

# Regulations Pertaining to the Cleanup of Methamphetamine Laboratories



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☼ Methamphetamine

# Background - House Bill 04-1182

## Section 25-18.5-102, C.R.S.

- Directed the State Board of Health to:
  - establish cleanup standards for methamphetamine labs
  - consider the Hazardous Materials and Waste Management Division's July 2003 guidance document on methamphetamine lab cleanup

# Background - House Bill 04-1182

## Section 25-18.5-103, C.R.S.

- Requires property owners to:
  - meet the cleanup standards,
  - or
  - demolish the contaminated property
- Establishes a civil liability shield if:
  - a certified or statutory industrial hygienist certifies that the standards have been met
  - the report is filed with the “governing body”

# Background - House Bill 04-1182

House Bill 04-1182 *did not*:

- Establish a cleanup oversight program
- Establish a contractor oversight or certification program
- Address personal property not owned by the real property owner
- Define “governing body”

# Background - Senate Bill 05-217

Amended original statute to:

- Define “governing body”
- Address tenant owned personal property
- Declare unremediated meth lab properties public health nuisances
- Allow governing bodies to establish cleanup oversight programs
- Remove requirement for certification by a CIH or IH

# Cleanup Authority

## State Cleanup Authority - 6 CCR 1014-3

- The Colorado Board of Health adopted regulations for the cleanup of meth labs in January 2005.
- The regulations became effective on March 30, 2005.

## Local Cleanup Authority

- Local health agencies can enforce State public health laws.
- Some local agencies have independent authority to require cleanup

# Cleanup Regulations -The Details

Includes requirements for:

- Preliminary assessment of property
- Decontamination procedures
  - structures
  - personal property
  - septic systems
  - outdoor areas
- Sampling and analytical procedures
  - number, type and location of samples
  - sample collection requirements
  - analytical methods
- Cleanup levels
- Final report documenting cleanup



# Cleanup Levels

- Methamphetamine - 0.5 ug/100cm<sup>2</sup>
- Iodine on surfaces - 22 ug/100cm<sup>2</sup>
- For phenyl-2-propanone method only
  - lead on surfaces - 40 ug/ft<sup>2</sup>
  - mercury in vapor form – 1.0 ug/m<sup>3</sup>
- Outdoor contamination – subject to existing regulations

# Implementation of Regulations

- Self-implementing with respect to property owner liability shield
- State can enforce regulations
  - does not have a program
  - does not have adequate resources
- Local agencies can enforce regulations
  - as a public health law
  - as part of a local regulations or ordinances

# Where are the Holes?

- Cleanup oversight and verification
- Contractor oversight and/or certification
- Reporting and tracking former labs
  - reporting of meth lab locations
  - availability of information to the public
  - tracking the status of cleanup
  - disclosure?

# Plugging the Holes

## The Key is Local Agency Involvement

- Property posting
- Property owner notification
- Cleanup oversight
- Cleanup verification
- Maintaining final reports
- Informing the public

# Additional Information

## Cleanup Regulation

<http://www.cdphe.state.co.us/op/regs/boardofhealth/101403methlabrules.pdf>

## Support for Cleanup Level

<http://www.cdphe.state.co.us/hm/methlabcleanuplevelsupport.pdf>