

Overview of Meth Lab Cleanup Requirements in Colorado



Colleen Brisnehan

**Colorado Department of Public Health and Environment
Hazardous Materials and Waste Management Division**

Background - House Bill 04-1182

Section 25-18.5-101, C.R.S.

- Drug Laboratory - areas where controlled substances have been “manufactured, processed, cooked, disposed of, or stored” and all proximate areas likely to be contaminated

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

- Board of Health shall establish cleanup standards for “illegal laboratories used to manufacture methamphetamine”

Background - House Bill 04-1182

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

- Requires the 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
- Require owner to restrict access to property
- Allow governing bodies to establish cleanup oversight programs

Meth Lab Cleanup Regulation

Board of Health Regulation 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.

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/100cm²
- Iodine on surfaces - 22 ug/100cm²
- For phenyl-2-propanone method only
 - lead on surfaces - 40 ug/ft²
 - mercury in vapor form – 1.0 ug/m³
- 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

Disclosure - Senate Bill 06-002

Section 38-35.7-103, C.R.S.

- Requires disclosure of former meth labs
- Allows buyer to test property to determine if it was used as a meth lab
 - Tests must be conducted by an industrial hygienist
 - Owner may have independent testing conducted
- Disclosure is not required if the property has been cleaned up in accordance with State cleanup requirements (6 CCR 1014-3).

Disclosure - Senate Bill 06-002

Section 38-35.7-103, C.R.S.

- Upon notification to seller of positive results, the property is deemed a meth lab under 25-18.5-103, C.R.S.
- Buyer may assume liability for cleanup
 - Must provide notice to CDPHE
 - Must complete cleanup within 90 days of closing

Senate Bill 06-002 Consequences and Complications

- Applies to properties not previously subject to cleanup requirements
 - Meth lab seizures before date of cleanup statute
 - Meth labs cleaned up prior to cleanup regulations
- Testing requirements not defined
- Indirectly applies to contamination from smoking meth
- Requires removal of remediated properties from government-sponsored informational lists

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>

National Jewish Research

http://www.nationaljewish.org/news/y2005/meth_research_results.aspx
