



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

May 18, 2011

XXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

RE: 388 Jess Mar Drive, Shawnee, CO

Via email: XXXXXXXXXXXXXXXX

Dear Mr. XXXXXXXX:

The following discussion is not “boiler-plate,” but rather has been prepared carefully, specifically for your review.

On May 11, 2011, at the request of a perspective buyer, FACTs visited the subject property located at 388 Jess Mar, in Bailey, CO for the purposes of performing a cursory evaluation for methamphetamine contamination.

Evaluations for virtually any contaminant are performed by Industrial Hygienists for one of two reasons:

Human Exposure Assessments
Regulatory Compliance

Frequently, the Regulatory Compliance criteria have its basis in Human Exposure Assessments. So, for example, when we go into a factory that has been issued a notice of violation by the US Department of Labor for benzene exposures, and sound exposures, we will perform the necessary assessment in an effort to:

1. Characterize human health hazards
2. Place the characterization into regulatory context
3. Explain the regulatory steps necessary to ensure compliance and safety
4. Recommend follow-up actions

These are also the exact same conceptual steps we take, as Industrial Hygienists, with regard to US EPA Regulations when investigating a PCB spill at a school pursuant to Title 40 Code of Federal Regulations Part 761, or newly discovered lead contaminated soils found at a business pursuant to Subtitle C of RCRA (Title 40 CFR Parts 260-299) or methamphetamine in a residence pursuant to Colorado DPHE Regulations 6 CCR 1014-3.

From our perspective, as Industrial Hygienists, “*contaminants is contaminants – peoples is peoples – and regs is regs.*” So, although from your perspective, where methamphetamine

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

is the issue for property transactions, these issues are actually prevailing in our society where human health hazards and/or regulations can create conflicts with commerce. And Industrial Hygienists are at the heart of the discovery, characterization, and hopefully successful resolution of the contaminant at hand.

It is precisely because most Industrial Hygienists are trained in toxicology, sampling theory, fugacity modeling and analytical chemistry, that they are the only profession permitted to perform specific assessments by both federal standards and state standards. In Colorado, that includes methamphetamine contamination of real estate properties.

Methamphetamine is just one kind of contaminant we address. At this particular moment, we are expert witnesses in one case involving nicotine exposures; we have another case where we are experts in a methylene diphenyl diisocyanate exposure issue; another still involves nanoparticles, and I will be testifying in Federal Court shortly an alleged “toxic mould” exposure case (the first part of which, based on my testimony in September, was decided in favor of my client to the tune of 1.6 million dollars). I am currently preparing MSDSs for a client in Stanhope, NJ, I am also preparing MSDSs for a detergent manufacturer in Shelby, NC who must meet Australian regulations, and when I complete this letter I will be addressing an oil spill issue in Kuwait. I have a carbon monoxide poisoning case pending in Chicago, a mould exposure case pending in Philadelphia, and a methamphetamine case pending in Seattle.

So, while your perception that the Bailey-Jeffco area may be an hot-spot for Industrial Hygienists and the discovery of methamphetamine, from our perspective, Bailey’s meth contaminated properties would not even be in the top 5% of our current “radar” of projects.

Regarding methamphetamine, there are two issues: 1) Regulations and 2) human health. In Colorado, the regulations supersede the health issues to the extent that more recent information developed by Dr. Charles Salocks, DABT, with the California Environmental Protection Agency has determined a newly published toxicological level for methamphetamine called a “LOAEL” as 0.08 mg/kg-day. This toxicological level is achieved when methamphetamine surface contamination exceed 1.4 µg/100cm². This new information notwithstanding, Industrial Hygienists, home sellers, and everyone else in Colorado are still bound by regulation, wisdom notwithstanding, to meet the cleanup criteria of 0.5 µg/100cm².

When we test a property during a real estate transaction, we test that property pursuant to Colorado Revised Statutes Title §38-35.7-103(2)(a). And, reason notwithstanding, we honestly and objectively advise our clients on their obligations and liabilities and protections pursuant to that (and other) standards.

Since, according to Colorado Regulations, there is no *de minimis* concentration of methamphetamine found in a property, below which a methlab is NOT considered to be present, the Industrial Hygienist walks a fine line between ensuring that they are capable of detecting toxicologically significant and regulatorily significant concentrations of

methamphetamine, without having detection limits so low, that they will unnecessarily trigger State regulations for a property whose methamphetamine concentrations are extremely low and insignificant from both a health perspective and a regulations perspective.

To do this, we must carefully develop “data quality objectives” that control how the data are reported. We would ideally like to achieve that goal by dictating to the analyzing laboratory their reportable “level of quantification.” However, this frightens laboratories since they are concerned that their data will be manipulated by an unscrupulous client, and increase their liability – so analyzing laboratories shift the responsibility back onto the Industrial Hygienist and make it their problem.

In Colorado, we control the reportable limit of detection by controlling the size of the area thus sampled during a property evaluation. As it is, we reduce our five part composite sampling area to a mere 1.5 cm² (an area the size of a dime!) We collect that area since that gives us a reportable limit of 0.25 µg/100cm² – which is one half of the highest value permitted in Colorado, and twice the lowest limit. That is – we “split the difference.”

We would like to halve that reportable quantity, but if we do, our sampling area becomes so small, we actually increase the probability of a false negative (that is, not properly identifying an heavily contaminated property).

In an ideal world, Industrial Hygienists would be Kings and get to make reasonable decisions based on our data, and the regulations be damned. However, that day has not yet come.

So, we, like everyone else must obey the regulations and report, as honestly as possible, our findings.

For the Jess Mar property the field work was performed by Mr. Caoimhín P. Connell, Industrial Hygienist, as defined in CRS §24-30-1402. Mr. Connell meets the statutory definition of Industrial Hygienist and is entitled to practice Industrial Hygiene in the State of Colorado and is additionally qualified to perform the testing.

During the site visit, in addition to a visual assessment, FACTs collected 15 samples similar to the sample collection techniques described in Colorado Regulation 6 CCR 1014-3, and pursuant to the Colorado Real Estate methamphetamine disclosure and testing statute as described by CRS §38-35.7-103(2)(a). FACTs collected three standard five-part composite samples for the quantitative determination of the presence of methamphetamine from 15 different locations in the subject property.

Based on state of the art sampling and analysis techniques, FACTs conclusively determined the presence of overt, widespread and profound methamphetamine contamination in the residential structure. Based on the best information available at this

point in time, methamphetamine was manufactured at the home sometime in the past, by persons unknown.

If the samples had been collected pursuant to Colorado Regulations 6 CCR 1014-3, as part of a compliance post-decontamination sampling assessment, the *lowest* result we observed would indicate that the contamination in the house is *at least* 40 times over the lawful limit. The highest sample we collected from the property indicated that concentrations are definitely greater than 100 times the lawful limit (if the samples had been collected pursuant to Colorado Regulations 6 CCR 1014-3, as part of a compliance post-decontamination sampling assessment). Therefore, the property is by all counts “contaminated.” It is contaminated by a legally defined term and it is contaminated from a toxicological perspective.

It is unlawful to enter by regulations, and it is hazardous to enter due to the elevated concentrations that are sufficiently high so as to result in an over exposure to anyone who so enters the property (which is partially why it is illegal to enter).

Based on current statutes and regulations, the property meets the definition of an “illegal drug laboratory” as described below, has been conclusively demonstrated to be noncompliant with Colorado State regulations and State statutes.

According to current State of Colorado Regulations and Statutes, this letter confirms “Discovery” as that term is found in Colorado Regulation 6 CCR 1014-3(2) and Colorado Revised Statutes §25-18.5-103 and CRS §38-35.7-103(2)(c) and also confirms “Notification” as that term is used in CRS §25-18.5-103 (1)(a).

Background Information

Structure

The subject property built *circa* 1968, consisted of a single family dwelling approximating 2,312 square feet of interior occupiable floor space. At the time of our visit, the structure was unoccupied and devoid of all chattels.

The heating system consisted of a forced air furnace system which is almost certainly contaminated.

The interior of the residential structure contained subjective visual and odor indicators consistent with an illegal drug laboratory.

PERTINENT REGULATORY STANDARDS

The State of Colorado currently has one methamphetamine regulation and three methamphetamine statutes that are germane to the subject property.

State Statutes

Environmental Statutes

Colorado has one of the country's most comprehensive and scientifically valid clandestine drug laboratory regulations. The Colorado regulations become applicable when the owner of a property has received "notification" from a cognizant authority that a property is or may be noncompliant. The discovery upon which the notification is based may be from a peace officer indicating that chemicals, equipment, or supplies indicative of a "drug laboratory" are located at the property, "...or when a "drug laboratory" is otherwise discovered."¹

In turn, "illegal drug laboratory" is defined in Colorado Revised Statutes §25-18.5-101(2.7) as the areas where controlled substances, have been manufactured, processed, cooked, discarded, **used**, or **stored** and all proximate areas that are likely to be contaminated as a result of such manufacturing, processing, cooking, disposal, use, or storing. In this case, the presence of the methamphetamine is conclusive for concluding that, at a minimum, methamphetamine was used and is currently being stored at the property.

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, and must either be demolished or remediated pursuant to a Preliminary Assessment.

Property Statutes

Pursuant to CRS §38-35.7-103(1) a buyer of residential real property has the right to test the property for the purpose of determining whether the property has ever been used as a methamphetamine laboratory.

The fatal flaws of CRS §38-35.7-103, notwithstanding, pursuant to CRS §38-35.7-103 (2)(a):

If the buyer's test results indicate that the property has been used as a methamphetamine laboratory but has not been remediated to meet the standards established by rules of the state board of health..., the buyer shall promptly give written notice to the seller of the results of the test, and the buyer may terminate the contract.

In this case, the conclusive presence of methamphetamine is a reasonable indicator that the property was used as a methamphetamine laboratory.

Contrary to common misconception, by virtue of these findings, any second test performed pursuant to CRS §38-35.7-103(2)(b) that fails to confirm the presence of methamphetamine **cannot** be used to release the seller from the statutory requirements to perform the required Preliminary Assessment, since the discovery and notification have

¹ CRS §25-18.5-103

already occurred pursuant to CRS §25-18.5-103 (1)(a) and Colorado regulations 6 CCR 1014-3.

Pursuant to State statutes, any additional testing by another Industrial Hygienist at this property can only be used if the data support these initial findings; the data are not permitted to be used to refute, rebut or counter these findings, and cannot be used to provide the seller with regulatory relief, and cannot be used in lieu of a Preliminary Assessment.

Criminal Proceedings – 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. 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 statute §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.

In this case, jurisdiction for the abatement of the public nuisance lies with the office of the “Governing Body.” The property lies within Park County and pursuant to CRS §25-18.5-101 the office of the “Governing Body” is:

Tom Eisenman
Park County Development Services Coordinator
Environmental Health and Planning and Zoning
1246 CR 16
P.O. Box 216
Fairplay, CO 80440

County Requirements

To our knowledge, Park County does not have county specific regulations regarding clandestine drug laboratories.

FACTs will forward a copy of this report to the Governing Body on Monday, May 23, 2011. The Governing Body has the statutory authority to impose additional restrictions including, but not limited to: abate the public nuisance, close the public nuisance, seize the property until the nuisance is abated and set a time frame on the completion of abatement.

State Regulations

Pursuant to Colorado regulations 6 CCR 1014-3,² following discovery and notification, a comprehensive and detailed “Preliminary Assessment” must be commissioned by the property owner (seller) 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.

Since discovery and notification had not, to our knowledge, taken place at the time of our visit, FACTs was not performing a “Preliminary Assessment” as that term is defined in State regulation, and this work does not meet the elements or definition of a “Preliminary Assessment” and cannot be used or otherwise substituted for a Preliminary Assessment.

Mandatory Contamination Thresholds

A recurring myth amongst unauthorized consultants in methlab related issues is that if sampling (such as that performed at the subject property) finds methamphetamine, but the concentration is less than 0.5 micrograms $\mu\text{g}/100\text{cm}^2$ 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. If an Industrial Hygienist chooses non-mandatory sampling (such as performed at the subject property) during an industrial hygiene evaluation, and those samples result in any contamination, even below the value of 0.5 $\mu\text{g}/100\text{cm}^2$, then the property must, by state regulation, be declared an illegal drug laboratory.³ 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 $\mu\text{g}/100\text{cm}^2$ ” value is based.

It was for this reason that during the establishment of our data quality objectives, FACTs was careful to select reportable limits that were sufficiently elevated such that trace or *de minimis* quantities of methamphetamine would not inappropriately trigger the State regulations.

² Titled: Colorado Department Of Public Health And Environment, State Board Of Health, *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*.

³ *Ibid.* Appendix A

In any event, contrary to erroneous statements frequently made by unauthorized consultants, the mere value of “0.5 µg/100cm²” is not the State of Colorado cleanup level, but rather is the value upon which the final cleanup level is based and which is described in the mandatory Appendix A of the State regulations. The Colorado clearance level of “0.5 µg/100cm²,” frequently misquoted by members of the general public, applies exclusively as *prima facie* evidence of decontamination at the end of a project⁴ and is that attainment threshold occasionally needed to issue a “decision statement” (final clearance).

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.*⁵

Although it should not have to be stated, the confirmed presence of methamphetamine is sufficient evidence to conclude the presence of methamphetamine.

In an unofficial opinion issued by the State of Colorado Department of Public Health and the Environment,⁶ 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."

Although our initial testing was conducted pursuant to CRS §38-35.7-103, based on our observations, our role and activities jointly and contemporaneously fell under State statute CRS §25-18.5-103, and State Regulation 6 CCR 1014-3 and the drug laboratory was “otherwise” discovered.

ASSESSMENT PROTOCOLS

Sampling Protocol

During our cursory assessment, the hypothesis was made that the subject property was devoid of detectable concentrations of methamphetamine at a specified limit of detection

⁴ Colorado Department Of Public Health And Environment, State Board Of Health, *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*, 6 CCR 1014-3.

⁵ *Ibid.*

⁶ Email transmission from Craig Sanders to FACTs, January 31, 2008, quoting Coleen Bresnahan, CDPHE, regarding a property at 32548 Kinsey Lane Conifer, Colorado.

and data would be collected to support the hypothesis. As such, the data quality objectives were not designed to quantify or characterize the *extent* or degree of contamination, but rather to support the statement:

Methamphetamine is not present in the property above specified levels.

As already described, our DQOs were such that we selected a total sampling area that would result in a reportable quantity limit of 0.25 µg/100cm². That is, unless the concentration of the methamphetamine in the sample submittal exceeded 0.24 µg/100cm², the laboratory would report the concentration as “below detection limit.” The value of 0.25 µg/100cm² was selected since according to the State of Colorado Regulations, the maximum allowable concentration of methamphetamine as determined during compliance sampling is 0.5 µg/100cm²; the minimum permissible concentration of methamphetamine allowed as determined during compliance sampling for a five parted sample is 0.1 µg/100cm². Our DQOs, essentially “split the difference.”

Our testing produced results that failed to support the hypothesis, and we therefore accept the null hypothesis; *viz.* the subject property conclusively contains methamphetamine. The null hypothesis that we must accept is:

Methamphetamine is present in the property above specified levels.

Our data find and confirm that there is no probability that the methamphetamine concentrations in the property are such that upon completion of the mandatory Preliminary Assessment, conditions at the property will permit the Industrial Hygienist to issue a Decision Statement directly from the mandatory Preliminary Assessment. That is, the concentrations are sufficiently elevated that upon completion of the Preliminary Assessment, remediation will be required to release the property and allow occupancy.

According to Colorado revised statutes,⁷ the seller of a property shall disclose in writing to a buyer whether the seller knows that the property was previously used as a methamphetamine laboratory. Until such time that an authorized Industrial Hygienist has issued a Decision Statement, the seller of the property must disclose that the property is an illegal drug laboratory.

Nothing in State statutes prohibit a buyer from purchasing the property knowing the property to be contaminated. If this is done, then according to CRS §38-35.7-103(2)(c) the buyer shall notify the Governing Body of the purchase in writing on the day of closing and shall complete the Preliminary Assessment and remediation process and obtain a Decision Statement within 90 days of closing.

Sample Collection

Using standard industrial hygiene methods, we collected three 5-part composite samples from within the structure. The samples were submitted to Analytical Chemistry, Inc. for quantitative analysis using gas chromatography coupled with mass spectrometry.

⁷ CRS 38-35.7-103(3)(a)

Analytical Chemistry Inc. is one of the laboratories listed in Colorado's regulations as being proficient in methamphetamine analysis. A copy of the results is attached to this report.

Wipe Samples

The wipe sample media was individually wrapped commercially available Johnson & Johnson™ brand gauze pads. Each gauze material was assigned a lot number for quality assurance and quality control (QA/QC) purposes and recorded on a log of results. 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 of results.

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

Our data quality objectives did not include a field blank, and none were submitted. The history of the FACTs sampling media has demonstrated a media and solvent contamination level below the analytical detection limit for the method. The specific alcohol lot used for this project (A1001) had 34 documented blanks; the specific gauze lot used for this project (G1006) had eight documented blanks.

Field Duplicates

For the purposes of the data quality objectives associated with this cursory evaluation, no duplicates were required, and none were collected.

Sample Results

The actual methamphetamine *concentrations* found in the samples taken at the subject property, are not germane, cannot be used for any purpose except to confirm the presence of an illegal drug laboratory, do not carry any meaningful or probative value, are not within our stated data quality objectives, and therefore, are not required to be reported here. Since reporting of the concentrations frequently leads to misinterpretations and confusion by poorly trained consultants, the concentrations are not usually reported in our cursory reports. However, since this document is intended to also serve as an educational tool to help you, as a Realtor, to understand the various scenarios, I have made an exception and provided a summary of results, with concentrations.

The values that appear in the appended laboratory report are NOT concentrations, and cannot be interpreted by any person without the FACTs field notes.

In the table below, I have presented the result of the sampling in the context of the DQOs.

Sample ID	Sample Location	Result µg/100cm ²	Criteria	Status
JM051111-01A	Mud room, top of trophy shelf	10.67	0.10	FAIL
JM051111-01B	Ground floor, S room top of window frame			
JM051111-01C	Laundry room top of cabinet			
JM051111-01D	Ground floor bathroom, exhaust fan			
JM051111-01E	Kitchen, top of refrigerator			
JM051111-02A	Ground floor NE bedroom, top of window frame	8.58	0.10	FAIL
JM051111-02B	Master bathroom, extraction fan			
JM051111-02C	Crawlspace top of duct			
JM051111-02D	Furnace interior			
JM051111-02E	Living room, top of ceiling fan			
JM051111-03A	Second floor SE Bedroom, top of ceiling fan	4.40	0.10	FAIL
JM051111-03B	Second floor, S central bedroom, SE wall			
JM051111-03C	Second floor, SW bedroom, SW wall			
JM051111-03D	Second floor, SW bedroom, top of chair molding			
JM051111-03E	Living room top of furnace return duct			

Table 1
Results of Methamphetamine Samples

CONCLUSIONS

Based on our objective sample results collected during our May 11, 2010 visit, the subject property contains overt and profound methamphetamine contamination in excess of the regulatory thresholds set by the Colorado Board of Health and as defined in 6 CCR 1014-3 and in excess of those concentrations now known to present an hazardous environment for humans.

Pursuant to State statutes, the illegal drug lab has been “otherwise discovered.” Pursuant to statute, a Preliminary Assessment must be performed pursuant to regulation by an authorized Industrial Hygienist, and a “decision statement” obtained, or the property must be demolished.

Mr. XXXXX, please call me with any questions you may have. We have prepared this discussion for you *gratis*, but you own the discussion and may dispose of, sell, or distribute as with any other tangible asset.

Prepared by:



Caoimhín P. Connell
Forensic Industrial Hygienist

APPENDIX A
LABORATORY REPORT



ANALYTICAL CHEMISTRY INC.

Established in 1979

4611 S. 134th Place, Ste 200
Tukwila WA 98168-3240

Website: www.acilabs.com

Phone: 206-622-8353

E-mail: info@acilabs.com

Lab Reference:	11140-08
Date Received:	May 13, 2011
Date Completed:	May 16, 2011

May 17, 2011

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

CLIENT REF: Jess Mar

SAMPLES: wipes/3

ANALYSIS: Methamphetamine by Gas Chromatography-Mass Spectrometry.

RESULTS: in total micrograms (ug)

Sample	Methamphetamine, ug	% Surrogate Recovery
JM051111-01	1.20	94
JM051111-02	0.965	96
JM051111-03	0.497	96
QA/QC Method Blank	< 0.004	
QC 0.100 ug Standard	0.098	
QA 0.020 ug Matrix Spike	0.018	
QA 0.020 ug Matrix Spike Duplicate	0.020	
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.aclabs.com

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

Please do not write in shaded areas.

SAMPLING DATE: May 11, 2011		REPORT TO: Caoimhin P. Connell		ANALYSIS REQUESTED													
PROJECT Name/No: Jess Mar		COMPANY: Forensic Applications, Inc.		1 Methamphetamine 2 Use entire contents 3 Normal Turn-around time 4 RUSH 5 Weigh and report in mg 6 Not Submitted													
eMail: Fiostrach@aol.com		ADDRESS: 185 Bounty Hunters Lane, Bailey, CO 80421															
SAMPLER NAME: Caoimhin P. Connell		PHONE: 303-903-7494															
LAB Number	Sample Number	SAMPLE MATRIX			ANALYSIS REQUESTS						SAMPLER COMMENTS	LAB COMMENTS	No of Containers				
		Wipe	Vacuum	Other	1	2	3	4	5	6							
	101				X	X	X								1		
	102				X	X	X								1		
	103				X	X	X								1		
CHAIN OF CUSTODY RECORD				Wipes Results in:				Total Number of Containers (verified by laboratory)									
PRINT NAME		Signature		COMPANY		DATE		TIME		Turnaround Time		Custody Seals:		Yes		No	
Caoimhin P. Connell				FACTS, Inc.		5/11/2011		1:45P		<input type="checkbox"/> 24 Hours (2X) <input type="checkbox"/> 2 Days (1.75X) <input type="checkbox"/> 3 Days (1.5X)		<input checked="" type="checkbox"/> Total µg		<input checked="" type="checkbox"/> Intact <input type="checkbox"/> Broken		<input type="checkbox"/> Ambient <input checked="" type="checkbox"/> Cooled	
MIA SKZOV				ACE		5/13/11		1500		<input type="checkbox"/> 3 Days (1.5X)		<input type="checkbox"/> Total µg		<input type="checkbox"/> Inspected By: MIA SKZOV		<input type="checkbox"/> xRoutine 1140-08	

**APPENDIX B
CONSULTANT'S SOQ**



**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:	Jess Mar	Form # ML15
Date: May 5, 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 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 is the Industrial Hygiene Subject Matter Expert for the Department of Homeland Security, IAB (Health, Medical, and Responder Safety SubGroup), 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 2,130 samples during assessments (a detailed list of drug lab experience is available on the web at:

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

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

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

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PHONE: 303-903-7494 www.forensic-applications.com