

**Cursory Industrial Hygiene Assessment  
In the Context of Methamphetamine Contamination**

**At:**

**National Farmers Union  
Educational Center  
618 Park County Road 68  
Bailey, Colorado, 80421**

Prepared for:

Clay Pederson  
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Prepared by:

**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**  
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June 19, 2008

## EXECUTIVE SUMMARY

On Thursday, June 12, 2008, Forensic Applications Consulting Technologies, Inc. (FACTs) was contracted to perform a standard cursory evaluation for the presence of methamphetamine at the Farmers Union Educational Center located at 618 Park County Road 68, Bailey, Colorado (the subject property).

FACTs collected 59 samples from seven separate buildings forming a total of 12 composite analyses for the quantitative determination of methamphetamine at the subject property. The sampling data quality objectives (DQOs) employed by FACTs included a reportable detection limit no greater than the highest regulatory limit for the State of Colorado for the presence of methamphetamine on surfaces.

The samples were collected by Mr. Caoimhín P. Connell, who is an authorized Industrial Hygienist, as that term is defined by Colorado Revised Statutes §24-30-1402. A copy of Mr. Connell's Qualifications is included with this discussion as Appendix A.

The samples were quantitatively analyzed using gas chromatography, mass spectroscopy (GCMS) by a laboratory that is recognized nationally and by the Colorado Department of Health as being proficient in methamphetamine analysis.

Based on state of the art sampling and analysis techniques, several of the samples conclusively contained methamphetamine at concentrations greater than the specified detection limits. A summary of the findings are presented in the table below; the reference values in this table are the reportable detection limits and/or concentrations of methamphetamine that would have been permitted by Colorado State Regulation, had the samples been collected as part of a final verification process (described later).

Building	Composite Area	Result µg/100 cm <sup>2</sup>	Reference Value µg/100 cm <sup>2</sup>	Reporting Status
Great Hall	Downstairs	0.91	0.3	Non-compliant
	Upstairs	0.68	0.3	
Aspen	Downstairs	Not Detected	0.3	PASS
	Upstairs	Not Detected	0.3	
Cedar	Downstairs	Not Detected	0.3	PASS
	Upstairs	Not Detected	0.3	
Spruce	East	10.9	0.3	Non-compliant
	West	3.3	0.3	
Juniper	General	1.0	0.25	Non-compliant
Nurse's Trailer	General	Not Detected	0.1	PASS
Caretaker's Trailer	East	2.5	0.1	Non-compliant
	West	1.2	0.1	
QA/QC Blank	NA	Not Detected	0.03	PASS

**Table 1**  
**Summary of Results**



Following the release of this report, pursuant to Colorado Revised Statutes §25-18.5-101 *et seq*, and the Colorado Board of Health Regulations 6 CCR 1014-3, entry into any of the structures identified as non-compliant is prohibited except to “authorized personnel.” “Authorized personnel” is defined in state statutes, as personnel meeting appropriate federally mandated hazardous waste training. The prohibition on entry extends until such time that a “Preliminary Assessment” has been performed, pursuant to State Regulations, and until such time the Industrial Hygienist issues a “Decision Statement.”

Pursuant to Colorado Revised Statutes §25-18.5-103(1)(a), upon “Discovery” and “Notification” as those terms are defined in State statutes, and as evidenced by this report, the property owner must either perform a Preliminary Assessment, and ultimately a Decision Statement or demolish the structures affected.

The “Preliminary Assessment” is an extensive evaluation of a property performed by an authorized Industrial Hygienist. The elements of the Preliminary Assessment are mandated by State Regulations, and include a mandatory characterization of building ventilation, plumbing, sewer system (including septic tank and leach field), surrounding soils, law enforcement documentation, functional space inventory, and other elements.<sup>1</sup>

Provided that the regulatory requirements are followed by a *bona fide* and authorized Industrial Hygienist who ultimately issues a “Decision Statement,” the registered owner of the property is granted statutory liability immunity from any and all subsequent toxic tort civil actions, in perpetuity.

If an “environmental consultant” who is not a legitimate Industrial Hygienist performs any of the required assessment work, the owner of the property does not receive liability immunity, and has not complied with statutory or regulatory obligations, even if the Governing Body<sup>2</sup> accepts the work from that consultant. FACTs has been involved in several rebuttal challenges wherein we have provided testimony and critical reviews against consultants and Industrial Hygienists who were not authorized to perform the required assessments. In each case, FACTs testimony or challenge resulted in the work of the unauthorized consultant being dismissed by either the courts, Governing Body or the state.

The cursory evaluation reported here, is not a Preliminary Assessment, does not meet any of the elements of a Preliminary Assessment, and cannot be use in lieu of a Preliminary Assessment. Cleanup cannot begin, except pursuant to the Industrial Hygienist’ Preliminary Assessment. Following decontamination, the Industrial Hygienist is required to verify decontamination<sup>3</sup> and, if possible, issue a Decision Statement.<sup>4</sup>

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<sup>1</sup> 6 CCR 1014-3 (4.0)

<sup>2</sup> The “Governing Body” is defined and discussed later in the report.

<sup>3</sup> 6 CCR 1014-3 (6.0.3)

<sup>4</sup> 6 CCR 1014-3 (Appendix A)



# DISCUSSION

## ***Background Information***

### **Facility**

The subject property consisted of approximately ten buildings within a well defined campus. Each building served a specific function (Dormitories, Mess Hall, Caretaker's Quarters, *etc.*) within the context of an on-campus, outdoor educational center. At the time of our visit, only one of the structures (Spruce) was occupied.

### **History**

On or about April 21, 2008 local law enforcement authorities executed a search warrant on the caretaker (Higday) at the subject property. The remainder of this discussion hinges primarily on civil statutes, and not criminal statutes, and do **not** require criminal prosecution, adjudication, criminal charges or further involvement with any criminal texts or statutes.

On June 12, 2008, the new Caretaker, Mr. Nate Carrigan, contacted FACTs, and requested a cursory industrial hygiene evaluation to be performed at the subject property to determine the presence of methamphetamine.

### ***Evaluation Protocol***

During the evaluation, Mr. Connell was assisted by Ms. Niamh Connell, a Field Technician for FACTs; Ms. N. Connell has received appropriate Federal OSHA methlab training through the Colorado Department of Public Safety, Division of Criminal Justice, Colorado Regional Community Policing Institute.<sup>5</sup> During the assessment, we were accompanied by the Caretaker, Mr. Nate Carrigan, who provided access and authority to perform the assessment. A photographic record of the evaluation was also made.

At the time of our evaluation, the facility had not risen to the level of an identified illegal drug laboratory, as defined in State statutes, to the extent that no "Notification" declaring "Discovery" had been made. Therefore, at the time of the cursory evaluation, the mandatory assessment protocols defined by 6 CCR 1014-3 did **not** apply. Therefore, the cursory evaluation was performed pursuant to standard industrial hygiene sampling protocols, using the following documents as guidelines:

- Colorado's Real Estate methamphetamine disclosure and testing statute (CRS §38-35.7-103(2)(a))
- Colorado Department Of Public Health And Environment, State Board Of Health, *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories.*

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<sup>5</sup> Sponsored by the Rocky Mountain High Intensity Drug Trafficking Area fund.



## Sampling Protocol

During our cursory evaluation, FACT, tested the overall hypothesis that the subject property was devoid of cumulative methamphetamine concentrations greater than the highest clearance level allowed by State regulation; 0.5 micrograms of methamphetamine per 100 square centimeters (0.5 µg/100 cm<sup>2</sup>).

Contrary to popular misconception, there is no *de minimis* concentration during a cursory evaluation or Preliminary Assessment below which a property could be declared “not a meth lab” or “not of regulatory concern” since virtually any concentration of meth present in a sample at the property 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.*<sup>6</sup>

In a recent unofficial opinion issued by the State of Colorado Department of Public Health and the Environment,<sup>7</sup> the state opined that even when the cursory concentrations are far below state mandated limits:

*"Performing a PA [Preliminary Assessment] and clearance sampling is the only way to meet the requirements of the Reg, get the liability shield, and provide protection for future Real Estate transactions."*

Current technology is such that our sampling and analytical abilities allow us to detect concentrations of methamphetamine thousands of times lower than regulatory limits. Therefore, detection limits as established by our “data quality objectives” must be capable of ensuring that elevated levels of methamphetamine would be detected and reported, but without causing “false positives” (i.e., identifying minute, trace, levels of methamphetamine, which are far below levels of regulatory concern, but which may trigger regulatory provisions).

For this evaluation, based on professional judgment, FACTs personnel selected three decision threshold levels; each level was below the upper regulatory clean-up level of 0.5 µg/100 cm<sup>2</sup>. The decision level thresholds were based on sampling areas, functional use of selected areas, and the “Decision Level” as defined in State regulations.<sup>8</sup>

The basis of the selected reportable detection limits (RDLs) was the anticipated use of the structures, attempting to balanced a sufficiently low detection limit, while guarding against unnecessary application of regulation. Based on these criteria, the *de facto* RDLs are summarized in the following table.

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<sup>6</sup> *Ibid.*

<sup>7</sup> Email transmission from Craig Sanders to FACTs, January 31, 2008, quoting Coleen Bresnahan, CDPHE, regarding a property at 32548 Kinsey Lane Conifer, Colorado.

<sup>8</sup> 6 CCR 1014-3 (3.0)



Building	RDL (µg/100cm <sup>2</sup> )	Basis of Decision Criteria
Great Hall	0.3	Sampling area
Aspen	0.3	Sampling area
Cedar	0.3	Sampling area
Spruce	0.3	Sampling area
Juniper	0.3	Sampling area
Nurse's Trailer	0.1	6-CCR 1014-3 Appendix A
Caretaker's Trailer	0.1	6-CCR 1014-3 Appendix A
QA/QC Blank	0.03	Analytical Reportable Quantity

**Table 2**  
**Summary of RDLs**

As such, the data quality objectives were not designed to fully quantify or characterize the *extent* or degree of contamination throughout the property, but rather to try and support the following hypothesis statement:

*“Cumulative methamphetamine concentrations are not present in the property at a concentration of greater than the a priori RDL.”*

Our testing produced results that failed to support the hypothesis, and we therefore must accept the null hypothesis; *viz*:

*“Cumulative methamphetamine concentrations are present in the property at a concentration of greater than the a priori RDL.”*

## Sample Collection

### *Wipe Samples*

The wipe sample medium was individually wrapped commercially available *Johnson & Johnson*<sup>TM</sup> gauze pads. Each gauze material was assigned a lot number for quality assurance and quality control (QA/QC) purposes and recorded on a sample collection log. Each pad was moistened with reagent grade methyl alcohol. Each batch of alcohol was assigned a lot number for QA/QC purposes and recorded on a log.

The sampling media were prepared off-site in small batches in a clean environment. The sample media were inserted into individually identified polyethylene centrifuge tubes with screw caps and assigned a unique sample identifier.

### *Field Blanks*

To ensure against false positives as a result of inadvertent contamination of sampling equipment, one blank was submitted with this sample suite. To protect the integrity of the blank, FACTs personnel were unaware of the identity of the blank until the time of sampling. To maintain the integrity of the blanks, the laboratory was not informed of the identification of the blank. The results demonstrate that the blank did not contain methamphetamine at a detectable concentration; indicating that the reported methamphetamine was exclusively from the surfaces at the subject property.



For each sample, an area was selected which, based on professional judgment and standard industrial hygiene practices and procedures, had the highest probability of containing methamphetamine. Using standard industrial hygiene surface wipe methods, we collected:

- Nine five-part composite samples
- Two six-part composite samples
- One two-part composite sample
- One quality assurance field blank

Whilst a six-part composite would not be permitted pursuant to final clearance protocols, the procedure is permitted and consistent with our *a priori* data quality objectives.

The samples were submitted to Analytical Chemistry, Inc. for quantitative analysis using gas chromatography coupled with mass spectrometry. Analytical Chemistry Inc. is one of the laboratories listed in Colorado’s regulations as being proficient in methamphetamine analysis.

### Sample Results

In the following table, all units are expressed in µg/100cm<sup>2</sup>.

Sample Number	Sample Location	Sample Result	RDL	Decision Status
FU061208-1A	Hall- Downstairs top of fridge	0.9	0.3	<b>Non-Compliant:</b> This area is 9 times greater than the lowest allowable regulatory limit
FU061208-1B	Hall-DS Top of heater great hall			
FU061208-1C	Hall-Top of metal light in kitchen			
FU061208-1D	Hall-DS Top of office			
FU061208-1E	Hall-Space heater in men’s room			
FU061208-2A	Hall-Upstairs Top of “Exit” sign	0.7	0.3	<b>Non-Compliant:</b> This area is 7 times greater than the lowest allowable regulatory limit
FU061208-2B	Hall-US Top of E fluorescent light			
FU061208-2C	Hall-US Top of dividing wall			
FU061208-2D	Hall-US Electrical conduit			
FU061208-2E	Hall-US Top of W fluorescent light			
FU061208-3A	Aspen-DS Beam ledge on N side	<0.3	0.3	Methamphetamine was not detected in this area.
FU061208-3B	Aspen-DS Top of curtain rail N side			
FU061208-3C	Aspen-DS N wall above radiator			
FU061208-3D	Aspen-DS Central beam			
FU061208-3E	Aspen-DS Fire extinguisher holder			
FU061208-4A	Aspen-Attic Top of Fire Grenade #1	<0.3	0.3	Methamphetamine was not detected in this area.
FU061208-4B	Aspen- Attic Top of Fire Grenade #2			
FU061208-4C	Aspen- Attic Top of Fire Grenade #3			
FU061208-4D	Aspen- Attic Top of Fire Grenade #4			
FU061208-4E	Aspen- Attic Top of Fire Grenade #5			

**Table 3  
Results of Methamphetamine Samples**



Sample Number	Sample Location	Sample Result	RDL	Decision Status
FU061208-5A	Cedar-DS Top of N fire alarm box	<0.3	0.3	Methamphetamine was not detected in this area.
FU061208-5B	Cedar-DS W wall window jam			
FU061208-5C	Cedar-DS E wall window jam			
FU061208-5D	Cedar-DS S wall window jam			
FU061208-5E	Cedar-DS S Wall top of heater			
FU061208-6A	Cedar- Attic Top of TV	<0.3	0.3	Methamphetamine was not detected in this area.
FU061208-6B	Cedar- Attic Top of tin in box			
FU061208-6C	Cedar- Attic Top of porcelain sink			
FU061208-6D	Cedar- Attic E rim of joist			
FU061208-6E	Cedar- Attic Top of storage bin			
FU061208-7A	Nurse- Top of Blinds rail N wall	<0.04	0.1	Methamphetamine was not detected in this area.
FU061208-7B	Nurse-Furnace Interior/Kitchen			
FU061208-7C	Nurse- Bathroom cabinet			
FU061208-7D	Nurse-SE Bedroom door			
FU061208-7E	Nurse-Clothes rail master BR			
FU061208-7F	Nurse-Hall light			
FU061208-8A	Spruce-Top of fire grenade	11.0	0.10	<b>Non-Compliant:</b> This area is 110 times greater than the lowest allowable regulatory limit
FU061208-8B	Spruce-Kitchen top of light			
FU061208-8C	Spruce-Furnace louver			
FU061208-8D	Spruce-Door jamb			
FU061208-8E	Spruce-Bathroom interior door jamb			
FU061208-12A	Spruce -NW BR Closet door jamb	3.3	0.10	<b>Non-Compliant:</b> This area is 33 times greater than the lowest allowable regulatory limit
FU061208-12B	Spruce- Top of fire alarm pull			
FU061208-12C	Spruce- Ceiling in S dorm			
FU061208-12D	Spruce- Vent interior			
FU061208-12E	Spruce- Top of iron rail			
FU061208-9A	Trailer- Top of light N bathroom	1.2	0.10	<b>Non-Compliant:</b> This area is 12 times greater than the lowest allowable regulatory limit
FU061208-9B	Trailer-W BR top shelf in closet			
FU061208-9C	Trailer-N Central BR top shelf			
FU061208-9D	Trailer- Top of light in Hallway			
FU061208-9E	Trailer- Top of light in Living room			
FU061208-10A	Trailer- Furnace Interior	2.5	0.10	<b>Non-Compliant:</b> This area is 25 times greater than the lowest allowable regulatory limit
FU061208-10B	Trailer- Kitchen Cabinet Ledge			
FU061208-10C	Trailer- Bathroom, top of light			
FU061208-10D	Trailer- Master BR Closet door			
FU061208-10E	Trailer- Ledge Window			
FU061208-10F	Trailer- Master BR mirrored wall			
FU061208-11A	Juniper- Central Area	1.0	0.25	<b>Non-Compliant:</b> This area is 4 times greater than the applicable allowable regulatory limit
FU061208-11B	Juniper- Trailer top of steel stud			
FU061208-13	Field Blank	<0.03	NA	Acceptable

**Table 3 (Cont)**  
**Results of Methamphetamine Samples**





## PERTINENT REGULATORY STANDARDS

The State of Colorado currently has one methamphetamine regulation and three methamphetamine statutes that are germane to this particular property. In the sections below, we have identified the most salient points of the referenced statutes and regulations. FACTs has not presented an exhaustive discussion of all of the potential statutes and regulations that impact this property.

### **State Statutes**

#### **Environmental Statutes**

Colorado has one of the country's most comprehensive and scientifically based clandestine drug laboratory regulations. The Colorado regulations become applicable when the owner of a property has received "notification" from a peace officer that chemicals, equipment, or supplies indicative of a "drug laboratory" are located at the property, or when a "drug laboratory" is otherwise discovered,<sup>9</sup> and the owner of the property where the "drug laboratory" is located has received notice. Since the local law enforcement personnel did not issue a statement of notice of discovery, the illegal drug laboratory, as defined by statute, has been "otherwise discovered" pursuant to the statute language. At any point in the process, a cognizant authority (often the Governing Body), may issue an official notice of discovery of an illegal drug laboratory.

In turn, "drug laboratory" is defined in Colorado Revised Statutes §25-18.5-101 as the areas where controlled substances have been manufactured, or *processed*, or cooked, or discarded, or stored and all proximate areas that are likely to be contaminated as a result of such manufacturing, *processing*, cooking, disposing, or *storing*. The definition of an illegal drug lab includes smoking methamphetamine, since smoking is a process and its presence in the context of illegal possession constitutes *storage* and therefore, an "illegal drug lab" as defined by State statutes.

Pursuant to State statute CRS §25-18.5-105(1), an illegal drug laboratory that has not met the cleanup standards set by the State Board of Health must be deemed a public health nuisance (defined later).

#### **Governing Body**

Pursuant to State statute CRS §25-18.5-105, the organization with regulatory control over the subject property, is known as the "Governing Body." In Park County, the Governing Body, by statute, lies in a joint cooperative between:

- 1) The Park County Sheriff's Office, as represented by Sheriff Wegener
- 2) The Health Department as represented by Tom Eisenman
- 3) And the Building Department (also) represented by Tom Eisenman

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<sup>9</sup> CRS §25-18.5-103



The Governing Body may enact ordinances or resolutions to enforce the referenced statutes, including, but not limited to, preventing unauthorized entry into contaminated property; requiring contaminated property to meet cleanup standards before it is reoccupied; 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.

## **Public Nuisance Statutes**

Pursuant to State statute CRS §16-13-303(c)(1), every building or part of a building including the ground upon which it is situated and all fixtures and contents thereof, and every vehicle, and any real property shall be deemed a class 1 public nuisance when used for the unlawful storage or possession of any controlled substance, or any other drug the possession of which is an offense under the laws of Colorado. Based on CRS §16-13-303(c)(1), the presence of extant methamphetamine in the property is *prima facie* evidence of possession of the same.

Pursuant to State statute §16-13-308(1)(a), if probable cause for the existence of a Class 1 Public Nuisance is shown to the court by means of a complaint supported by an affidavit, the court shall issue a temporary restraining order to abate and prevent the continuance or recurrence of the nuisance or to secure property subject to forfeiture. This report may be used as the supporting affidavit. Such temporary restraining order shall direct the County Sheriff or 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.

An alternative declaration of Public Nuisance may be found in CRS §16-13-307(4), wherein an action to abate a public nuisance may be brought by the district attorney, or the attorney general with the consent of the district attorney, in the name of the people of the State of Colorado or in the name of any officer, agency, county, or municipality whose duties or functions include or relate to the subject matter of the action.

## **State Regulations**

As mentioned earlier, pursuant to Colorado regulations 6 CCR 1014-3,<sup>10</sup> following discovery and notification, a comprehensive and detailed “Preliminary Assessment” must be commissioned by the property owner and performed by an authorized and properly trained Industrial Hygienist who must characterize extant contamination. The content and context of the “Preliminary Assessment” is explicitly delineated by regulation. Any remediation or cleaning of the property must be based on the Industrial Hygienist’s Preliminary Assessment, and cannot occur until such assessment has been conducted.

## **Mandatory Contamination Thresholds**

The actual methamphetamine concentrations found in each sample taken at the subject property, for reasons described below, are not germane, are not within our stated data

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<sup>10</sup> Titled: Colorado Department Of Public Health And Environment, State Board Of Health, *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*.



quality objectives, and therefore, FACTs was not required to report the actual concentrations here. However, due to the potentially high public profile the project might receive, and because methamphetamine was found at statistically significantly elevated concentrations above our RDLs, we have elected to report the actual concentrations.

A recurring myth in methlab related issues is that if an Industrial Hygienist performs a cursory investigation (such as that performed at the subject property) or a “Preliminary Assessment” and finds methamphetamine, but the concentration is less than 0.5 µg/100cm<sup>2</sup> of surface area, then the property is “OK,” and not covered by the State regulations.

However, this argument is erroneous and no such provisions are found anywhere in State statutes or State regulation. A strict interpretation of regulation is if an Industrial Hygienist chooses non-mandatory sampling (such as performed at the subject property) during a cursory industrial hygiene evaluation, and those samples result in ANY contamination, even below the value of 0.5 µg/100cm<sup>2</sup>, then the property must, by state regulation, be declared a methlab.<sup>11</sup> This is due to the fact that cursory sampling does not meet the data quality objectives upon which the State clean-up level of “0.5 µg/100cm<sup>2</sup>” value is based.

In any event, contrary to erroneous public belief, the mere value of “0.5 µg/100cm<sup>2</sup>” is not the State of Colorado cleanup level, but rather that value is the basis upon which the final cleanup level is established and which is described in the mandatory Appendix A of the State regulations. The Colorado clearance level of “0.5 µg/100cm<sup>2</sup>,” frequently misquoted by members of the general public, applies exclusively as *prima facie* evidence of decontamination at the end of a project<sup>12</sup> and is that attainment threshold occasionally needed to issue a “Decision Statement” (final clearance).

## CONCLUSIONS

Based on state of the art sampling and analysis techniques, we conclusively determined the presence of methamphetamine in various locations at the subject property; and based on current statutes and regulations, the property now meets the definition of an “illegal drug lab” as described in this report.

According to current State of Colorado Regulations and Statutes, this discussion serves as “Discovery” as that term is found in Colorado Revised Statutes §25-18.5-103 and, upon delivery of this document to the property owner, serves as “Notification” as that term is used in CRS §25-18.5-103 (1)(a).

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<sup>11</sup> *Ibid.* Appendix A

<sup>12</sup> Colorado Department Of Public Health And Environment, State Board Of Health, *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*, 6 CCR 1014-3.



As such, this document also serves as the identification of probable contamination and, therefore, the conclusive presence of an “illegal drug lab” as defined by State statute (CRS §25-18.5-101). Based on this finding, after notification, **entry into the property is prohibited by statute CRS §25-18.5-104**. (From this point forward entry into the property is prohibited by all personnel including the owner, occupant, owner’s agent, property manager, and maintenance personnel unless they meet the training requirements pursuant to State statutes and state regulations.) If the current Caretaker, Mr. Carrigan, has received the 8 hour training provided by CRCPI, DEA or other program provider, that training may meet necessary regulatory requirements. If Mr. Carrigan has not received that training, it is possible that his previous law enforcement training may qualify him for a certificate of training pursuant to CFR §1910.120 (e)(3); FACTs would be willing to review Mr. Carrigan’s training and if possible, issue a certificate of training.

Pursuant to State statutes, and State regulations, the property must now be subject to a “Preliminary Assessment,” or each structure must be demolished.

Our qualitative interpretation of the data suggests that the contamination is sufficiently elevated that the Preliminary Assessment will probably require some limited remediation activities in several of the structures.

At the request of law enforcement personnel, (Sheriff Fred Wegener), and with the approval of the Registered Owner’s representative, a copy of this letter has been forwarded to the Governing Body.

Forensic Applications is in a position to begin the process of the Preliminary Assessment as earlier as next week, if requested.

Sincerely,

Caoimhín P. Connell  
Forensic Industrial Hygienist



**APPENDIX A  
INDUSTRIAL HYGIENIST'S  
STATEMENT OF QUALIFICATION**





## FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

### CONSULTANT STATEMENT OF QUALIFICATIONS

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

<b>FACTs project name:</b>	<b>Farmers Union</b>	<b>Form # ML15</b>
<b>Date:</b>	<b>June 19, 2008</b>	
<b>Reporting IH:</b>	<b>Caoimhín P. Connell, Forensic IH</b>	

Caoimhín P. Connell, is a private consulting forensic Industrial Hygienist meeting the definition of an "Industrial Hygienist" as that term is defined in the Colorado Revised Statutes §24-30-1402. Mr. Connell has been a practicing Industrial Hygienist in the State of Colorado since 1987 and has been involved in clandestine drug lab (including meth-lab) investigations since May of 2002.

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 has provided methlab training for officers of over 25 Colorado Police agencies, 20 Sheriff's Offices, federal agents, and probation and parole officers from the 2<sup>nd</sup>, 7<sup>th</sup> and 9<sup>th</sup> 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, 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 (Certification Number B-10670); he is a member of the Colorado Drug Investigators Association, and the American Industrial Hygiene Association.

He has received over 120 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 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."

Mr. Connell is also 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 collected over 800 samples in over 80 assessments in illegal drug labs.

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

# APPENDIX B LABORATORY REPORT





# ANALYTICAL CHEMISTRY INC.

Established in 1979

4611 S. 134th Place, Ste 200  
Tukwila WA 98168-3240  
Phone: 206-622-8353  
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<b>Lab Reference:</b>	08132-10
<b>Date Received:</b>	June 16, 2008
<b>Date Completed:</b>	June 18, 2008

June 18, 2008

CAOIMHIN P CONNELL  
FORENSIC APPLICATIONS INC  
185 BOUNTY HUNTER'S LN  
BAILEY CO 80421

**CLIENT REF:** Farmer

**SAMPLES:** wipes/13

**ANALYSIS:** Methamphetamine by Gas Chromatography-Mass Spectrometry.

**RESULTS:** in total micrograms (ug)

<b>Sample</b>	<b>Methamphetamine, ug</b>	<b>% Surrogate Recovery</b>
FU061208 - 01	0.088	89
FU061208 - 02	0.066	91
FU061208 - 03	< 0.030	90
FU061208 - 04	< 0.030	91
FU061208 - 05	< 0.030	92
FU061208 - 06	< 0.030	87
FU061208 - 07	< 0.030	93
FU061208 - 08	1.06	94
FU061208 - 09	0.747	93
FU061208 - 10	1.56	94
FU061208 - 11	0.098	92
FU061208 - 12	0.322	86
FU061208 - 13	< 0.030	100
QA/QC Method Blank	< 0.004	
QC 0.100 ug Standard	0.107	
QA 0.020 ug Matrix Spike	0.023	
QA 0.020 ug Matrix Spike Duplicate	0.018	
Method Detection Limit (MDL)	0.004	
Practical Quantitation Limit (PQL)	0.030	

'<': less than, not detected above the PQL

Robert M. Orheim  
Director of Laboratories





# ANALYTICAL CHEMISTRY INC.

# CDL SAMPLING & CUSTODY FORM

4611 S 134th Pl, Ste 200 Tukwila WA 98168-3240  
Website: www.acilabs.com

Phone: 206-622-8353  
FAX: 206-622-4623

Page 2 of 2  
Please do not write in shaded areas. *CRAL CAC*

<b>SAMPLING DATE:</b> June 12, 2008	<b>REPORT TO:</b> Caoimhin P. Connell	<b>ANALYSIS REQUESTED</b>
<b>PROJECT Name/No:</b> Farmer	<b>COMPANY:</b> Forensic Applications, Inc.	1 Methamphetamine
<b>eMail:</b> Fiosrach@aol.com	<b>ADDRESS:</b> 185 Bounty Hunters Lane, Bailey, CO 80421	2 Use entire contents
<b>SAMPLER NAME:</b> Caoimhin P. Connell	<b>PHONE:</b> 303-903-7494	3
		4
		5
		6 Not Submitted

LAB Number	Sample Number	SAMPLE MATRIX		ANALYSIS REQUESTS						SAMPLER COMMENTS	LAB COMMENTS	No of Containers
		Wipe	Vacuum	Other	1	2	3	4	5			
	FU061208-11	X			X							1
	FU061208-12	X			X							1
	FU061208-13	X			X							1
	FU061208-14	X			X			X				
	FU061208-15	X			X			X				
	FU061208-16	X			X			X				
	FU061208-17	X			X			X				
	FU061208-18	X			X			X				
	FU061208-19	X			X			X				
	FU061208-20	X			X			X				

<b>CHAIN OF CUSTODY RECORD</b>		<b>Wipes Results in:</b>		<b>Total Number of Containers</b> (verified by laboratory)	
<b>PRINT NAME</b>	<b>Signature</b>	<b>COMPANY</b>	<b>DATE</b>	<b>TIME</b>	<b>Turnaround Time</b>
Caoimhin P. Connell	<i>C. Connell</i>	FACTS, Inc.	06/12/08	1104	<input type="checkbox"/> 24 Hours (2X) <input type="checkbox"/> 2 Days (1.75X) <input type="checkbox"/> 3 Days (1.5X) <input checked="" type="checkbox"/> Routine
MIA SAZON	<i>adly</i>	ACT	6/16/08	1400	<input type="checkbox"/> 24 Hours (2X) <input type="checkbox"/> 2 Days (1.75X) <input type="checkbox"/> 3 Days (1.5X) <input checked="" type="checkbox"/> Routine
					<b>Custody Seals:</b> <input checked="" type="radio"/> Yes <input type="radio"/> No
					<b>Container:</b> <input checked="" type="radio"/> Intact <input type="radio"/> Broken
					<b>Temperature:</b> <input checked="" type="radio"/> Ambient <input type="radio"/> Cooled
					<b>Inspected By:</b> MIA SAZON
					<b>Lab File No.:</b> 08132-10





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# CDL SAMPLING & CUSTODY FORM

Page 1 of 1

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<b>SAMPLING DATE:</b> June 12, 2008	<b>REPORT TO:</b> Caoimhin P. Connell	<b>ANALYSIS REQUESTED</b>													
<b>PROJECT Name/No:</b> Farmer	<b>COMPANY:</b> Forensic Applications, Inc.	1	Methamphetamine												
<b>eMail:</b> Fiosrach@aol.com	<b>ADDRESS:</b> 185 Bounty Hunters Lane, Bailey, CO 80421	2	Use entire contents												
<b>SAMPLER NAME:</b> Caoimhin P. Connell	<b>PHONE:</b> 303-903-7494	3													
		4													
		5													
		6	Not Submitted												
LAB Number	Sample Number	SAMPLE MATRIX		ANALYSIS REQUESTS						SAMPLER COMMENTS	LAB COMMENTS	No of Containers			
		Wipe	Vacuum	Other	1	2	3	4	5				6		
	FU061208-01	X			X									1	
	FU061208-02	X			X									1	
	FU061208-03	X			X									1	
	FU061208-04	X			X									1	
	FU061208-05	X			X									1	
	FU061208-06	X			X									1	
	FU061208-07	X			X									1	
	FU061208-08	X			X									1	
	FU061208-09	X			X									1	
	FU061208-10	X			X									1	
<b>CHAIN OF CUSTODY RECORD</b>		<b>Wipes Results in:</b>		<b>Wipes Results in:</b>		<b>Wipes Results in:</b>		<b>Wipes Results in:</b>		<b>Wipes Results in:</b>		<b>Wipes Results in:</b>		<b>Wipes Results in:</b>	
<b>PRINT NAME</b>	<b>Signature</b>	<b>COMPANY</b>	<b>DATE</b>	<b>TIME</b>	<b>Turnaround Time</b>	<b>Total µg</b>	<b>Total µg</b>	<b>Total µg</b>	<b>Total µg</b>	<b>Total Number of Containers (verified by laboratory)</b>	<b>Custody Seals:</b>	<b>Yes</b>	<b>No</b>		
Caoimhin P. Connell		FACTS, Inc.	06/12/08	11:04	<input type="checkbox"/> 24 Hours (2X) <input type="checkbox"/> 2 Days (1.75X) <input type="checkbox"/> 3 Days (1.5X) <input checked="" type="checkbox"/> Routine					10	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> Intact <input type="radio"/> Broken	<input type="radio"/> Yes <input checked="" type="radio"/> Intact <input type="radio"/> Broken		
MIA SAZON		ACI	6/16/08	1400							<input type="radio"/> Yes <input checked="" type="radio"/> Ambient <input type="radio"/> Cooled	<input type="radio"/> Yes <input checked="" type="radio"/> Intact <input type="radio"/> Broken	<input type="radio"/> Yes <input checked="" type="radio"/> Intact <input type="radio"/> Broken		
											<b>Inspected By:</b>	<b>Lab File No.</b>			
											MIA SAZON	08132-10			