner to “disclose” to the Industrial Hygienist law enforcement documentation. Instead, the State regulations require the Industrial Hygienist to “Review of available law enforcement reports...” The onus of determining which law enforcement documents are available and obtaining and reviewing those that are available is a professional obligation on the part of the Industrial Hygienist.

In this case, OHT alludes to the presence of law enforcement documents, and therefore, OHT ostensibly was aware of those documents and had a fiduciary responsibility to their client to attempt to obtain and review those documents as required by regulation.

OHT failed to perform its duty, and nowhere do we find that OHT made any attempts whatever to obtain and review the mandatory law enforcement documents.

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.

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 the 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 the 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).

Although the photographs included in the OHT report clearly indicate such areas, 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.

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.

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. OHT falsely identifies the analytical procedure as HPLC, and falsely identifies the internal standard as a d-5 deuterated methamphetamine (FACTs believes the standard is the d-14), and falsely states they collected composite samples but apparently report discreet samples in some cases, and entirely failed to submit the mandatory blanks.

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.

In spite of the fact, that the laboratory clearly identified the method used as a gas chromatography mass spectrometer, OHT falsely identifies the analytical procedure as a high pressure liquid chromatography method. As already mentioned, OHT also falsely identified the internal standard as a d-5 deuterated methamphetamine, and failed to submit the mandatory blanks.

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. Furthermore, even the description of the final samples is completely self-contradictory. In some parts of the report, the author states he collected five samples and composited the five locations into a single analysis, but then the author reports thirteen discreet samples. OHT entirely failed to provide any of the mandatory figures of sample locations, and entirely failed to properly identify sampling locations. In some cases, such as the Kitchen, one can piece together the actual locations of the samples, from the photographs, but those same photographs 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.

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.

It would appear from the photographs that surfaces were simply painted (encapsulated). 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 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.

OHT has entirely failed to comply with this section, and we do not see a description of the sample locations, and we do not 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 of the areas at the subject property. Since OHT failed to perform their duty and failed to identify cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination, and all sampling and decontamination procedures, OHT obviously could not provide photographs of the same.

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 Mr. Antonson's statement of qualifications, professional certification or qualification to perform the work, or a description of Mr. Anderson's experience in assessing contamination associated with methamphetamine labs. OHT has entirely failed to perform this duty and provide that information.



In their documentation Mr. Antonson merely provides a document demonstrating that he is a member of the AIHA and a certificate that he attended a five day Industrial Hygiene review class in 1987 (the author of this Critical Review, (Connell) has taught portions of the review, and can attest that the class could not have covered clandestine drug laboratory assessments). In his documentation Mr. Antonson fails to document his experience and simply states:

Our Industrial Hygienists have more than 15 years of experience in the field of Industrial Hygiene including the investigation of methamphetamine laboratory contamination. Since 2002, Occupational Health Technologies has investigated over forty suspected and confirmed methamphetamine labs.

It is important to note that this is the EXACT same language that appears in his first report that was prepared two and a half years earlier. Therefore, from this language we can surmise the following:

- 1) Mr. Antonson has botched at least 40 other property assessments.
- 2) Mr. Antonson simply uses “boiler plate language regardless of actual facts.
- 3) Mr. Antonson has misrepresented his credentials and experience and has no actual legitimate experience in performing Preliminary Assessments, but may have experience in inventing his own rules and procedures.

As already stated, one of the mandatory provisions, pursuant to state regulations, is that assessments of properties within the scope of the regulation can only be performed by an authorized Industrial Hygienist who not only meets the definition found in Section 24-30-1402 of the Colorado Revised Statutes, 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.

The OHT report is so grossly errant, and contains so many regulatory violations, omissions and false statements, FACTs cannot help but conclude the author has no legitimate training or knowledge in clandestine drug laboratories and/or the regulations surrounding the performance of the assessments. Therefore, the author is not qualified or authorized to perform the work.

Violations of the AIHA Code of Ethics

The author states he is a member of the American Industrial Hygiene Association. Therefore, it is imperative for FACTs to point out that the work performed by Mr. Antonson’s work constitutes a gross violation of the AIHA Code of Ethics. Specifically, Mr. Antonson has violated the following AIHA Codes of Ethics:



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

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

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

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)

We addressed each of these in the preceding discussion and refer the reader to that section.

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 those variations from regulation and Standard Industry Practices 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):

1. OHT did not conduct post decontamination clearance sampling in accordance with 6 CCR 1014-3



2. There is no documentable evidence pursuant to regulation that the property has met the clean-up standards established by 6 CCR 1014-3
3. OHT did not perform ANY valid post decontamination testing.

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."

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 OHT knew that the work it was performing was grossly incompetent and not in compliance with State Regulations (as demonstrated above) or, 2) OHT was unaware of the fact that their work was grossly deviating from mandatory State requirements.

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

However, since OHT presents themselves as knowledgeable, one must surmise that 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, Ms. Hunt, 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 June of 2011, Ms. Hunt was made aware of the fact that the work provided by ORT was fatally flawed, and was not valid.

Similarly OHT explicitly states they possess knowledge of the regulations, and therefore, establish the fact that they are aware of such recording.

We recommend that the situation be forwarded to the District 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, and has, with foreknowledge, failed to perform its regulatory and professional obligations in this matter.

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 clearance samples were collected from the ventilation system. In their report, OHT alludes to collecting samples from the “HVAC supply and returns” however, OHT photographs indicate that the samples were collected from the exterior of the system and not the interior.

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

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



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

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.

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.)



Failure To Collect Lawful Post Mitigation Clearance Samples

In their July 14, 2011 report, OHT falsely states that

...and that I conducted post decontamination clearance sampling in *accordance with 6 CCR 1014-3 §6...*

However, no final verification samples were collected from the property in a manner compliant with State regulations.

None of the samples that were collected may lawfully be used for clearance purposes. We will detail these violations below.

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.

Failure to Collect Samples as Required

Failure to Comply with Section 6.1.1

Because Mr. Antonson has no documentable knowledge in the assessment of clandestine drug laboratories, and because Mr. Antonson is not qualified to perform the work as evidence by his gross incompetence, and Mr. Antonson has NO documented expertise in such sample collection (and indeed, as demonstrated above, invents his own sampling



procedures), Mr. Antonson utterly failed to recognize which areas would represent bias and which areas would not. As a result, biased samples were not collected.

In fact, in their report, OHT explicitly states they violated state regulations by stating the following:

Five sample sites were selected at random within the functional spaces. The five sample sites were combined to form one composite sample.

According to State regulations, samples must be collected from areas expected to have the highest levels of contamination. State regulations explicitly require:

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

In this case, OHT lacked any demonstrable knowledge of clandestine drug lab issues and, as such, failed to understand that the samples he collected were in violation of State regulations. Specifically, OHT collected samples from random areas and further collected samples from areas expected to have the lowest levels of contamination and collected samples from prohibited surfaces.

Since OHT failed to properly identify the sample locations, we must resort to the information in the photographs included in the July 14, 2011 report. In each case, where there is a photograph of a sample, the photograph confirms the sample was collected from an area where a legitimate, qualified Industrial Hygienist would expect to find the lowest levels of methamphetamine.

In one photograph, as a remarkable example of gross incompetence, Mr. Antonson is seen actually collecting a sample from a window (which he would later combine with a drywall sample)! A legitimate, qualified Industrial Hygienist would have a difficult time explaining how a window represented the highest area of contamination in a room, especially when the photographic series for the room actually shows surfaces that would be expected to represent the highest contamination potential, but were completely missed by OHT.

Violation of Appendix A

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, porous surfaces are exactly where Mr. Antonson collected several of his samples. For example, in his photograph of his sample location in the Garage Attic, OHT explicitly indicates that they collected their samples from a porous piece of wood, even though there are suitable, nonporous, surfaces in the photograph.



Since OHT entirely failed to properly document their sample locations, we must assume that all ten samples were from similarly porous areas. (We don't actually know if it was ten samples or two samples since the OHT report indicated in one location the samples were five parted composites but in another area of the report, indicates the samples were not composites, but were actually discretely)

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, that is precisely what OHT did – mix matrices. For example, in the photographs of the Southeast Bedroom, and the Bathroom, the photographs clearly show that glass substrates were routinely mixed with painted drywall.

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 appears to have ignored the regulatory requirement and states there is no documentation provided to demonstrate that 500 cm² was actually collected from each Functional Space. For example, two attics are identified in the report; nowhere is the sample description for these areas provided as required by regulation. Therefore, we look to the photos for clues and we see that only one sample has been documented for one of the attics – and that one sample has two flaws: 1) It was collected from a prohibited surface (a porous piece of wood); and 2) the total surface area is only 80 cm² and not 100 cm² or 500 cm² as claimed in the report.

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, based on 13 functional spaces, OHT was required by regulation to submit two blanks. OHT failed to submit any blanks.

CONCLUSIONS

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 these parties, be reviewed by law enforcement personnel for evaluation of possible criminal activity.

A handwritten signature in black ink, appearing to read 'Caoimhín P. Connell', written in a cursive style.

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:	Cabin Ridge	Form # ML15
Date	October 14, 2011	
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. Mr. Connell served as the Industrial Hygiene Subject Matter Expert for the Department of Homeland Security, IAB (Health, Medical, and Responder Safety SubGroup), from 2009 and was elected full member of the HMRS in 2011, and he conducted the May 2010 Clandestine Drug Lab Professional Development Course for the AIHA.

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 240 assessments in illegal drug labs in Colorado, Nebraska and Oklahoma, and collected over 2,475 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.

185 BOUNTY HUNTER'S LANE, BAILEY, COLORADO 80421
PHONE: 303-903-7494 www.forensic-applications.com