Good Afternoon, Sarah:

It was a pleasure speaking with you. As I mentioned on the phone, Ms. Brisnahan's office is not in a position to make a statement about compliance or the concentrations of our samples either from a regulatory perspective or from a factual perspective.

The concentrations of a contaminant are based on the mass of analyte per unit surface area sampled – without knowing both, it is physically impossible to know the concentrations. Since in our report, we never presented the surface areas (nor are we required to), it is impossible for anyone to calculate the concentrations from the laboratory report provided.

In our report to Mr. Stevens, we did not include the concentrations since, as we explained to you (and in our report), the actual concentrations are not significant, and cannot be used at this point as part of the decision making process. The no "de minimis" opinion was actually Ms. Brisnehan's own opinion (as we described on Page 8, of our Nov 30, 2010 report).

Ms. Brisnehan's no *de minimis* opinion stems from a similar cursory evaluation of a property located in Jefferson County, wherein we performed quantitative testing in Jan of 2008. Our testing revealed that EXTREMELY low levels of methamphetamine were present at the property – hundreds of times below the State decision levels. We recommended to the Governing Body in that case (Jefferson County) that the levels were so EXTREMELY low that to trigger the State regulations and require a Preliminary Assessment for that property was not reasonable, since based on the cursory results (which were 0.002 and 0.007 µg/100cm2), it was virtually guaranteed that the JeffCo property was compliant.

Mr. Craig Sanders (with JeffCo) agreed, but decided to run the idea past Ms. Brisnehan. It was Ms. Brisnehan, however, who stated that the levels found during the cursory were entirely unimportant, and that (direct quote):

> *"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."*

Therefore, since there is no *de minimis* concentration below which the regs are not triggered, it is incumbent upon the Industrial Hygienist during a cursory evaluation to ensure that their sampling techniques are such that trace or inconsequential amounts do not unnecessarily trigger the regulations. At FACTs, we achieve that by adjusting the sampling areas such that if the concentrations are below a specified concentration, the laboratory report merely indicates that the concentrations are "below detection limit."

In the case of Ross Ave in Alamosa, FACTs collected one five-parted composite wipe sample and one five-parted composite microvacuum sample. The concentration of the five parted composite wipe sample was 1.04 µg/100cm2. This indicates (at the low end) that methamphetamine concentrations are approximately twice the lawful concentration

(if homogenously spread through the occupied space sampled); or that at least one area we sampled was as high as 5.0 µg/100cm2 (which would be ten times over the lawful limit). Given that concentrations of contaminant are lognormally distributed, the second scenario is the most probable.

In any event, our sample, which contained 0.167 total micrograms of methamphetamine was collected over a surface area of 16 cm2 and therefore, results in a concentration of 1.04 µg/100cm2, for the hard surfaces. This indicates that if the samples had been collected as part of a final verification sampling protocol, (and consistent with Section 5.8 of 6 CCR 1014-3), the concentrations would have been approximately ten times over the lawful limit for a five-part composite.

We have started seeing some bizarre actions out of Ms. Brisnehan's office including hiring of consultants who are so grossly incompetent in this area of practice that they have been erroneously referencing California regulations instead of Colorado regulations, and Ms. Brisnehan has simply glossed over overt and gross violations of State regulations; resulting in contaminated, botched assessments and injured Colorado citizens. I have copies of critical reviews that my firm has done with regard to this issue.

In short, the regulations are in place for a reason, and apply to all – they are not the private playground of any government office. It is our position that the regulations, mandated by an act of Colorado legislature, are the product of extensive input by various stakeholders which were approved by the Colorado Board of Health. Capricious applications, and willy-nilly alterations of those regulations by any government agency will eventually catch up with any government agency playing around in that manner – regardless of how high up the food chain they may consider themselves.

Since the Preliminary Assessment and the Decision Statement become a matter of public record, Mr. Stevens has a right to see those document assemblies. We would be happy to perform a compliance audit of those documents for Mr. Stevens. The last time we performed such a critical review, we found that Ms. Brisnehan's office had glossed over a report of a property, wherein the consultant didn't know the difference between Colorado regulations and California regulations. That property was later tested by a third Industrial Hygienist and found to contain methamphetamine contamination approximately 1,000 over the lawful limit (although it had been "cleared" by Ms. Brisnehan's office).

Kind regards –

Cheers!
Caoimhín P. Connell
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