

Meth Labs, Disclosure, and Remediation in Colorado – What, When, How, and Why?

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Overview

- What are the rights of buyers and sellers regarding the existence of meth in a property?
- When does a buyer, seller, or broker have to disclose information regarding meth?
- How are assessment, decontamination, and reporting handled in Colorado?
- Why does any of this matter to us?

What are the rights of buyers and sellers regarding the existence of meth in a property?



Buyer's Rights

“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.”

C.R.S. § 38-35.7-103(1)

Buyer's Rights

If the test indicates contamination by meth, buyer has the right to

- terminate the contract to purchase the property;
OR
- purchase the property and assume liability IF:
 - Buyer notifies the Department of Public Health and Environment and the governing body on the date of closing of the purchase and assumption of liability
AND
 - Required remediation of the property is done within 90 days after the date of closing

Side Note – “Governing Body”

“Governing body” means the agency or office designated by the city council or board of county commissioners where the property in question is located. If there is no such designation, the governing body shall be the county, district, or municipal public health agency, building department, and law enforcement agency with jurisdiction over the property in question.

CRS § 25-18.5-101(7)

Buyer's Rights

- If seller fails to make a required disclosure regarding meth, buyer has the right to file an action against the seller within 3 years of the date of closing
 - Seller liable for:
 - Costs of remediation;
 - Costs of health-related injuries occurring after the sale to residents of the property caused by meth production on the property; and
 - Reasonable attorney fees for collection of costs from the seller

Seller's Rights

- If buyer conducts first test and it is positive, seller has the right to conduct an independent test within 30 days of receipt of notice from the buyer of the test result
- If the second test is positive, seller has the right to remediate the property according to state standards
 - Once remediated, seller is no longer required to disclose that the property was used as a meth lab and property is no longer eligible to be included on government-sponsored list of meth labs

Owner Immunity

- When notified of presence of illegal drug lab (either by law enforcement or any other notice), owner can demolish the property or meet decontamination standards
 - Give copies of certificates of compliance to the governing body
- Once compliant, owner is “immune from a suit brought by a current or future owner, renter, occupant, or neighbor of the property for health-based civil actions that allege injury or loss arising from the illegal drug laboratory.” – *CRS § 25-18.5-103(2)(a)(II)*

When does a buyer, seller, or broker have to disclose information regarding meth?



Disclosure Requirements

- Governed by *CRS § 38-35.7-103*
- If a buyer conducts a test and it indicates contamination, buyer shall “promptly” give written notice to the seller of the results
- If seller conducts a second test and it indicates contamination, second tester shall notify the seller and seller shall disclose in writing to the buyer UNLESS seller remediates in accordance with the standards in *CRS § 25-18.5-102*

Disclosure Requirements

If the property is remediated according to regulations, there is **NO REQUIREMENT TO DISCLOSE!!**

Disclosure Requirements

CBS1-8-13. CONTRACT TO BUY AND SELL REAL ESTATE (Residential)

10.11. Methamphetamine Disclosure. If Seller knows that methamphetamine was ever manufactured, processed, cooked, disposed of, used or stored at the Property, Seller is required to disclose such fact. No disclosure is required if the Property was remediated in accordance with state standards and other requirements are fulfilled pursuant to § 25—18.5—102, C.R.S. Buyer further acknowledges that Buyer has the right to engage a certified hygienist or industrial hygienist to test whether the Property has ever been used as a methamphetamine laboratory. Buyer has the Right to Terminate under § 25.1, upon Seller's receipt of Buyer's written Notice to Terminate, notwithstanding any other provision of this Contract, based on Buyer's test results that indicate the Property has been contaminated with methamphetamine, but has not been remediated to meet the standards established by rules of the State Board of Health promulgated pursuant to § 25—18.5—102, C.R.S. Buyer must promptly give written notice to Seller of the results of the test.

Broker Concerns

- **Don't** become a “pseudo-inspector” – it is not your role and may create liability
- But **do** become aware of issues and talk to your clients about them
- Your job is to inform the client, give suggestions on how to get information, if client chooses to test, know the right person to conduct the testing

Sources of Information

The Denver Dep't of Environmental Health's Healthy Family Healthy Homes section maintains a record of properties that have been reported as a meth lab, and if it has been remediated or remains contaminated. However, a record of a specific property may not be available as it was not reported.

- To inquire if a specific property has been reported as a meth lab, please email phicomments@denvergov.org or call 311. For additional questions or concerns, call Gerhard Kriedemann at 720-865-5376.

Other Public Health Departments

- Some keep records of meth labs – contact them early in the process to see if there is a record on your property

Sources of Information

- North Metro Area Task Force – includes Adams County, Broomfield, Brighton, Commerce City, Federal Heights, Northglenn, Thornton, Westminster
 - <http://user.govoutreach.com/thornton/faq.php/?cid=9635>
- City of Colorado Springs Police Dept. meth lab seizures
 - <https://www.springsgov.com/Page.aspx?NavID=702>

Identifying a Meth-affected Property

It's not always obvious...



Cheyenne, WY



Lafayette, CO



Palm Coast, FL



Location unknown

<http://badassetblog.blogspot.com>



Humble, TX

Identifying a Meth-affected Property



It's not always obvious....

Indications of a Meth Lab

- Unusually strong odors
- Unusual amount of clear glass containers
- Hydrogen peroxide containers
- Plastic or rubber tubing
- Areas of dead vegetation in the yard (where chemicals have been dumped)
- OTC drug packages
- Corroded gas cylinders
- Coffee filters, often with unusual stains
- Stained walls

Indications of a Meth Lab



Look for empty OTC drug packages and blister packs.

Meth is made from common household items, such as gas-line antifreeze and ephedrine or pseudophedrine. Storage/disposal of large quantities of such materials may indicate a meth lab.



<http://www.bouldercounty.org/env/healthyhome/pages/methlabphotogallery.aspx>

Indications of a Meth Lab



This is a propane bottle used to download ammonia. The nozzle is blue due to the corrosive effect of ammonia on the gas valve. This propane tank is now a potential bomb, ready to explode.



Home made pipe fitting – piping that is duct-taped to containers is a possible indicator of meth lab activity.

<http://www.bouldercounty.org/env/healthyhome/pages/methlabphotogallery.aspx>

Indications of a Meth Lab

Yellow-brown stains on the wall may be created by iodine by-products from meth production. All of the drywall must be removed to ensure the safety of future occupants.



Coffee filters stained with unusually bright colors may indicate meth production.



<http://www.bouldercounty.org/env/healthyhome/pages/methlabphotogallery.aspx>

Indications of a Meth Lab



Everything one needs for a meth lab can be contained within a simple cardboard box. Look for piping attached to odd containers, beakers, jars and funnels; bi-layered liquids; powerful odors.

<http://www.bouldercounty.org/env/healthyhome/pages/methlabphotogallery.aspx>



Items to watch for:

Common cold pills containing
ephedrine or pseudoephedrine

Acetone

Alcohol (Gasoline Additives or Rubbing)

Toluene (Brake Cleaner)

Engine Starter (Esher)

Drain Cleaner (Sulfuric Acid)

Coffee Filters

Iodine (Veterinarian Products)

Salt (Table/Rock)

Batteries (Lithium)

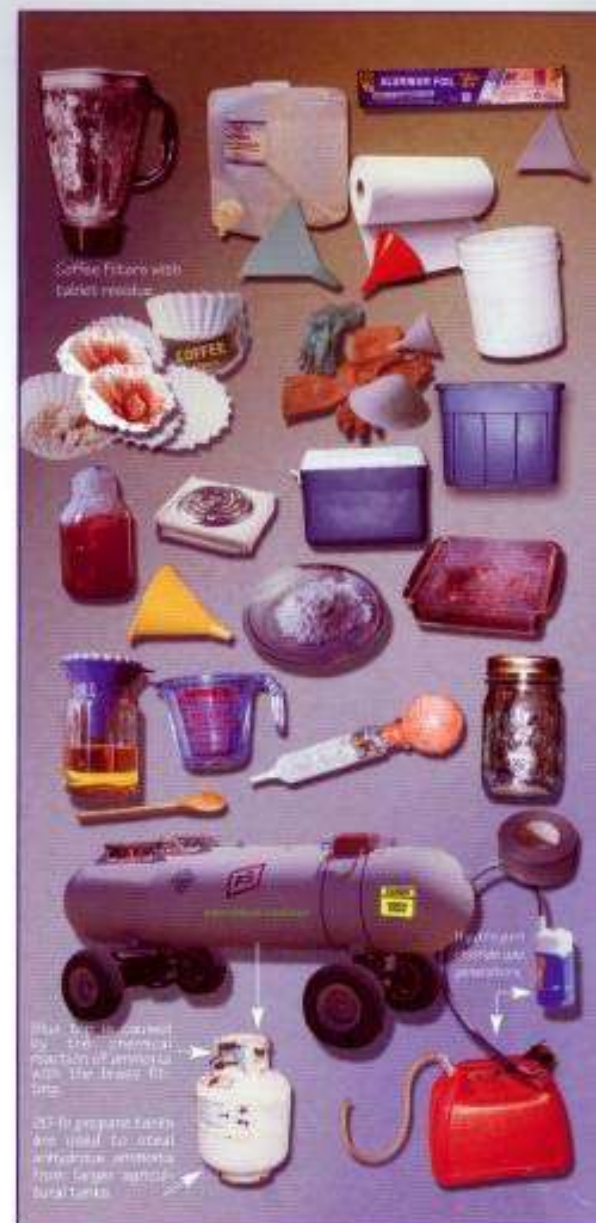
Propane Tank (Anhydrous Ammonia)

Lye (Sodium Hydroxide)

Matches (Red Phosphorus)

Dishes (Pyrex/Vaseline)

Muriatic Acid



Lithium Batteries

Funnels, Rubber Tubing

Test Dip

Sodium Metal

Anhydrous Ammonia

Aluminum Foil

<http://www.mshp.dps.mo.gov/MSHPWeb/PatrolDivisions/DDCC/Units/NarcoticsViceUnit/methLabRecognition.html>

Property Managers

- Before renting:
 - Screen prospective tenants
 - Rental history, employment history, credit report, criminal background check
 - Meet every adult tenant and require picture ID
 - Avoid cash, money orders, or payment in advance
 - Record tenant vehicles and license plate numbers

*This information came from the Boulder County public health web site:
<http://www.bouldercounty.org/doc/publichealth/methbroch2008.pdf>*

Property Managers

- Rental agreement must address:
 - Illegal activity on the property
 - Tenant responsibility for conduct on the property
 - Unannounced inspection of the property
- After renting
 - Visit property often
 - Talk to neighbors, ask them to contact you with concerns

How are assessment, decontamination, and reporting handled in Colorado?



Decontamination/Clean-up

- CRS § 25-18.5-101 through 103; 6 CCR 1014-3
- Testing begins with a Preliminary Assessment
 - “An evaluation of a property to determine the current condition, including the nature and extent of observable or detectable contamination, chemical storage, and disposal.”

Decontamination/Clean-up Side Note

Who does the testing?

- Testing is to be conducted by a Certified Industrial Hygienist or an Industrial Hygienist
- Who are these people? *CRS § 25–18.5–101(2)*
 - Certified Industrial Hygienist (CIH) – an individual certified by the American Board of Industrial Hygiene
- Who certifies them? *CRS § 25–18.5–102*
 - Statute provides authority for the State Board of Health to develop certification standards, which require meeting educational requirements as well as passing a certification test (more rigorous than educational requirements alone)
 - For a list of CIHs: <http://www.abih.org/about-abih/public-roster>

Decontamination/Clean-up Side Note

Who does the testing?

- Industrial Hygienist
 - Individual with a bachelor's or graduate degree in industrial hygiene, biology, chemistry, engineering, physics, or a closely related field from an accredited college or university; OR
 - individual who has practiced as an IH for not less than 5 years immediately prior to July 1, 1997; OR
 - individual with an associate's degree who practiced as an IH for not less than 4 years immediately prior to July 1, 1997
- So – some industrial hygienists were grandfathered in and given status despite not meeting the educational requirements – use caution in choosing your professionals!!

Decontamination/Clean-up

- Preliminary Assessment requirements
 - Contractors/consultants must use Personal Protective Equipment (PPE)
 - Access to property must be limited to those with training and proper PPE



Decontamination/Clean-up

- Preliminary Assessment shall include at least the following:
 - Property description
 - Review of available law enforcement (LE) reports with information about manufacturing methods, chemicals present, cooking areas, chemical storage areas, and observed areas of contamination
 - ID of structural features that may indicate separate functional spaces (attics, crawl spaces, false ceilings)
 - ID of manufacturing methods used based on observation and LE reports
 - ID of chemicals used on the property
 - ID of adjacent units and common areas where contamination may have spread
 - Photographic documentation of property conditions
 - ID and documentation of areas of contamination
 - Can be based on LE reports, visual observation, professional judgment of consultant, or consultant can determine that sampling is needed
 - ID and documentation of chemical storage areas, waste disposal areas, cooking areas
 - Inspection of plumbing system integrity
 - ID and documentation of potential disposal into sewage system

Decontamination/Clean-up

- Although the section of the regulations that defines the necessary elements of a Preliminary Assessment (*6 CCR 1014-3:1-4.0*) does not require sampling, a later section (*6 CCR 1014-3:6.0*) DOES require sampling

Decontamination/Clean-up

- After the Preliminary Assessment, the decontamination process begins
- Cleanup of Clandestine Methamphetamine Labs Guidance Document
 - <https://www.colorado.gov/pacific/cdphe/methlabcleanup>
 - Properties must be decontaminated to specified levels – less than 0.5 micrograms per 100 centimeters squared ($< 0.5 \mu\text{g}/100 \text{ cm}^2$)
 - *6 CCR 1014-3:1-7.1*

Decontamination/Clean-up

- The clean-up process involves the following measures:
 - Air filtration
 - A negative air unit with a HEPA filtration system shall be used throughout the decontamination process
 - Detergent washing
 - Of all non-porous, porous, and semi-porous surfaces that will not be removed from the property
 - Removal
 - Of all contaminated material that cannot be decontaminated

Decontamination/Clean-up

- The clean-up process involves the following measures:
 - Decontamination of ventilation systems
 - Replace air filters, remove and clean vents, clean ductwork, clean surfaces near inlets and outlets
 - In apartments of multi-family dwelling – may need to take samples from adjacent or connected rooms and work outward until there is no sign of contamination

Decontamination/Clean-up

- The clean-up process involves the following measures:
 - Encapsulation or sealing
 - After porous and semi-porous surfaces have been detergent cleaned and sampling confirms that clean-up levels have been achieved, interior surfaces can be painted with an oil-based paint or other material suitable to create a physical barrier capable of preventing contact with or volatilization of any remaining contaminants

Decontamination/Clean-up

- The clean-up process involves the following measures:
 - Plumbing
 - Flush with generous amounts of water to reduce concentration of residual chemicals
 - If there is an Individual Sewage Disposal System (ISDS), it must be inspected and, if appropriate, tested for contaminants
 - Personal belongings
 - If not disposed of, must be decontaminated and sampled to show that clean-up levels have been reached

Post Clean-Up Assessment

- Post decontamination sampling must be conducted by an IH or CIH to ensure clean-up meets the standards in the regulation
- There is a minimum amount of area to be sampled as well as a minimum number of discrete samples to be taken

Final Report

- To be completed by IH or CIH
- Documents the decontamination process and demonstrates that the property has been decontaminated to clean-up levels in the regulation

Contents of Final Report

- Property description
- Description of manufacturing methods and chemicals used
- If available, copies of LE reports with information about manufacturing methods, chemicals present, storage areas, etc.
- Descriptions of chemical storage areas, waste disposal areas, cooking areas with figures documenting locations
- Descriptions of areas with signs of contamination (staining, dead vegetation, etc.) with figures documenting locations
- Results of inspection of plumbing system
- Descriptions of adjacent units and common areas where contamination may have spread
- ID of common ventilation systems with adjacent units or common areas
- Description of sampling procedures and analytical methods used
- Description of location and results of any sampling
- Health and safety procedures
- Decontamination procedures used and each area decontaminated

Contents of Final Report

- Removal procedures used and areas where removal was conducted, what materials were removed
- Encapsulation procedures used and areas/materials where performed
- Waste management procedures used, including handling and final disposition of waste
- Location and results of post-decontamination samples
- Photographic documentation of pre- and post-decontamination property conditions
- Consultant statement of qualifications
- Certification of procedures and results, variations from standard practice
- Signed certification statement (next slide)
- Signature of consultant

Final Report

- Must include one of the following certification statements:
 - “I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, Section 4, and that I conducted post-decontamination clearance sampling in accordance with the procedures set forth in 6 CCR 1014-3, Section 6. I further certify that the property has been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3, Section 5, and that the cleanup standards established by 6 CCR 1014-3, Section 7 have been met as evidenced by testing I conducted.” or
 - “I do hereby certify that I conducted a preliminary assessment with the procedures set forth in 6 CCR 1014-3, Section 4. I further certify that the cleanup established by 6 CCR 1014-3, Section 7 have been met as evidenced by testing I conducted.”
- **Property owner and consultant shall each retain a copy of the report for 7 years**
- **For immunity, property owner must provide a copy of the report to the governing body (discussed above)**

Why does any of this matter to us?



Meth-affected properties are more common than you think...

- “Meth-affected” does NOT always mean it was a meth lab – the state labels any property where contamination is above state levels as a meth lab, but ***homes can be toxic if someone has smoked meth in the house only a few times***
- Problem tends to be greater in rental properties and foreclosures

Denver Post, 3/20/2013, “With meth-contaminated homes, it’s buyer beware” (available at http://www.denverpost.com/News/Local/ci_22827863/With-methcontaminated-homes-its-buyer-beware)

Meth-affected properties are more common than you think...

- Many buyers have no idea there may be meth contamination in their new home until they meet the neighbors
- “The classic scenario is the house is fixed up and on the market...They are in the process of moving in and a neighbor comes by with a fruit basket and says ‘Oh, by the way, did you know this is a meth house?’”



Denver Post, 3/20/2013, “With meth-contaminated homes, it’s buyer beware” (available at http://www.denverpost.com/News/Local/ci_22827863/With-methcontaminated-homes-its-buyer-beware)

Meth-affected properties are more common than you think...

- “Most agents believe contamination is rare, and few are willing to consider it might be common.”
- Law enforcement agencies will report meth labs, but do not report the homes of people arrested for smoking meth – the problem is bigger than the numbers suggest

Denver Post, 3/20/2013, “With meth-contaminated homes, it’s buyer beware” (available at http://www.denverpost.com/News/Local/ci_22827863/With-methcontaminated-homes-its-buyer-beware)

Meth-affected properties are more common than you think...

- Colorado's Neighborhood Stabilization Program
 - Purchased, renovated, and sold 167 single family homes and 139 multifamily rental units
 - Areas with high foreclosure rates in:
 - Aurora, Englewood, Jefferson, Adams, Denver, Douglas, Weld, Broomfield, and El Paso Counties
 - 7% of the single family homes and 11% of the multifamily units were contaminated with meth

Denver Post, 3/20/2013, "With meth-contaminated homes, it's buyer beware" (available at http://www.denverpost.com/News/Local/ci_22827863/With-methcontaminated-homes-its-buyer-beware)

Proposed Changes to Regulations



Proposed Changes to Regulations

- Colorado Department of Public Health and Environment completed revisions to 6 CCR 1014-3 in December of 2014.
- The new regulations add a great deal of detail
- Other significant additions
 - New Part 1, Section 3 – Screening level assessment of properties not known to be methamphetamine-affected
 - New Part 2 – Training and Certification Requirements

New State Regulations Have Significantly More Detail

Old Regulation

4.3. Identification of structural features that may indicate separate functional spaces, such as attics, false ceilings and crawl spaces, basements, closets, and cabinets.

New Regulation

4.3 Description of structural features in all buildings, such as attics, false ceilings, crawl spaces, and basements, including:

4.3.1 If the building has an attic, a description of the integrity of the building ceiling (i.e., attic floor), any signs of access, storage, manufacturing, or venting into the attic (e.g., holes cut in ceiling for the purpose of venting gases from a cook), and a description of observations of the ducting associated with all bathroom and kitchen exhaust vents. If preliminary assessment sampling is conducted, include the results of sampling in accordance with Section 6 of this Part 1.

4.3.2 A description of the integrity of the building floor, and if there is a crawl space, a description of any signs of access, storage, venting, or disposal related to methamphetamine manufacturing, integrity of any vapor barriers, and any signs of disposal onto the soil of the crawl space. The soil investigation shall be conducted in accordance with the assessment procedures in Section 6 of this Part 1. If the vapor barrier is intact and in good condition, and if there is no indication of chemical disposal, the soil beneath the vapor barrier may be presumed to meet the cleanup criteria, and no soil sampling is required.

New Part 1, Section 3

Screening Assessments

- Establishes procedures for testing real property for the purpose of determining if it is methamphetamine-affected – NOT for decontamination purposes
- If the background check or observation indicates a property is methamphetamine-affected, this section does not apply (preliminary assessment is to be conducted instead)

New Part 1, Section 3

Screening Assessments

- Composite wipe sampling is conducted; if any sample tests above $0.2 \mu\text{g}/100 \text{ cm}^2$:
 - Property may be assumed to be meth-affected and must comply with preliminary assessment and decontamination requirements; or
 - A full clearance sampling protocol may be conducted; if levels are below levels in Section 7, the property is considered compliant with clearance requirement of the regulation

6 Colo. Code Regs. § 1014-3:1-3.6

New Part 1, Section 3

Screening Assessments

- Screening Level Assessment Report to document information collected during screening due to Department of Public Health within 30 days of lab results
- Report must contain:
 - Property description and description of structural features
 - ID and documentation of common ventilation systems connected to other units
 - Summary of observations
 - Photographic evidence of property conditions
 - Documentation of screening level sampling

6 Colo. Code Regs. § 1014-3:1-3.7

New Part 2

Training and Certification

Entire new section on training and certification requirements for Consultants, Contractors, and Training Providers

- Allows people who are performing assessment or decontamination activities as of the effective date of the regulation to apply for interim authorization to continue to do such work
- Interim authorization will terminate 180 days after the effective date of the regulation, at which point only people who have complied with the new Part 2 can continue to do assessment and decontamination activities
 - *6 Colo. Code Regs. § 1014-3:2-3.0*

New Part 2

Training and Certification

- Consultant Certification application requirements:
 - Submit application and fee (\$600 for certification, \$150 for interim authorization per the fee schedules in *Colo. Code Regs. § 1014-3:2-17.2*)
 - Demonstrate compliance with industrial hygienist qualifications in CRS § 24-30-1402 (discussed earlier) and provide documentation of experience claimed or instruction received;
 - Provide documentation of current compliance with HAZWOPER (Health Administration Hazardous Waste Operations and Emergency Response) training requirements; and
 - Complete a Department-approved training covering meth-affected properties within 60 days prior to submitting application per *6 Colo. Code Regs. § 1014-3:2-5.1.4*

New Part 2

Training and Certification

- Ongoing Consultant requirements
 - Certificates are valid for 2 years, then must apply for renewal, complete a refresher course, and take biennial closed-book examination on assessment, sampling, and decontamination
 - Must get 70% or higher to pass

6 Colo. Code Regs. § 1014-3:2-5.2

New Part 2

Training and Certification

- New regulations also outline similar Certification and Renewal requirements for Consultant Firms, Decontamination Supervisors, Decontamination Workers, and Ventilation Contractors
 - E.g, Consultant Firm Certificates are valid for 2 years, then firm must apply for renewal. To maintain certification, such firms shall:
 - maintain all records
 - ensure proper training and certification of employees
 - ensure proper compliance with HAZWOPER training requirements
 - ensure that employees have a valid Colorado certification photo identification card on the worksite at all times
- 6 Colo. Code Regs. § 1014-3:2-6.7*
- Much more detailed rules and higher levels of education and training required than in old regulations – could increase quality of consultants and mitigate the impact of those who were grandfathered in without appropriate training or education

The Importance of Good Consultants

- Scare tactics story
 - Property is listed, received a full-price offer
 - Buyer conducts inspection and meth test indicating contamination
 - Buyer terminates contract
 - Seller promptly takes property off the market, contacts attorney to determine what steps to take next (notification of tenants, liability questions)

The Importance of Good Consultants

- Scare tactics story (cont'd)
 - When Seller sends documentation to lawyer, it only contains the “executive summary” of the Industrial Hygiene Assessment (first 3 pages)
 - Balance of the report was withheld – wanted \$1,000 to access full report

EXECUTIVE SUMMARY

- As part of a real estate transaction, at the request of a potential buyer, state of the art sampling was performed by personnel with [REDACTED] at [REDACTED], in [REDACTED] CO (the subject property) for the determination of the presence of methamphetamine.
- On Friday, January 31, 2014, [REDACTED] performed a site assessment and collected samples pursuant to the intent of Colorado Revised Statutes §38-35.7-103(2)(a).¹
- [REDACTED] collected samples from 37 locations throughout the property; 10 from each individual address (except seven from Unit [REDACTED]). [REDACTED] composited the samples from each individual address into two 5-parted analyses for quantitative analysis of methamphetamine. (Except Unit [REDACTED] which contained one 5-parted composite and one 2-parted composite).
- The samples conclusively demonstrate the presence of elevated concentrations of methamphetamine in each of the four units in excess of the regulatory and statutory levels permitted in Colorado during final verification sampling.
- Had the sampling been performed as part of a State mandated clearance test of an illegal drug laboratory, the results would have indicated methamphetamine concentrations as high as approximately 140 times over the regulatory limit for a five-parted composite.
- Based on the results of the samples, an "illegal drug laboratory," as defined in Colorado Revised Statutes §25-18.5-101 (8) exists at each unit at the subject property.
- Pursuant to Colorado Revised Statutes §25-18.5-104, from this point forward, *entry into the property is restricted by regulation*. From this point forward, occupancy of the property is unlawful.
- Pursuant to CRS §25-18.5-104, prohibition on entry extends to any current occupants, Real Estate agents, property owner(s), maintenance personnel, potential buyers, home inspectors, and any and all other personnel, except law enforcement personnel and personnel meeting the requirements of Title 29 of the Code of Federal Regulations, Part 1910.120(e).

¹ The State of Colorado recognizes that statutory language notwithstanding, it is not possible to comply with the language of the statute as written with regard to compliance. See [REDACTED]

- As described below, contrary to common belief, any subsequent testing performed at the property cannot be used to rebut these data, and a Preliminary Assessment, as defined in 6 CCR 1014-3 must be performed at the property.
- 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 and Regulation 6CCR 1014-3 (3) at the subject property.
- This letter and documentation serve as "Notification" of an illegal drug laboratory, as that term is found in Colorado Revised Statutes CRS §25-18.5-103 (1)(a).
- Pursuant to Colorado Revised Statutes §25-18.5-104, from this point forward, it is unlawful for any person to occupy the residence.
- Pursuant to CRS §25-18.5-103(3) 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 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 two 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.
- 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).
- 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.

The Importance of Good Consultants

- Scary language!
- Consultation with other professionals revealed that this consultant was not credible; attorney referred the client to a reputable CIH for appropriate guidance
- Don't fall prey to scare tactics! Know the correct procedures to follow for your clients.

Class Participation Time!!

