Citizen Request #4967

Tuesday, September 4, 2012 4:00 PM

From:

"WHITTEMORE, Joan" <WHITTEJO@ci.colospgs.co.us>
Add sender to Contacts

To:

"admin@forensic-applications.com" <admin@forensic-applications.com>

Mr. Connell:

I had one of my detectives respond to 2045 Farnsworth Drive and contact a worker at the residence. Ultimately, the worker's boss was contacted by my detective and advised of the standards for cleaning set forth in 6 CCR 1014-3. He was advised of the dangers of having someone working inside of a contaminated residence without the proper equipment and that he could be civilly liable for any long term effects which resulted. He was further advised that the materials removed from the residence would be considered hazardous materials and would need to be disposed of appropriately.

Additionally, I provided the Colorado Department of Public Health and Environment with the report you sent to me. The Department conceded they were not provided a copy of the Preliminary Assessment for review however, sent me a letter in response that addressed some of your points in the report you did provide.

Here are some of the excerpts from the State's letter to me:

> 1. "There is no requirement in 6 CCR 1014-3 (the Cleanup Regulation) that a preliminary assessment *document* be generated. Section 4.0 of the Cleanup Regulation sets forth specific information to be collected during a preliminary assessment; however, the only reporting requirement is that specified in Section 8.0, for the final report to be submitted after the cleanup and clearance sampling are complete…Further, Mr. Connell erroneously includes information required under Section 8.0 of the Cleanup Regulation in the list of "mandatory" information required for a preliminary assessment. The requirements of Section8.0 apply to the final report, not the preliminary assessment, unless the preliminary assessment is being used as a final report, and complies with the clearance sampling requirements of Section 6.0 and the Cleanup levels set forth in Section 7.0."
> 2. Throughout the IH Review, the term authorized Industrial Hygienist" is used. This is not a defined term in the Cleanup Regulation nor Section 25-18.5-101, C.R.S., et. Seq. (the Cleanup Statute). There is no program in place to "authorize" an industrial hygienist to perform work under the Cleanup Regulation, and there is no specific training or knowledge required. The Cleanup Regulation merely requires that a person filling the role of "Consultant" as defined in Section 3.0 of the Cleanup Regulation, be either a Certified Industrial Hygienist, certified by the American Board of Industrial Hygiene, or be an industrial hygienist as defined in Section 24-30-1402, C.R.S. The Cleanup Regulation requires the industrial hygienist to provide a statement of qualifications with the final report, but there is no such requirement for a preliminary assessment *document* since there is no requirement for such a document unless it is also being used as the final report."
> 3. "…The Department understands that there are instances in which information requested in Sections 4.0 and 8.0 of the Cleanup Regulation is either not available, or not applicable. At

properties such as the subject property where the drug activity took place years before the Preliminary Assessment was conducted, there are often no observable signs of contamination or evidence of manufacturing. Similarly, there are no shared ventilation systems or adjacent units to assess at single family homes such as the subject property…"

4. "The Department disagrees with Mr. Connell's statement in the IH Review that the sampling conducted during the Preliminary Assessment was 'a complete waste of financial resources and was not needed.' Further, Mr. Connell's statement that 'NOWHERE in the State regulation is there a requirement to perform sampling ' is false. Section 4.6 of the Cleanup Regulation states that 'the consultant may determine that assessment sampling is necessary to verify the presence or absence of contamination' and Section 6.0.1 states: 'Except as provided in 6.0.2, assessment sampling shall be conducted as part of the preliminary assessment to characterize the nature and extent of contamination….Therefore, it was appropriate to conduct assessment sampling to verify contamination, and to determine the nature and extent of contamination to aide in the development of a decontamination plan."

5. "Mr. Connell includes a satellite image that he states 'clearly documents areas of dead vegetation.' The image included does not provide the level of detail necessary to support such a determination. Further, a review of what appears to be the same satellite image, available on the internet, reveals the appearance of dead or non-existent vegetation at all the properties and the surrounding open space in the vicinity."

6. The discussion, assertions and opinions regarding Sections 8.7, 8.11, 8.12, 8.13, 8.14, 8.21, 8.22, 8.23 and 8.24 of the Cleanup Regulation are not relevant to the Preliminary Assessment since these requirements apply only to the final report. The misapplication of these requirements demonstrates Mr. Connell's lack of understanding of the process set forth by the Cleanup Regulation."

> "…the Department was not provided a copy of the Preliminary Assessment for review, and therefore cannot provide an opinion as to its accuracy or level of compliance with the Cleanup regulation. However, based on the information available the Department does not believe that the information and opinions provided by Mr. Connell support his allegation of criminal conduct."

Based on our observations, there was no criminal activity occurring at the subject address. I hope this information has been helpful.

Sergeant Lori Harrell

Metro Vice & Narcotics

705 S. Nevada Avenue

Colorado Springs, CO 80903

(719) 444-7513

harrello@ci.colospgs.co.us

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

September 19, 2012

Sgt. Harrell
Vice and Narcotics
Colorado Springs Police Department
705 S Nevada Avenue
Colorado Springs, CO 80903

RE: 2045 Farnsworth Drive, Colorado Springs, CO

Dear Sgt. Harrell:

Thank you for the recent email communication from Ms. Joan Wittemore of your office to Mr. Connell of my office regarding our Critical Review of the Farnsworth Drive property.[1]

It is a pity that a single member within the Colorado Department of Public Health and Environment has been responsible for the promotion of virtually all of the violations of state regulations we have observed -either proximally or directly; and has personally engaged in activities that have violated State regulations. It is no wonder that so many victims are now emerging when the office ostensibly charged with safeguarding regulations contains an employee who actively violates those very regulations, and actively promotes the violation of regulations.

Regarding the letter you received from the CDPHE, I would like to clarify a few points and fill in some of the areas the CDPHE neglected to mention.

When the CDPEH convened and then chaired the committee tasked with writing the new methlab regulations, they asked my senior Industrial Hygienist, Mr. Connell to write the original language for the State regulations regarding the assessment of methlabs. The committee asked Mr. Connell to write the original draft precisely because Mr. Connell understood clan-lab assessments, had extensive experience in environmental assessment techniques and toxicological modeling.

At the request of the CDPHE committee, Mr. Connell wrote the original assessment language that now appears as State regulations, almost verbatim. Since Mr. Connell was an employee of mine at the time, our office retains the original copies of Mr. Connell's original language, if there was ever a dispute to the assertion that Mr. Connell was the original author.

When the CDPHE accepted Mr. Connell's draft language and adopted the language as the new regulations, it was precisely because the CDPHE committee recognized that Mr.

[1] http://forensic-applications.com/meth/Farnsworth_Critical_Review.pdf

Connell understood what he had written, and the CDPHE committee agreed with the concept, application and language he had written.

When Ms. Brisnehan of the CDPHE personally asked Mr. Connell to testify on January 19, 2005 before the Colorado Board of Health in favor of the adoption of the new regulations, it was precisely because Ms. Brisnehan knew that Mr. Connell intimately understood the regulations that he had, in large part, written.

Therefore, if the position of the CDPHE now is that Mr. Connell does not understand the State regulations, why did they ask him to write those regulations? Why did they accept his drafts almost without change? And why did they ask him to testify in favor of the regulations?

In fact, in a recent article in one of your local newspapers,[2] when the reporter mentioned to Ms. Brisnehan, Mr. Connell's support for SB12-162 (amended), Ms. Brisnehan is quoted as saying: "The folks who are doing the right thing," she says, "are always happy to have some regulation to get rid of the folks who aren't."

The CDPHE, in their recent letter to you, neglected to mention that the CDPHE lacks any authority to define and/or enforce or take action on the regulations. The CDPHE has no greater authority to interpret the regulations than does Mr. Connell or you, and has no mandate from the State to be the definitive authority on those regulations. Indeed, unlike the author of the letter you received from the CDPHE, Mr. Connell is actually authorized, competent and has experience in performing such assessments; the author of your letter has none of these qualifications.

This is a good thing since in the past, CDPHE has an appalling record on its own adherence to the regulations starting when it was discovered[3] that the CDPHE hired a consultant to provide the CDPHE with clan-lab assessment, at tax-payer expense, at a property in Westminster, CO. Their consultant, however, was so grossly incompetent, that he continuously cited methlab regulations from the State of California; entirely unaware of the fact that Colorado had its own regulations, and he entirely failed to follow those regulations.

Worse still, since the CDPHE consultant had never read the Colorado regulations, he thought the California regulations were actually for the State of Colorado. Worse again was that the same office in the CDPHE (to whom you sent our critical review for opinion), entirely failed to notice that their own consultant was ignoring their own regulations and was citing California regulations. The CDPHE (to whom you submitted our report) was so entirely incompetent, they never noticed their own consultant was quoting California regulations and citing California codes for the report they commissioned.

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[2] http://www.csindy.com/coloradosprings/meth-clean-up/Content?oid=2463172

[3] http://forensic-applications.com/meth/DimickCriticalReview.pdf

There was obviously some embarrassment within the CDPHE when it was discovered the CDPHE did not know the difference between Colorado regulations and those from another state, and had hired a consultant who similarly didn't know the difference.

The level of embarrassment increased enormously when it was subsequently discovered that the incompetent consultant (Mr. Peter Cappel, with Gobbell Hays Partners, Inc.) was in fact a fellow board member on a private club,[4] whose board also included Ms. Colleen Brisnehan, the employee at the CDPHE charged reviewing Mr. Cappel's work. The conflict of interest could not be more blatant, and the subsequent officious behavior could not be more apparent.

At that time, Ms. Brisnehan was attempting to promote the members of her private club as competent consultants. Therefore, it was a huge embarrassment when a fellow board member of that private club not only completely botched a methlab assessment and entirely failed to comply with State regulations (that Ms. Brisnehan was ostensibly supposed to be safeguarding) but both she and her fellow club member didn't even realize he was using the regulations from a different state and not complying with Colorado regulations at all. (As a side note, in the end, a family moved into a contaminated property, and became ill – subsequent testing by a legitimate industrial hygienist revealed that contamination levels in the property far exceeded the regulatory limits set by regulation – Colorado regulation.)

Nevertheless, Ms. Brisnehan vehemently defended the grossly incompetent work by her friend and fellow board member and defended the use of California regulations, and defended the abdication of Colorado regulations. The embarrassment was compounded when it was later found out that the consultant hired by Ms. Brisnehan's office had actually plagiarized his information from an home inspector's internet site and inserted that into his reports. The incompetence and subsequent cover-up continues to the day of this letter.

Additionally, in the more recent past, Ms. Brisnehan's level of embarrassment rose to new levels when it was discovered[5] that she personally attempted to cover up yet another botched job, resulting in a fraudulent document being prepared by yet another member of her private club at a property located at 4893 South Johnson Street in Denver, Colorado.[6] It became difficult for her to explain why she ignored the faulty work performed by the same incompetent consulting firm which was involved in the Westminster, CO property and who botched the Preliminary Assessment at Johnson Street. It became impossible for the CDPHE to explain why, on August 23, 2011, one of their employees, (Ms. Brisnehan), personally went into the field on taxpayer's dollars to personally assist an unauthorized, geologist (Mr. Robert Woellner, who is also a member of Ms. Brisnehan's private club), collect unlawful samples (for methamphetamine contamination) in violation of Colorado Regulations, and then personally vouch for the validity of the

[4] Colorado Association of Meth and Mold Professionals (CAMMP)

[5] http://www.forensic-applications.com/meth/DimickCriticalReview.pdf

[6] http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

bogus samples, and personally vouch for the cleanliness of a methlab property that has never been properly tested, and never properly remediated (and into which someone moved and became ill).

Finally, this year, Ms. Brisnehan's embarrassment made TV News, and made a splash with the Colorado Legislature when yet another member of her private club (Mr. James Dennison) botched yet another methlab[7], and once again violated state regulations and was initially defended by Ms. Brisnehan. However, the pressure increased on Ms. Brisnehan, and once the TV cameras and investigative reporters arrived at Ms. Brisnehan's office, the heat became too much, and she ultimately disavowed herself from Mr. Dennison. Videos of the ABC Affiliate investigative news reports that appeared on TV can be found on the FACTs web site.[8] On the video, Mr. Dennison quips that he was returning to the site at the request of Ms. Brisnehan's office to correct his deficiencies "Because they're changing their requirements." and indeed he was telling the truth – in the past, Ms. Brisnehan was not only condoning his violations of regulation, she was actively participating in those violations. That is, until the TV cameras appeared in her office; suddenly the Hooker Street property – which had been in a state of noncompliance since March of 2011, suddenly became a priority.

In each of the above cases, my office happened to be the consulting firm that had been hired by the property owners and we merely reported the unlawful activities by Ms. Brisnehan, the CDPHE and the incompetent consultants.

Therefore, when you mention that you sent our report to the CDPHE and they did not agree with the positions of my company, one needs only to look at the history of that office, their participation in regulatory violations, their utter failure to comply with Board of Health Regulations, and their collusion in the cover-up of contaminated properties in violation of State statutes and State regulations to understand why they must desperately continue to back-peddle.

I will now address the specific errors in the CDPHE response to you:

CDPHE erroneous statement:

> "There is no requirement in 6 CCR 1014-3 (the Cleanup Regulation) that a preliminary assessment document be generated."

Fact:

The regulations explicitly require specific documentation to be made during the Preliminary Assessment and state that the clean-up and the final clearance and the final documentation MUST be based on the Preliminary Assessment:

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[7] http://www.forensic-applications.com/meth/Critical_review_Hooker.pdf

[8] http://www.forensic-applications.com/meth/coloregs.html

> ***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*

Therefore, if the information gathered during the Preliminary Assessment isn't somehow documented, how could the consultant possibly demonstrate the cleanup and final clearance sampling were based on the Preliminary Assessment?

Further, the regulations explicitly make common sense statement such as:

> *Information collected during the preliminary assessment shall include, but not be limited to, the following: (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.*

If this (and other required information) is not "documented" how could the consultant possibly demonstrate they have in fact included these mandatory elements in the Preliminary Assessment?

In fact, the regulations do explicitly require such documentation to be provided BEFORE cleanup commences. The following are direct quotes from Colorado State Regulation 6 CCR 1014-3 which explicitly states that the consultant SHALL document the following during the Preliminary Assessment:

> *6CCR 1014-3 (4.6) Identification and* ***documentation*** *of areas of contamination.*
>
> *6CCR 1014-3 (4.7) Identification and* ***documentation*** *of chemical storage areas.*
>
> *6CCR 1014-3 (4.8) Identification and* ***documentation*** *of waste disposal areas.*
>
> *6CCR 1014-3 (4.9) Identification and* ***documentation*** *of cooking areas.*
>
> *6CCR 1014-3 (4.10) Identification and* ***documentation*** *of signs of contamination such as staining, etching, fire damage, or outdoor areas of dead vegetation.*
>
> *6CCR 1014-3 (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).*
>
> *6CCR 1014-3 (4.13) Identification and* ***documentation*** *of common ventilation systems with adjacent units or common areas.*
>
> *6CCR 1014-3 (4.14) Photographic* ***documentation*** *of property conditions, including cooking areas, chemical storage areas, waste disposal areas, and areas of obvious contamination.*
>
> *6CCR 1014-3 (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.*

It is difficult to understand what kind of a definition the CDPHE is trying to impart to the word "documentation" when in fact, 6 CCR 1014-3 explicitly defines "documentation" thusly:

> *"Documentation" means* preserving a record *of an observation through writings, drawings, photographs, or other appropriate means.*

Furthermore, Section 6 states:

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

Again, if that information isn't documented, how could the consultant demonstrate compliance?

Finally, Section 8 of 6 CCR 1014-3 explicitly requires the information obtained from the Preliminary Assessment to be included in the final document. If during the Preliminary Assessment, those elements have not been documented, how does the CDPHE believe they can be included in the final documentation as required? Clearly, the CDPHE once again exhibits its lack of understanding of the regulations (as originally written by Mr. Connell himself, and approved by the CDPHE and Colorado Board of Health).

CDPHE erroneously states:

> Throughout the IH Review, the term authorized Industrial Hygienist" is used. This is not a defined term in the Cleanup Regulation nor Section 25-18.5-101, C.R.S., et. Seq. (the Cleanup Statute).

This is false since the Colorado Regulations explicitly require the work to be performed by a "consultant" and explicitly defines "consultant" as:

> *"Consultant" means a Certified Industrial Hygienist or Industrial Hygienist who is not an employee, agent, representative, partner, joint venture participant, shareholder, parent or subsidiary company of the contractor.*

Furthermore, 6 CCR 1014-3 explicitly defines "Industrial Hygienist" as:

> *"Industrial Hygienist" means an industrial hygienist as defined in Section 24-30-1402, C.R.S.*

And CRS §24-30-1402 explicitly identifies what constitutes an "Industrial Hygienist." In the past, Ms. Brisnehan has personally gone into the field to assist her fellow club member in the collection of unlawful samples; an individual who has publically stated he is NOT an industrial hygienist. As such, he is not authorized to perform the work. The focus of an argument that a specific term has not been defined, is a vacuous argument at best. The regulations clearly and explicitly define who is, and who is not authorized to perform the work.

Therefore, if someone (such as a member of Ms. Brisnehan's private club, say, a geologist with no known Industrial Hygiene training and who publically claims they are

not an Industrial Hygienist) and who entirely fails to meet the criteria of a "consultant" as explicitly set forth in regulation and statute, suddenly decides they are going to perform Preliminary Assessments, or final clearance activities, they are "unauthorized" to perform such work.

Furthermore, the State Regulations explicitly require the decision making process to be based on a consultant who has received training in clandestine drug lab assessments. 6 CCR 1014-3 explicitly states:

> *Mandatory Attachment to Appendix A 6 CCR 1014-3 (p.22)*
> *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.*

If the consultant has never received training in the aspects of methamphetamine laboratories, that person cannot perform the work and is therefore not authorized to perform the work. The resistance from CDPHE on this issue stems from the fact that Ms. Brisnehan has, as an employee of CDPHE, personally gone into the field to assist an unauthorized, untrained individual collect unlawful samples and generate a fraudulent report. This individual whom Ms. Brisnehan assisted has publically stated that he is NOT an Industrial Hygienist, and who has NO training in clandestine drug labs, and has, incidentally, committed perjury under oath in the past. An individual who, however, happens to be/been a member of Ms. Brisnehan's private club.

The Regulations are replete with allusion to training and authorization of personnel. The Definitions section includes the following mandatory language on training:

> *The "functional space" may be a single room or a group of rooms, designated by a consultant who,* ***based on professional judgment****, considers the space to be separate from adjoining areas with respect to contaminant migration.*

If an individual has received no training, how could that individual competently exercise "professional judgment?"

Section 4.5 of the Preliminary Assessment states the consultant SHALL include:

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

If the consultant has no training on manufacturing methods, how can that person be authorized to fulfill this mandatory obligation?

Section 4.6 explicitly states:

> *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;*

If the consultant has no knowledge of clandestine drug lab operations, how can that person be authorized to fulfill this mandatory obligation to use professional judgment?

It must be said, that the author of the CDPHE letter to the Colorado Springs Police Department has NO experience or legitimate expertise in the assessment of clandestine drug properties pursuant to the Regulations, and indeed, to our knowledge, would not even be authorized to perform such an assessment pursuant to State regulations and State statutes.

Erroneous statement by CDPHE:

> "The Department disagrees with Mr. Connell's statement in the IH Review that the sampling conducted during the Preliminary Assessment was 'a complete waste of financial resources and was not needed.' Further, Mr. Connell's statement that 'NOWHERE in the State regulation is there a requirement to perform sampling ' is false. Section 4.6 of the Cleanup Regulation states that 'the consultant may determine that assessment sampling is necessary to verify the presence or absence of contamination' and Section 6.0.1 states: 'Except as provided in 6.0.2, assessment sampling shall be conducted as part of the preliminary assessment to characterize the nature and extent of contamination… Therefore, it was appropriate to conduct assessment sampling to verify contamination, and to determine the nature and extent of contamination to aide in the development of a decontamination plan."

This statement contains two false statements – In fact, as correctly stated in Mr. Connell's report, NOWHERE in State regulation is sampling required. The actual quote from the regulations is:

> *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.* **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.*

Therefore, this is NOT a requirement, this is an optional procedure that may or may not be exercised by the Industrial Hygienist. NOWHERE in 6 CCR 1014-3 is sampling during a Preliminary Assessment required. Once again, the CDPHE exhibits its lack of understanding of the Board of Health regulations. (Remember, it was the CDPHE that confused California regulations with Colorado regulations and allowed its own consultant to reference California regulations while ignoring Colorado regulations for a Colorado property).

Also since CDPHE references Section 6.01 and claims that Section requires sampling, let's look at what the section really says; the following is copied verbatim from the regulation:

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

6.0.2 As provided in Appendix A of these regulations, the consultant may determine that some areas should be deemed to be contaminated based on data other than assessment sampling. Areas that are deemed to be contaminated **do not need to be sampled** *as part of the preliminary assessment.*

Therefore, a legitimate Preliminary Assessment of a clandestine drug laboratory may be completed in its entirety and completely within compliance of the regulation, without a single sample ever having been collected.

In the case of the Farnsworth property, NONE of the samples collected by Mr. Rodosevich were collect in a manner that was consistent with Appendices A, B or D, and therefore, by that fact alone, the sampling was a waste of financial resources. Remarkably, the CDPHE goes on to state that they never actually received a Preliminary Assessment, and therefore, do not know the level of compliance of the sampling that was conducted, and yet, they apparently know that the sampling was nevertheless compliant; how is that possible?

FACTs stands by the information contained in our Critical Review, and the document has now entered the public domain (as will this letter which will be posted on our web site). We would be happy to perform a written review of the letter you received from the CDPHE.

The Colorado Springs Police Department has identified itself to us as the "Governing Body." As such, pursuant to CRS §25-18.5-105, the CSPD needs no authorization or direction from the CDPHE and already has statutory authority to enact ordinances or resolutions to enforce the regulations and statutes, including, but not limited to, preventing unauthorized entry into contaminated property; requiring contaminated property to meet cleanup standards before it is occupied; notifying the public of contaminated property; coordinating services and sharing information between law enforcement, building, public health, and social services agencies and officials; and charging reasonable inspection and testing fees.

Furthermore, the CSPD already has statutory authority (CRS §16-13-308)(1) (a)) to issue a temporary restraining order to abate and prevent the continuance or recurrence of a public nuisance or to secure property subject to forfeiture and to direct a peace officer to seize and, where applicable, close the public nuisance and keep the same effectually closed against its use for any purpose until further order of the court. (See additional provisions under CRS
§16-13-307, for additional administration enforcement options).

These issues are now such a problem, and have been so exacerbated by incompetent personnel from the CDPHE, that excellent work was advance by Assistant Majority Leader, Senator Lois Tochtrop during the last legislative session. Senator Tochtrop introduced Senate Bill 12-162. Unfortunately the bill was introduced too late in the

session to progress. However, hopefully, the bill will be reintroduced during the next session, and hopefully will pass. The bill will impose heavy fines on unauthorized consultants and incompetent Industrial Hygienists, and provide definitive teeth for enforcement. This legislation will greatly interfere with Ms. Brisnehan's past attempts to distort the regulations. We believe the new legislation will also put an end to Ms. Brisnehan's trips into the field to collect samples for her friends, since she would then be susceptible to the fines imposed by the legislation. FACTs intends to throw our full support behind Senator Tochtrop's efforts and would encourage the CSPD to do the same.

We have been very encouraged by the intervention of the Colorado Springs Police Department in this case, and I would like to personally thank you and your office for your email and consideration.

Sincerely,

Christine A. Carty

Christine A. Carty
CEO, President

John Ferrugia, KMGH TV Denver
Chet Hardin, Colorado Springs Independent
Assistant Majority Leader, Senator Lois Tochtrop
Christopher E. Urbina, Executive Director and Chief Operating Officer, CDPHE
Colleen Brisnehan, CDPHE
Joan Whittemore, CSPD

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

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http://www.cdphe.state.co.us

Colorado Department
of Public Health
and Environment

October 16, 2012

Ms. Christine A. Carty
Mr. Caoimhin P. Connell
Forensic Applications Consulting Technologies, Inc.
185 Bounty Hunter's Lane
Bailey, Colorado 80421

RE: Correspondence to the Colorado Springs Police Department
Dated September 19, 2012
Regarding 2045 Farnsworth Drive
Colorado Springs, Colorado

Dear Ms. Carty and Mr. Connell:

The Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (the Department) has reviewed your letter to Sergeant Lori Harrell, dated September 19, 2012, regarding a property located at 2045 Farnsworth Drive, Colorado Springs, Colorado (the subject property). Your letter makes unacceptable, unfounded, and inaccurate accusations against the Department and specific Department staff. This needs to stop. In fact, we request that you issue a written apology to the Department and our staff.

As we have explained to you before, in writing, the Department and its staff are fully within their authority to interpret rules and regulations adopted by the Colorado Board of Health. This remains true even when you or other parties dislike our interpretations of the regulations in question, the Regulations Pertaining to the Cleanup of Methamphetamine Laboratories, 6 CCR 1014-3 (the Cleanup regulations) . In addition, it is inaccurate, irresponsible, and potentially libelous to accuse our staff of violating the Cleanup regulations and actively promoting the violation of these regulations.

Your statements and assertions regarding our staff's involvement with the Colorado Association of Meth and Mold Professionals (CAMMP) continue to be inaccurate and irresponsible. CAMMP is not a "private club." Rather, CAMMP is a non-profit professional organization, similar to many such professional organizations in which Department staff participate. Ms. Brisnehan sought and received management approval prior to accepting the invitation to become a CAMMP board member. Neither Ms. Brisnehan nor any Department staff gain any financial advantage from CAMMP involvement or from other CAMMP members.

In your September 19 letter, you further accuse Department staff of covering up inadequate cleanups, approving fraudulent documents, collecting unlawful samples, and colluding in the cover-up of inadequate cleanups. These very serious accusations are completely falsified. We sent Mr. Connell a letter responding to similar accusations in April 2010. If you continue to make false accusations against the department or department staff, we may take legal action against you to cease this behavior.

If you have any questions regarding this letter, please contact me at (303) 692-3356. Your legal counsel may contact David Kreutzer, with the Colorado Attorney General's Office, at (303) 866-5667.

Sincerely,

Joe Schieffelin, Manager
Solid and Hazardous Waste Program
Hazardous Materials and Waste Management Division

cc: Colleen Brisnehan - CDPHE/HMWMD
Karen Osthus - CDPHE, Board of Health Administrator
Ann Hause - CDPHE
David Kreutzer - Colorado Attorney General's Office
Sergeant Lori Harrell, Colorado Springs Police Department