



EL PASO COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT

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Methamphetamine Manufacturing Laboratory Cleanup Requirements Per Colorado Regulations

In March 2005, the Colorado Department of Public Health and Environment instituted the *Colorado Board of Health Regulations Pertaining to the Cleanup of Methamphetamine Laboratories* (6 CCR 1014-3). The information below summarizes the basic elements of these regulations.

- When an owner has received notification that his/her property has been used to manufacture methamphetamine, the owner is required by State regulations to either demolish the property, or to have an industrial hygienist conduct an assessment of the property to determine if a cleanup is required. One step of that cleanup process is to measure contaminant levels, which must meet specific requirements provided in 6 CCR 1014-3(7.0).
- If the industrial hygienist concludes that certain contaminant levels do not exceed those allowed by State regulations, no cleanup is required and the property owner does not need to take any further action.
- If the industrial hygienist concludes that contaminant levels do exceed those allowed by State regulations, a cleanup is required. Ordinarily, it is unlikely that a property used to manufacture methamphetamine will receive a favorable assessment by the industrial hygienist, so most owners forego the expense of sampling and testing and simply accept that a cleanup will be required.
- Once the requirement for a cleanup has been established, a work plan must be developed that is in accordance with State regulations. Anyone may author a work plan. However, it is recommended that an industrial hygienist approve the work plan since he/she must certify that the cleanup standards have been met as evidenced by testing done by the industrial hygienist.
- There are no special legal requirements for methamphetamine laboratory cleanup contractors, but inadequately trained personnel may present a danger to themselves and others and may create liability issues for the property owner. In addition, work done by inadequately trained personnel may not result in the required clean-up standards being met. Therefore, it is recommended that the industrial hygienist approve the cleanup contractor. Note that the industrial hygienist must be independent of the cleanup contractor to avoid a potential conflict of interest. This is a legal requirement unless the industrial hygienist and the contractor are both employees of the same owner.
- After the cleanup is performed, follow up sample tests must show that the property meets the cleanup standards established by State regulations. Furthermore, the final report must include a specifically worded statement, signed by the industrial hygienist, indicating that the cleanup was conducted in accordance with State regulations.
- By law, the final report must be submitted to the "Governing Body" (per Colorado statute CRS 25-18.5-101(2.5)). In El Paso County, no Governing Body has been established by the Board of County Commissioners or by any municipal council, so by statutory default, the Governing Body is three agencies: the El Paso County Department of Health and Environment; the building department; and the local law enforcement agency with jurisdiction over the property in question.
- Once the Governing Body has received the final report, the law confers immunity to the owner from future health-based lawsuits upon the property owner. However, there is no legal requirement for the Governing Body to review, approve, or even maintain a copy of the cleanup report. It is recommended that the property owner always keep his or her own copy of the report.
- After an industrial hygienist has cleared a property, the owner may request for the property to be removed from any government-sponsored informational listing of methamphetamine laboratories. In El Paso County, a list of known methamphetamine laboratories is maintained by the Colorado Springs Police Department on the Springsgov.com website. An owner can request that his/her property be removed from the list by providing a copy of the industrial hygienist's clearance statement and making a written request to the Colorado Springs Metro VNI (Vice, Narcotics and Intelligence) Unit.

For information regarding the potential health effects of exposure to methamphetamine or for additional information regarding methamphetamine laboratory clean up, please refer to the following web resources:

- Colorado Department of Public Health and Environment, "Meth Lab Frequently Asked Questions"
<http://www.cdphe.state.co.us/hm/methlabfaq.pdf>
- Colorado Department of Public Health and Environment, "Cleanup of Methamphetamine Labs"
<http://www.cdphe.state.co.us/hm/methlabfactsheet.pdf>