



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Industrial Hygiene Assessment
Resulting in the Discovery of an
Illegal Drug Laboratory
At
1114 Pike Drive,
Colorado Springs, CO**

Prepared for:

Confidential Client 1230

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

185 Bounty Hunter's Lane
Bailey, CO 80421



October 30, 2014

- Pursuant to Statute §38-35.7-103(2)(a) the recipient of this document must promptly give written notice to the seller of the results of the testing, and the buyer may terminate the contract. The contract shall not limit the rights to test the property or to cancel the contract based upon the result of the tests.
- Any seller who is aware of the presence of an illegal drug laboratory is required by Colorado Revised Statutes 38-35.7-103(3)(a) to disclose to any potential buyer, in writing, the presence of the same.
- This letter and documentation serve as “Discovery” of an illegal drug laboratory, as that term is found in Colorado Revised Statutes §25-18.5-103(1)(a) and Regulation 6 CCR 1014-3 (3) at the subject property.
- This letter and documentation serve as “Notification” of an illegal drug laboratory at the subject property, as that term is found in Colorado Revised Statutes CRS §25-18.5-103 (1)(a).
- Pursuant to CRS §25-18.5-103(1)(c) no person shall remove any personal belongings or personal property from the property unless that person secures the property in a manner that prevents theft and prevents exposing any other person to any toxic or hazardous chemicals until the property, and resultant debris, is appropriately discarded or cleaned according to board rules (the State regulations).
- Pursuant to CRS §25-18.5-103, the Registered Owner of the property exclusively has three options: 1) commission an authorized Industrial Hygienist to perform a Preliminary Assessment as described in 6 CCR 1014-3 (4.0 *et seq*), or 2) demolish the property; or 3) Sell the property under full disclosure as a noncompliant illegal drug laboratory. No timeframe is currently assigned by the City of Colorado Springs for the completion of the Preliminary Assessment or demolition.
- No exemptions are granted for regulatory compliance if the registered owner is “Fannie Mae,” “Freddie Mac,” or any other Federal or State Government lending program.
- Several unauthorized consultants (including untrained Certified Industrial Hygienists), have been performing unlawful consultation in illegal drugs labs in Colorado. Use of these consultants has resulted in serious litigation problems and will result in a fatal flaw in the work. This, or any other fatal flaw in compliance with the State Regulations, will prevent the registered owner from receiving the liability immunity provided by CRS §25-18.5-103(2)(a)(II) and will invalidate the nondisclosure described in CRS §38-35.7-103(3)(a) and may expose the seller to criminal fraud.



- According to Regulation 6 CCR 1014-3, any cleaning and/or remediation and/or decontamination is strictly prohibited, except pursuant to a completed Preliminary Assessment.

INTRODUCTION

On Wednesday, October 29, 2014, Forensic Applications Consulting Technologies, Inc. (FACTs) was contracted by a confidential buyer to perform a standard Real Estate methamphetamine evaluation for the presence of methamphetamine at the residence located at 1114 Pike Drive, in Colorado Springs, CO.

Pursuant to the intent of Colorado Real Estate methamphetamine disclosure and testing statute as described by CRS §38-35.7-103(2)(a), FACTs collected two 5-parted wipe sample composites for the quantitative determination of the presence of methamphetamine (10 sample locations).

Personnel

The field work was performed by Mr. Caoimhín P. Connell, Industrial Hygienist (as that term is defined in CRS §24-30-1402). A copy of Mr. Connell's SOQ is appended to this discussion.

Findings

Based on state of the art sampling and analysis techniques, FACTs conclusively determined the presence of methamphetamine in the residential structure. Based on current statutes and regulations, the property meets the definition of an "illegal drug laboratory."

Pursuant to CRS 28-18.5-101(8) "Illegal drug laboratory" means:

...the areas where controlled substances, as defined by section 18-18-102, C.R.S., have been manufactured, processed, cooked, disposed of, used, or stored and all proximate areas that are likely to be contaminated as a result of the manufacturing, processing, cooking, disposal, use, or storage.

This letter constitutes "Discovery" as that term is found in Colorado Regulation 6 CCR 1014-3(2) and Colorado Revised Statutes §25-18.5-103(1)(a) and CRS §38-35.7-103(2)(c) and also constitutes "Notification" as that term is used in CRS §25-18.5-103(1)(a).

Background Information

Structure

The subject property built *circa* 1963, consisted of a family residence approximating 1,139 square feet of interior occupiable floor space (excluding the garage and occupiable crawlspace). The structure has a forced-air heating system.



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

Although set to change in a few weeks, Colorado currently 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 or methamphetamine *may* be present, or there is a potential for contamination. The discovery upon which the notification is based may be from a peace officer "...or when a *"drug laboratory" is otherwise discovered.*²"

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 may be deemed a public health nuisance, and must either be demolished or remediated pursuant to a Preliminary Assessment.

Property Statutes

Notification During Real Estate Transaction

According to Colorado revised statutes,³ the seller of a property shall disclose in writing to a buyer whether the seller knows that the property is or was previously an illegal drug 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 and prevent entry.

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.

Prohibition of entry

Pursuant to State statutes entry into the property is restricted:

25-18.5-104. Entry into illegal drug laboratories.

If a structure or vehicle has been determined to be contaminated or if a governing body or law enforcement agency issues a notice of probable contamination, the owner of the structure or vehicle shall not permit any person to have access to the structure or vehicle

² CRS §25-18.5-103

³ CRS 38-35.7-103(3)(a)



unless: (a) The person is trained or certified to handle contaminated property under board rules or federal law; or(b) The owner has received certificates of compliance under section 25-18.5-102 (1) (e).

Follow up Testing

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. That is, no follow-up testing by a seller's representative can be used to provide regulatory relief to the seller in lieu of performing a full Preliminary Assessment.

Since the discovery and notification have already occurred pursuant to CRS §25-18.5-103 (1)(a) and Colorado regulations 6 CCR 1014-3, any retesting, outside of a Preliminary Assessment can only be used to confirm the initial testing.

As it is, pursuant to State statutes, any additional testing by another Industrial Hygienist at this property cannot be used to release the property owner from regulatory requirements to perform a Preliminary Assessment. Any additional testing by a second Industrial Hygienist 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.

County Requirements

The Colorado Springs Government web site (as of October 30, 2014) erroneously identifies the El Paso County (Colorado) Government as the Governing Body. In fact, in 2009, FACTs was explicitly instructed by the Colorado Springs Police Department that the Colorado Springs Police Department was the Governing Body for Colorado Springs and was explicitly instructed to submit all reports, and make all requests pursuant to 6 CCR 1014-3 to the Colorado Springs Police Department.

The Colorado Springs Government web site erroneously references "*Chapter 4 of the Regulations of the El Paso County Board of Health, entitled (sic) "Methamphetamine Laboratory Cleanup Regulations"*" and states that illegal drug laboratories must be addressed according to those county regulations. However, there are no such regulations in El Paso County. The El Paso County Department of Health originally passed and enforced County-specific "Methamphetamine Laboratory Cleanup Regulations."⁴ However, on September 22, 2009, the County Regulations were withdrawn and have not been in effect since that time.

⁴ Attachment "A" Regulations Of The El Paso County Board Of Health El Paso County, Colorado Chapter 4 *Methamphetamine Laboratory Cleanup Regulations*, March 23, 2005



City Regulations

The City of Colorado Springs, CO does not have any specific regulations over and above the State mandated requirements.

Governing Body

Pursuant to statute, FACTs, Inc. must provide the information in this report to the “Governing Body.” The *de facto* “Governing Body” as defined in CRS 25-18.5-101 for this property is:

Colorado Springs Police Department
705 S Nevada Ave,
Colorado Springs, CO 80903
Via Fax: 303-987-7359

FACTs will forward a copy of this report to the Governing Body by Thursday, November 6, 2014.

State Regulations

Pursuant to Colorado regulations 6 CCR 1014-3,⁵ following discovery and notification, a comprehensive and detailed “Preliminary Assessment” must be commissioned by the property owner and performed by a legitimate and qualified (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.

ASSESSMENT PROTOCOLS

Mandatory Contamination Thresholds

A recurring myth in the real estate industry and often repeated by unauthorized consultants is that if sampling (such as that performed at the subject property) finds methamphetamine, but the concentration is less than 0.5 micrograms per one hundred square centimeters ($\mu\text{g}/100\text{cm}^2$) 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. If an Industrial Hygienist chooses non-mandatory sampling

⁵ Titled: Colorado Department Of Public Health And Environment, State Board Of Health, *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories.*



(such as performed at the subject property) during an industrial hygiene evaluation, and those samples result in **any** reported presence of methamphetamine, (even below the value of 0.5 µg/100cm²), then the property **must**, by state regulation, be declared an illegal drug laboratory.⁶ This is due to the fact that cursory sampling and real estate sampling does not meet the data quality objectives upon which the State clean-up level of “0.5 µg/100cm²” value is based.

Colorado is a no *de minimis*-level state. Meaning, **any** concentration of methamphetamine reported on a laboratory report, regardless of the actual numerical value, necessarily triggers the regulations. 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.*⁷

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

In an opinion issued by the State of Colorado Department of Public Health and the Environment,⁸ 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."*

The mandatory Regulations do not specify the reportable limit that should be established by the Industrial Hygienist who is expected to use good professional judgment when establishing reportable limits for Real Estate transactions. It was for this reason that during the establishment of our original 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 (but sufficiently low enough that elevated concentrations would be identified).

Hypothesis Testing

During our screening assessment, the original hypothesis was made that the subject property was devoid of detectable concentrations of methamphetamine at a specified

⁶ *Ibid.* Appendix A

⁷ *Ibid.*

⁸ Email transmission from Craig Sanders to FACTs, January 31, 2008, quoting Coleen Brisnehan, CDPHE, regarding a property at 32548 Kinsey Lane Conifer, Colorado.



limit of reporting 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.

Data Quality Objectives

Our original DQOs were such that we selected a total sampling area that would result in a reportable quantity limit of 0.5 µg/100cm². That is, originally, unless the concentration of the methamphetamine in the composite sample exceeded 0.49 µg/100cm², the laboratory would simply report the concentration as “below reportable limit.” The value of 0.5 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.

For this property, the Client requested their own reportable limit of 0.3 µg/100cm². There is nothing in State Statutes or State regulations that disallows a home buyer from specifying their own custom reportable limits; and nothing in State Statutes or State regulations requires a home buyer to provide any justification for any desired reportable limit.

Our testing produced results that failed to support the hypothesis, and we therefore accept the null hypothesis; *viz.* the subject property conclusively contains methamphetamine at concentrations greater than the Client’s specified reporting limit. The null hypothesis that we must accept is:

Methamphetamine is present in the property above specified levels.

Our sampling indicates that if the composite samples were collected as part of a final clearance sampling protocol, the concentrations of methamphetamine would have been approximately 4 times greater than the lowest permissible concentration of methamphetamine allowed as determined during compliance composite sampling. However, our sampling also indicates that if the composite samples were collected as part of a final clearance sampling protocol, the concentrations of methamphetamine would have been below the mandatory clean-up levels for a discrete sample collected from a single location.

Sample Collection

Using standard industrial hygiene methods, we collected two 5-part composite samples (10 locations) from within the structure. The sampling theory FACTs employed was an “authoritative bias judgmental” sampling wherein samples were collected exclusively from only those locations that had the highest probability of containing methamphetamine if such contamination was present.



Analysis

The samples were submitted to Reservoirs Laboratory, Denver, CO for quantitative analysis using gas chromatography coupled with mass spectrometry.⁹ A copy of the results is attached to this report. The results listed in the laboratory report are erroneously identified by the laboratory as “concentrations.” However, the values are not concentrations but are in fact, absolute mass recovered.

Wipe Sample

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

The history of the FACTs sampling media has demonstrated a media and solvent contamination level below the analytical detection limit for the method. FACTs reagents blank information for methyl alcohol lot # A13Ø2 is less than the method detection limit for n=52 and gauze lot # G13Ø1 is less than the method detection limit for n=52. Therefore, we are confident the methamphetamine reported in the samples was a result of surface contamination and not a result of contaminated sampling materials or handling.

Field Spikes

Although not required by regulations, as part of our general QA/QC protocol, FACTs regularly submits surreptitious spikes to the analyzing laboratory. "Spiked" samples consist of randomly selecting samples that are submitted to a third party independent laboratory for the inclusion of known amounts of *d*-methamphetamine¹⁰ into the selected sample media. The spiked samples are then surreptitiously submitted with the normal project samples. To ensure the integrity of the spikes, laboratory personnel are unaware of the presence or nature of the spikes. The spikes allow FACTs to determine the adequacy of the laboratory in recovering known amounts of methamphetamine from the samples. Sample results reported are then corrected to the spike recovery.

In this case, we used the pooled spike recovery from all previous projects which indicates a spike recovery of 98.5% recovery (n=35, $\sigma = 0.14 \mu\text{g}$). All final results were spike-corrected.

⁹ The laboratory essentially uses the NIOSH Method 9106 “METHAMPHETAMINE and Illicit Drugs, Precursors and Adulterants on Wipes by Liquid-Liquid Extraction”

¹⁰ S(+)-methamphetamine, S,S(+)-pseudoephedrine, 1S,2R(+)-ephedrine



Sample Results

The actual methamphetamine *concentrations* found in the samples taken at the subject property, are not required to be reported, are not germane to this discussion and cannot be used for any purpose. The numerical values of the results 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. Reporting the numerical concentrations frequently leads poorly trained Industrial Hygienists, sellers, and others to misunderstand and misinterpret the data.

The numerical values provided in the accompanying laboratory report are not concentrations and cannot be used to compare the data against any regulatory limit.

Table 1, below, presents the sample location information:

| Sample ID | Sample Location | Sample Status |
|--------------|--|---|
| PM102914-01A | Living room top of door bell | Below Client's Custom Reportable Limit |
| PM102914-01B | Kitchen top of cabinet | |
| PM102914-01C | Upstairs common bathroom top of light | |
| PM102914-01D | Upstairs NE bedroom light fixture | |
| PM102914-01E | Upstairs E corner bedroom ceiling fan | |
| PM102914-02A | Upstairs W corner bedroom ceiling fan | Exceeded Client's Custom Reportable Limit |
| PM102914-02B | Furnace interior cold air return | |
| PM102914-02C | Solarium ceiling fan | |
| PM102914-02D | Downstairs bathroom electrical conduit | |
| PM102914-02E | Garage top of door rail | |

Table 1
Results of Methamphetamine Samples

CONCLUSIONS

Based on our objective sample results collected during our assessment, the subject property contains methamphetamine in excess of the client's requested reporting thresholds. 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.

Based on our experience, and based on the objective data, FACTs believes that the observed methamphetamine was present in just one location and that upon completion of a Preliminary Assessment, only very limited remediation (if indeed, any remediation at all), will be required. That is, FACTs concludes there is a high probability that the completion of a legitimate Preliminary Assessment at this property will directly result in a Decision Statement releasing the property.

Sincerely,



Caoimhín P. Connell
Forensic Industrial Hygienist



APPENDIX A LABORATORY REPORT





Forensic Applications, Inc.

Final Report

RES 304286-1

October 30, 2014

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| Chain of Custody | 5 |



October 30, 2014

Laboratory Code: RES
Subcontract Number: NA
Laboratory Report: RES 304286-1
Project # / P.O. #: Pike
Project Description: None Given

Caoimhin Connell
Forensic Applications, Inc.
185 Bounty Hunters Lane
Bailey, CO 80421

Dear Customer,

Reservoirs Environmental, Inc. is an analytical laboratory accredited for the analysis of Environmental matrices by the National Environmental Laboratory Accreditation Program, Lab Certification #E871030. The laboratory is currently proficient in the in-house ERA PAT Program.


Reservoirs has analyzed the following sample(s) using Gas Chromatography Mass Spectrometry (GC/MS) / Gas Chromatography Flame Ionization Detector (GC/FID) per your request. The analysis has been completed in general accordance with the appropriate methodology as stated in the analysis table. Results have been sent to your office.

RES 304286-1 is the job number assigned to this study. This report is considered highly confidential and the sole property of the customer. Reservoirs Environmental, Inc. will not discuss any part of this study with personnel other than those authorized by the client. The results described in this report only apply to the samples analyzed. This report shall not be reproduced except in full, without written approval from Reservoirs Environmental, Inc. Samples will be disposed of after sixty days unless longer storage is requested. If you should have any questions about this report, please feel free to call me at 303-964-1986.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeanne Orr", is written over a horizontal line.

Jeanne Spencer Orr
President

Analyst(s): 
Mike Schaumloeffel

RESERVOIRS ENVIRONMENTAL, INC.

NVLAP Accredited Laboratory #101896
AIHA Certificate of Accreditation #480 LAB ID 101533

TABLE I. ANALYSIS: METHAMPHETAMINE BY WIPE

RES Job Number: **RES 304286-1**
Client: **Forensic Applications, Inc.**
Client Project Number / P.O.: **Pike**
Client Project Description: **None Given**
Date Samples Received: **October 29, 2014**
Analysis Type: **Methamphetamine by GCMS**
Turnaround: **24 Hour**
Date Samples Analyzed: **October 30, 2014**

| Client ID Number | Lab ID Number | Reporting Limit** (µg) | METHAMPHETAMINE CONCENTRATION (µg) |
|------------------|---------------|------------------------|------------------------------------|
| PM102914-01 | EM 1287024 | 0.19 | BRL |
| PM102914-02 | EM 1287025 | 0.19 | 0.27 |

* Unless otherwise noted all quality control samples performed within specifications established by the laboratory.

**Client specified reporting limit

DATA QA _____

RESERVOIRS ENVIRONMENTAL, INC.

NVLAP Accredited Laboratory #101896
AIHA Certificate of Accreditation #480 LAB ID 101533

QUALITY CONTROL: METHAMPHETAMINE BY WIPE

RES Job Number: **RES 304286-1**
Client: **Forensic Applications, Inc.**
Client Project Number / P.O.: **Pike**
Client Project Description: **None Given**
Date Samples Received: **October 29, 2014**
Analysis Type: **Methamphetamine by GCMS**
Turnaround: **24 Hour**
Date Samples Analyzed: **October 30, 2014**

| Quality Control Batch | Reporting Limit ($\mu\text{g}/100\text{cm}^2$) | Matrix Blank ($\mu\text{g}/100\text{cm}^2$) | Matrix Duplicate (% RPD) | Matrix Spike (% Recovery) | Laboratory Control Sample (% Recovery) |
|-----------------------|---|--|-----------------------------|------------------------------|---|
| 1 | 0.05 | BRL | 12 | 90 | 94 |

* Unless otherwise noted all quality control samples performed within specifications established by the laboratory.

DATA QA _____

Due Date: 10/30/14
Due Time: 1:15pm

REILAB Reservoirs Environmental, Inc.

RES 304286

After Hours Cell Phone: 720-339-8228

CONTACT INFORMATION:

Company: Forensic Applications, Inc
Address: 185 Bounty Hunters Lane
 Bailey, CO 80421
Project Number and/or P.O. #: Pike
Project Description/Location:

Company: Caoimhin P. Connell
Address: 303-903-7494
Phone: 303-903-7494
Fax:
Cellpager:
Final Data Deliverable Email Address: admin@forensic-applications.com

INVOICE TO: (IF DIFFERENT)

ASBESTOS LABORATORY HOURS: Weekdays: 7am - 7pm
 PLM / PCM / TEM ___ RUSH (Same Day) ___ PRIORITY (Next Day) ___ STANDARD
 (Rush PCM = 2hr, TEM = 6hr.)

CHEMISTRY LABORATORY HOURS: Weekdays: 8am - 5pm
 Metal(s) / Dust ___ RUSH ___ 24 hr ___ 3-5 Day
 RCRA 8 / Metals & Welding RUSH ___ 5 day ___ 10 day
 Fume Scan / TCLP ___ 24 hr ___ 3 day ___ 5 Day
 Organics

MICROBIOLOGY LABORATORY HOURS: Weekdays: 9am - 6pm
 E.coli O157:H7, Coliforms, S.aureus ___ 24 hr ___ 2 Day ___ 3-5 Day
 Salmonella, Listeria, E.coli, APC, Y & M ___ 48 Hr ___ 3-5 Day
 Mold RUSH ___ 24 Hr ___ 48 Hr ___ 3 Day ___ 5 Day

****Turnaround times establish a laboratory priority, subject to laboratory volume and are not guaranteed. Additional fees apply for afterhours, weekends and holidays.****

Special instructions: SPECIAL Reporting Limit 0.3 µg Please report all samples as total µg.
 Please use entire sample. 0.15 µg per client

Client sample ID number (Sample ID's must be unique) Request
 1 PM102914-01
 2 PM102914-02
 3
 4
 5
 6
 7
 8
 9
 10

| PLM - Short report, Long report, Point Count | TEM - AHERA, Level II, 7402, ISO, +/-, Quant, Semi-quant, Micro-vac, ISO-Indirect Preps | PCM - 7400A, 7400B, OSHA | DUST - Total, Respirable | METALS - Analyte(s) RCRA 8, TCLP, Welding Fume, Metals Scan | ORGANICS - METH | SALMONELLA: +/- | LISTERIA: +/- | NEROBIOTIC PLATE COUNT: +/- or Quantification | F. COLI: +/- or Quantification | COLIFORMS: +/- or Quantification | S. AUREUS: +/- or Quantification | Y & M: +/- or Quantification | MOLD: +/-, Identification, Quantification | OTHER NOTES: 0.3 µg Reporting Limit | SAMPLE VOLUME (L) / AREA | MATRIX CODE | DATE COLLECTED mm/dd/yyyy | TIME COLLECTED hh/mm a/p | EM NUMBER (Laboratory Use Only) |
|--|---|--------------------------|--------------------------|--|-----------------|-----------------|---------------|---|--------------------------------|----------------------------------|----------------------------------|------------------------------|---|-------------------------------------|--------------------------|-------------|---------------------------|--------------------------|---------------------------------|
| | | | | | X | | | X | | | | | | | W | 10/29/14 | | 126702 | |
| | | | | | X | | | X | | | | | | | W | 10/29/14 | | | |
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Number of samples received: _____ (Additional samples shall be listed on attached long form.)

Relinquished By: [Signature] Date/Time: 13:07 10/29/14
Laboratory Use Only
Received By: nicole [Signature] Date/Time: 1:15pm 10/29/14
Results: [Signature] Date/Time: 1:15pm 10/29/14

| Contact | Phone | Email | Fax | Date | Time | Initials | Contact | Phone | Email | Fax | Date | Time | Initials | Contact | Phone | Email | Fax | Date | Time | Initials | Intact | Sealed | On Ice | Temp. (F°) | Yes / No | Yes / No | |
|---------|-------|-------|-----|------|------|----------|---------|-------|-------|-----|------|------|----------|---------|-------|-------|-----|------|------|----------|--------|--------|--------|------------|----------|----------|--|
| | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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: | Pike | Form # ML15 |
| Date October 30, 2014 | | |

Caoimhín P. Connell, has been involved in clandestine drug lab investigations since 2002 and meets the Colorado Revised Statute §24-30-1402 definition of an "Industrial Hygienist." He has been a practicing Industrial Hygienist since 1987 and was the contract Industrial Hygienist for the National Center for Atmospheric Research for over ten years. Mr. Connell is a recognized authority in drug-lab operations and is a Certified Instructor in Meth-Lab Safety through the Colorado Regional Community Policing Institute, CRCPI (through the Colorado Division of Criminal Justice) and was the lead instructor for the CRCPI providing over 260 hours of methlab training for over 45 Colorado Law Enforcement Agencies, federal agents, probation and parole officers throughout Colorado judicial districts. He has provided methlab lectures to the US Air Force, the National Safety Council, and the American Industrial Hygiene Association (of which he is a member and serves on the Clandestine Drug Lab Work Group and for whom he conducted the May, 2010, Clandestine Drug Lab Course, and is a coauthor of the AIHA methlab assessment publication.)

Mr. Connell is also a member of the American Conference of Governmental Industrial Hygienists, the Occupational Hygiene Society of Ireland, the Colorado Drug Investigators Association, an appointed Full Committee Member of the National Fire Protection Association, and the ASTM International Forensic Sciences Committee, (where he was the sole sponsor of the draft ASTM E50 *Standard for the Assessment of Suspected Clandestine Drug Laboratories*).

From 2009, Mr. Connell served as the Industrial Hygiene Subject Matter Expert on the Federally funded Interagency Board (Health, Medical, and Responder Safety SubGroup), and was elected full member of the IAB-HMRS in 2011 where he now serves. He is the only private consulting Industrial Hygienist in Colorado 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 has received over 190 hours of highly specialized law-enforcement sensitive training in illegal drug lab operation, and under supervision of the US Drug Enforcement Agency, he has manufactured methamphetamine using a variety of street methods. He has received highly specialized drug lab assessment training through the Iowa National Guard, Midwest Counterdrug Training Center and the Florida National Guard Multijurisdictional Counterdrug Task Force, St. Petersburg College, Rocky Mountain HIDTA, 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 sworn law enforcement officer 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 508 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 4,714 samples during assessments (a partial 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 and a US NIOSH Recommended Peer Review Expert for the NIOSH 9109 Method, *Methamphetamine*. He has been admitted as a clandestine drug lab expert in Colorado, and an Industrial Hygiene Expert in Colorado in both civil and criminal courts as well as Federal Court in Pennsylvania. He has provided expert testimony in several criminal cases including Grand Jury testimony and testimony for US Bureau ATF and he 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 Investigators, and Federal Investigators with forensic services and arguments against corrupt regulators, fraudulent industrial hygienists, and unauthorized consultants performing invalid methlab assessments.

185 Bounty Hunter's Lane, Bailey, Colorado 80421
Phone: 303-903-7494 www.forensic-applications.com



Multijurisdictional Counterdrug Task Force Training

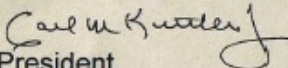


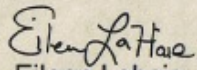
This is to certify that
Caoimhin P. Connell

Has satisfactorily completed the following 24 hour MCTFT training course held at
DIVIDE, CO

Rural Patrol

Training held 9/27/2004 through 9/29/2004


President
St. Petersburg College


Eileen Lahaie
MCTFT Director

A partnership between The Florida National Guard and St. Petersburg College

Midwest Counterdrug Training Center



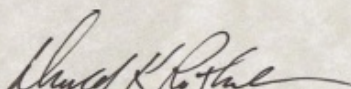
Certificate of Training

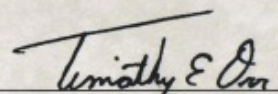
This certifies that

Caoimhin Connell

Has successfully completed the
Clandestine Laboratory Certification

Cheyenne, WY
40 Training Hours
2-6 August 2004


Network Environmental Systems, Inc.


LTC Timothy E. Orr
Commandant



Center *for* Task Force Training™

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

HAS SUCCESSFULLY COMPLETED 20 HOURS OF TRAINING IN

METHAMPHETAMINE INVESTIGATION MANAGEMENT

MARCH 20-22, 2006

DENVER, COLORADO

Domingo S. Herraiz
Director, Bureau of Justice Assistance

Training coordinated by the
Institute for Intergovernmental
Research® on behalf of BJA



State and Local Anti-Terrorism Training

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

HAS SUCCESSFULLY COMPLETED AN 8-HOUR
STATE AND LOCAL ANTI-TERRORISM TRAINING PROGRAM
NARCOTICS TASK FORCE ANTI-TERRORISM BRIEFING

June 1, 2006
Denver, Colorado

Domingo S. Herraiz
Director, Bureau of Justice Assistance



Training coordinated on behalf of BJA
by the Institute for Intergovernmental Research

**Rocky Mountain
High Intensity Drug Trafficking
Area**



Certifies that



Caoimhín Connell

has attended

4 hours of

Hash Oil Extraction: The Scene and The Patient

Aurora, CO

July 25, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA



Certificate of Completion

Caoimhin Connell

has successfully completed training in

Advanced Clan Labs: Beyond the Basics

presented by

NES, Inc.

1141 Sibley Street Folsom, CA 95630

Instructor - Brian Escamilla

04/28/14 04/30/14

Date

Contact Hours:24



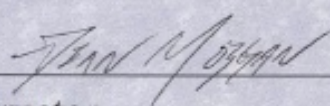
Park County Sheriff's Office Certificate of Completion

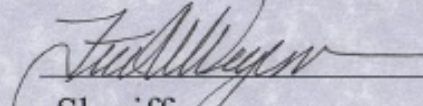
Caoimhin Connell

has completed an 8 hour course in:

Crime-scene Approach and Evidence Collection

Completed this 29th day of April, 2009


Instructor


Sheriff

Rocky Mountain High Intensity Drug Trafficking Area





Certifies that



Caoimhín P. Connell

*has attended
2 hours of
Hash Oil Explosions
Woodland Park, CO
May 31, 2014*


Training Manager, Rocky Mountain HIDTA


Director, Rocky Mountain HIDTA

Certificate of Completion

This Will Certify That

Caoimhín P. Connell

Successfully Completed

Prescription Drug Crimes

7 Hours Completed

At: CO Law Enforcement Officers Assn. On: September 30, 2010
Greeley, Colorado



Director, Law Enforcement Liaison & Education

P. Ritch Wagner
Instructor

C7954



Certificate of Training

This is to certify that
Caoimhín Connell

(Name)

Park County Sheriff's Office

(Agency)

If the bearer of this document possesses a 40 Hour certificate pursuant to 29 CFR §1910.120, this certifies the above named has met the refresher training requirements of 29 CFR §1910.120(e)(8) and is hereby RECERTIFIED in Clandestine Laboratory Safety / HazWoper

Sponsored by
Rocky Mountain High Intensity Drug Trafficking Area
Colorado Regional Community Policing Institute

Caoimhín P. Connell: Instructor/Date
Glean HARVEY



Colorado Law Enforcement Officers' Association



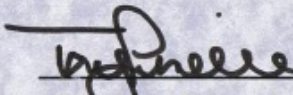
This is to certify that

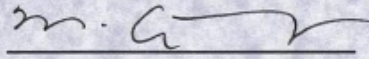
CAOIMHIN CONNELL

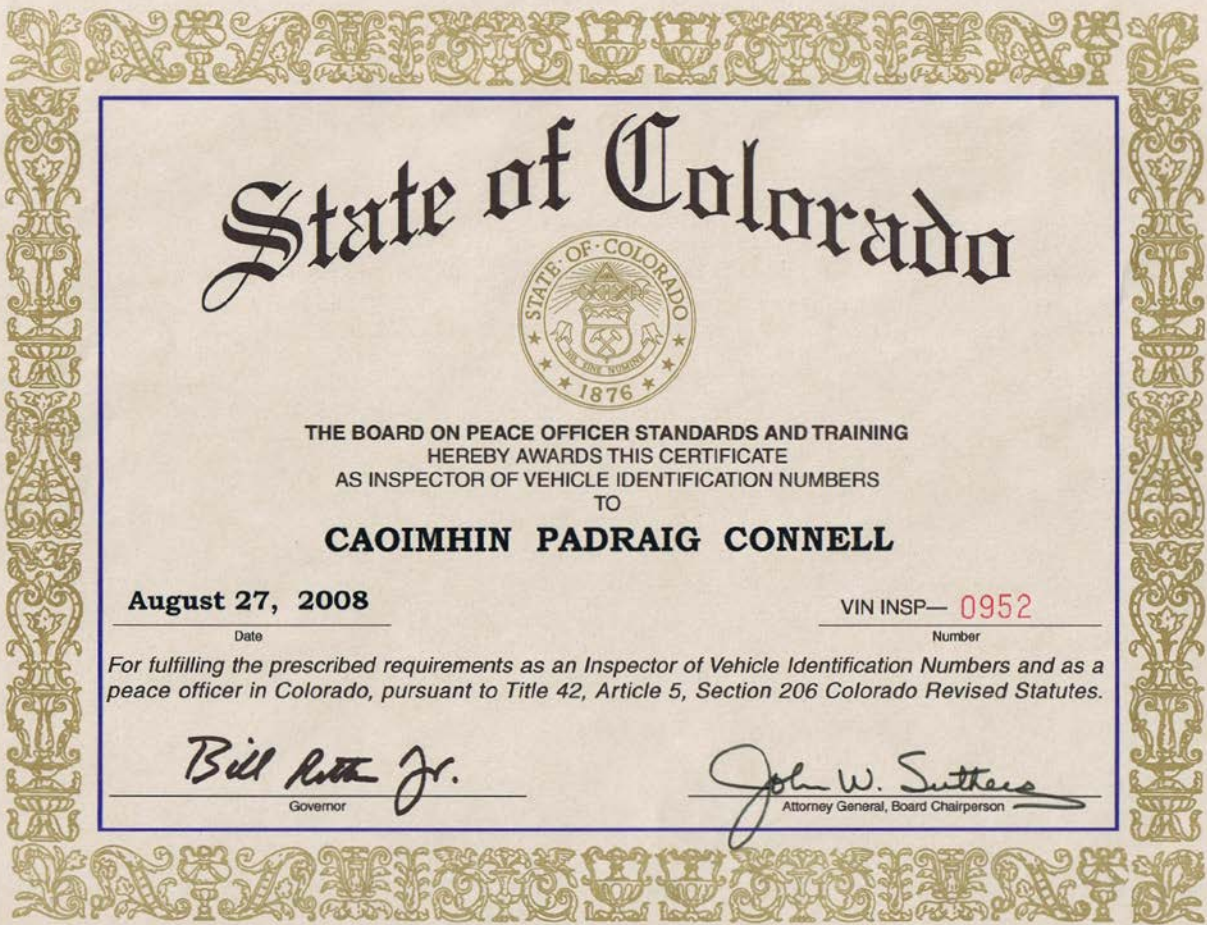
Completed ARIDE (Advanced Roadside Impaired Driving Enforcement)

hosted by Loveland Police Department

on February 28 – March 1, 2011


Tony Dinelle, CLEOA President


ARIDE Instructor



State of Colorado



THE BOARD ON PEACE OFFICER STANDARDS AND TRAINING
HEREBY AWARDS THIS CERTIFICATE
AS INSPECTOR OF VEHICLE IDENTIFICATION NUMBERS
TO

CAOIMHIN PADRAIG CONNELL

August 27, 2008

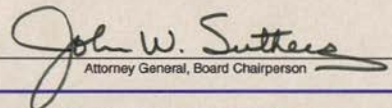
Date

VIN INSP— **0952**

Number

For fulfilling the prescribed requirements as an Inspector of Vehicle Identification Numbers and as a peace officer in Colorado, pursuant to Title 42, Article 5, Section 206 Colorado Revised Statutes.


Governor


Attorney General, Board Chairperson

Certificate of Completion
Intoxilyzer 9000 Operator Certification Course

The Evidential Breath Alcohol Testing Program of the
Colorado Department of Public Health and Environment certifies that

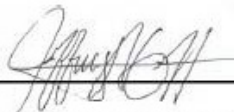
Caoimhin P Connell

User ID: 841645


has successfully completed the "Intoxilyzer 9000 Operator Certification Course"
to determine the alcohol concentration in breath specimens pursuant to the
State Board of Health Rules Pertaining to Testing for Alcohol and Other Drugs (5 CCR, 1005-2)
Training was provided by the Evidential Breath Alcohol Testing Program
of the Colorado Department of Public Health and Environment.

February 21, 2013

Certificate Date



Jeffrey A. Groff, Program Manager
Evidential Breath Alcohol Testing Program



David A. Butcher, Director
Laboratory Services Division
Colorado Department of Public Health
and Environment

Certification expires 180 days from certificate date. Recertification must be per 5 CCR 1005-2.



Certificate of Achievement

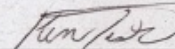
awarded to:

Caoimhin P. Connell

Has successfully completed Methamphetamine Lab Cleanup Management and
Supervision training in accordance with 29 CFR 1910.120 and State Regulations
Pertaining to the Cleanup of Methamphetamine Laboratories (8Hrs.)

June 1st, 2005

Date



Signed

HAZMAT Plans & Programs, Inc. 30 S. Havana St. Suite 304F Aurora, Colorado 80012 (303) 360-9801
"Safety Plans, Programs and Training Tailored To The Needs Of Your Business"

CERTIFICATE OF COMPLETION

COLORADO LAW ENFORCEMENT ASSOCIATIONS TRAINING PROJECT

This Certifies That

Caoimhin Connell

Has Attended the

CLEAT 40-HOUR

Train the Trainer Course

Hosted by Breckenridge Police Department
August 14-18, 2006

Karen M. Renshaw, CAE
Executive Director
Colorado Association of Chiefs of Police

John L. Kammerzell
Executive Director
Police Officer Standard & Training

Donald E. Christensen
Executive Director
County Sheriffs of Colorado



SINCE 1973

This is to certify that

Caoimhin P. Connell

*Has completed a 24 hour training program in Vehicle Identification Number
Inspection*

Presented this 24th day of May, 2008

Chris Fox

CATI President

[Signature]

VIN Inspector Training Coordinator

State of Colorado



THE BOARD ON PEACE OFFICER STANDARDS AND TRAINING
AWARDS THIS CERTIFICATE
TO

CAOIMHIN PADRAIG CONNELL

May 6, 2004

Date

B- 10670

Number

For fulfilling the prescribed requirements for certification. This certificate expires three years from date of issuance unless the certificate holder meets the requirements for continued certification as established by law and the P.O.S.T. Board.

Phil Owen

Governor

Ken Salazar

Attorney General, Board Chairperson

Rocky Mountain High Intensity Drug Trafficking Area



Certifies that



Caoimhín Connell

has attended

16 hours of

MCTC / RMHIDTA Indoor Marijuana Grows

Centennial, CO

August 28-29, 2014

Jim Bjo

Training Manager, Rocky Mountain HIDTA

Thomas Simon

Director, Rocky Mountain HIDTA

APPENDIX C

REGULATORY DECISION FLOW CHART



