



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Industrial Hygiene Assessment
of an Occupied Property
Resulting in the Discovery of an
Illegal Drug Laboratory
At**

**156 Driver Road,
Bailey, CO**

Prepared for:
Confidential Buyer

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.
185 Bounty Hunter's Lane
Bailey, CO 80421



August 22, 2012

EXECUTIVE SUMMARY

- At the request of a potential buyer, state of the art sampling was performed by Forensic Applications Consulting Technologies, Inc. (FACTs) at 156 Driver Road, in Bailey, CO (the subject property) for the determination of the presence of methamphetamine.
- On Tuesday, August 14, 2012, FACTs was contacted by a potential buyer of the subject property to perform routine sampling meeting the provisions of Colorado Revised Statutes §38-35.7-103(2)(a).
- FACTs collected samples from 10 locations throughout the property, and submitted two composite samples for quantitative analysis.
- The sample results indicated the presence of overt, profound and extremely elevated concentrations of methamphetamine in excess of the regulatory and statutory levels permitted in Colorado.
- 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 in excess of 3,600 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 exists at the subject 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 Colorado Revised Statutes §25-18.5-104, from this point forward, entry into the property is strictly prohibited and seller who permits entry into the



property is in violation of State statutes and knowingly poses a significant health threat to those entering the property.

- Pursuant to CRS §25-18.5-104, prohibition on entry extends to 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).
- Pursuant to CRS §25-18.5-103(3) no person shall remove any personal belongings or personal property from the property (including vehicles) 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.
- Pursuant to CRS §25-18.5-103(1)(b) The owner of any personal property within 156 Driver Road shall have ten days after the date of discovery of the laboratory or contamination to remove or clean his or her personal property according to board rules. If the personal property owner fails to remove the personal property within ten days pursuant to the restrictions found in CRS §25-18.5-103(3), the registered owner of the structure or vehicle may dispose of the personal property during the cleanup process without liability to the owner of the personal property for such disposition.
- 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 CCR1014-3 (4.0 *et seq*), or 2) demolish the property. No timeframe is currently assigned 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 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.



INTRODUCTION

On Tuesday August 14, 2012, Forensic Applications Consulting Technologies, Inc. (FACTs) was contracted to perform a standard cursory evaluation for the presence of methamphetamine at the residence located at 156 Driver Road, Bailey, CO.

Pursuant to the Colorado Real Estate methamphetamine disclosure and testing statute as described by CRS §38-35.7-103(2)(a), FACTs collected 10 standard wipe samples which formed two five-part composite for the quantitative determination of the presence of methamphetamine.

Personnel

The field work was performed Ms. Christine Carty, President of FACTs and Field Technician Glenn Hardey, under the immediate and direct supervision of Mr. Caoimhín P. Connell, who is an Industrial Hygienist, as that term is defined in CRS §24-30-1402. A copy of Mr. Connell's SOQ is appended to this discussion. Prior to the sample collection of each sample, the field team contacted the Industrial Hygienist to discuss the selected location and provided photographs telephonically if necessary. The Industrial Hygienist personally approved each sample location prior to collection.

Mr. Hardey has extensive training in illegal drug laboratories and received a training certificate in Clandestine Drug Laboratory Assessments through the Colorado Regional Community Policing Institute (CRCPI), Colorado Division of Criminal Justice, (sponsored by the US Dept. of Justice High Intensity Drug Trafficking Area fund). Mr. Hardey is further certified in Clandestine Drug Lab entry and processing through the US Drug Enforcement Agency, and received site specific training pursuant to 29 CFR §1910.120. Mr. Hardey, who has approximately 10 years experience as a police officer and SWAT leader, was a co-instructor of the 2010 AIHA Clandestine Drug lab professional development course for Industrial Hygienists.

Ms. Carty has similarly received extensive training in Clandestine Drug Laboratory assessment and received a training certificate in Clandestine Drug Lab Safety through the State of Colorado Department of Public Safety, Division of Criminal Justice, Colorado Regional Community Policing Institute (CRCPI) sponsored by the US Dept. of Justice High Intensity Drug Trafficking Area fund. Ms. Carty has also received the training specified in 29 CFR Part 19010.120 (e).

Findings

Based on state of the art sampling and analysis techniques, FACTs conclusively determined the presence of overt, widespread and profound methamphetamine contamination in the residential structure. Based on current statutes and regulations, the property meets the definition of an "illegal drug laboratory" (meth-lab) as described below.



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

Background Information

Structure

The subject property built *circa* 1979, consisted of a single family dwelling approximating 1,250 square feet of interior occupiable floor space. At the time of our visit, the structure was occupied in a normal fashion.

The heating system consisted of a forced air furnace system.

The interior of the residential structure contained several subjective visual indicators consistent with an illegal drug laboratory.

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

Colorado 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.”¹

In turn, “illegal drug laboratory” is defined in Colorado Revised Statutes §25-18.5-101(2.7) as the areas where controlled substances, have been manufactured, processed, cooked, discarded, used, or stored and all proximate areas that are likely to be contaminated as a result of such manufacturing, processing, cooking, disposal, use, or storing. In this case, the presence of the methamphetamine is conclusive for concluding that, at a minimum, methamphetamine was used and is currently being stored at the property.

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

¹ CRS §25-18.5-103



Property Statutes

Pursuant to CRS §38-35.7-103(1) 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.

The fatal flaws of CRS §38-35.7-103, notwithstanding, pursuant to CRS §38-35.7-103 (2)(a):

If the buyer's test results indicate that the property has been used as a methamphetamine laboratory but has not been remediated to meet the standards established by rules of the state board of health..., the buyer shall promptly give written notice to the seller of the results of the test, and the buyer may terminate the contract.

In this case, the conclusive presence of methamphetamine is a reasonable indicator that the property was used as a methamphetamine laboratory.

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, since the discovery and notification have already occurred pursuant to CRS §25-18.5-103 (1)(a) and Colorado regulations 6 CCR 1014-3.

That 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.

Criminal Proceedings – Public Nuisance Statutes

Pursuant to State statute CRS §16-13-303(c)(1), every building or part of a building including the ground upon which it is situated and all fixtures and contents thereof, and every vehicle, and any real property shall be deemed a class 1 public nuisance when used for the unlawful storage or possession of any controlled substance, or any other drug the possession of which is an offense under the laws of Colorado. Based on CRS §16-13-303(c)(1), the presence of extant methamphetamine in the property is *prima facie* evidence of possession of the same.

Pursuant to State statute §16-13-308(1)(a), if probable cause for the existence of a Class 1 Public Nuisance is shown to the court by means of a complaint supported by an affidavit, the court shall issue a temporary restraining order to abate and prevent the continuance or recurrence of the nuisance or to secure property subject to forfeiture. Such temporary restraining order shall direct the County Sheriff or a peace officer to



seize and, where applicable, close the public nuisance and keep the same effectually closed against its use for any purpose until further order of the court.

An alternative declaration of Public Nuisance may be found in statute §16-13-307(4), wherein an action to abate a public nuisance may be brought by the district attorney, or the attorney general with the consent of the district attorney, in the name of the people of the State of Colorado or in the name of any officer, agency, county, or municipality whose duties or functions include or relate to the subject matter of the action.

In this case, jurisdiction for the abatement of the public nuisance lies with the office of the “Governing Body.” The property lies within Park County, and pursuant to CRS §25-18.5-101 the office of the “Governing Body” is:

Tom Eisenman
Park County Development Services Coordinator
Environmental Health and Planning and Zoning
1246 CR 16
P.O. Box 216
Fairplay, CO 80440

FACTs will forward a copy of this report to the Governing Body on Friday, August 24, 2012. The Governing Body has the statutory authority to impose additional restrictions including, but not limited to: abate the public nuisance, close the public nuisance, seize the property until the nuisance is abated and set a time frame on the completion of abatement.

State Regulations

Pursuant to Colorado regulations 6 CCR 1014-3,² following discovery and notification, a comprehensive and detailed “Preliminary Assessment” must be commissioned by the property owner (seller) and performed by an authorized and 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.

Mandatory Contamination Thresholds

A recurring myth amongst unauthorized consultants in methlab related issues is that if sampling (such as that performed at the subject property) finds methamphetamine, but the

² Titled: Colorado Department Of Public Health And Environment, State Board Of Health, *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*.



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 (such as performed at the subject property) during an industrial hygiene evaluation, and those samples result in any contamination, even below the value of $0.5 \mu\text{g}/100\text{cm}^2$, then the property must, by state regulation, be declared an illegal drug laboratory.³ This is due to the fact that cursory sampling does not meet the data quality objectives upon which the State clean-up level of “ $0.5 \mu\text{g}/100\text{cm}^2$ ” value is based.

It was for this reason that during the establishment of our 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.

In any event, contrary to erroneous statements frequently made by unauthorized consultants, the mere value of “ $0.5 \mu\text{g}/100\text{cm}^2$ ” is not the State of Colorado cleanup level, but rather is the value upon which the final cleanup level is based and which is described in the mandatory Appendix A of the State regulations. The Colorado clearance level of “ $0.5 \mu\text{g}/100\text{cm}^2$,” frequently misquoted by unauthorized “testing” firms applies exclusively as *prima facie* evidence of decontamination at the end of a project⁴ and is that attainment threshold occasionally needed to issue a “decision statement” (final clearance).

Contrary to popular misconception, 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.*⁵

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

³ *Ibid.* Appendix A

⁴ Colorado Department Of Public Health And Environment, State Board Of Health, *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*, 6 CCR 1014-3.

⁵ *Ibid.*



In an unofficial opinion issued by the State of Colorado Department of Public Health and the Environment,⁶ 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."

Although our initial testing was conducted pursuant to CRS §38-35.7-103, based on our observations, our role and activities jointly and contemporaneously fell under State statute CRS §25-18.5-103, and State Regulation 6 CCR 1014-3 and the drug laboratory was "otherwise" discovered.

ASSESSMENT PROTOCOLS

Sampling Protocol

During our cursory assessment, the hypothesis was made that the subject property was devoid of detectable concentrations of methamphetamine at a specified limit of detection 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.

Our 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, unless the concentration of the methamphetamine in the composite sample exceeded 0.5 µg/100cm², the laboratory would report the concentration as "below detection 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; the minimum permissible concentration of methamphetamine allowed as determined during compliance sampling for a five parted sample is 0.1 µg/100cm².

Our testing produced results that failed to support the hypothesis, and we therefore accept the null hypothesis; *viz.* the subject property conclusively contains methamphetamine. The null hypothesis that we must accept is:

Methamphetamine is present in the property above specified levels.

Our sampling indicates that if the samples were collected as part of a final clearance sampling protocol, the concentrations of methamphetamine would have been between 3,600 times the minimum permissible concentration of methamphetamine allowed as determined during compliance sampling, with a 20% probability that at least one surface

⁶ Email transmission from Craig Sanders to FACTs, January 31, 2008, quoting Coleen Bresnahan, CDPHE, regarding a property at 32548 Kinsey Lane Conifer, Colorado.



in the residence contained methamphetamine at a concentration of approximately 18,000 times greater than the regulatory threshold.

Our data also suggest that there is no probability that the methamphetamine concentrations in the property are such that upon completion of the mandatory Preliminary Assessment, conditions at the property will permit the Industrial Hygienist to issue a Decision Statement directly from the mandatory Preliminary Assessment. That is, the concentrations are so profoundly elevated that upon completion of the Preliminary Assessment, remediation will be required to release the property and allow occupancy.

According to Colorado revised statutes,⁷ the seller of a property shall disclose in writing to a buyer whether the seller knows that the property was previously used as a methamphetamine 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.

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.

Sample Collection

Using standard industrial hygiene methods, we collected two 5-part composite samples from within the structure. The samples were submitted to Reservoirs Laboratory, Inc. for quantitative analysis using gas chromatography coupled with mass spectrometry. Analytical Chemistry Inc. is one of the laboratories listed in Colorado's regulations as being proficient in methamphetamine analysis. A copy of the results is attached to this report.

Wipe Samples

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

⁷ CRS 38-35.7-103(3)(a)



Our data quality objectives did not include a field blank, and none were submitted. The history of the FACTs sampling media has demonstrated a media and solvent contamination level below the analytical detection limit for the method (n=180).

Field Duplicates

For the purposes of the data quality objectives associated with this cursory evaluation, no duplicates were required, and none were collected.

Sample Results

The actual methamphetamine *concentrations* found in the samples taken at the subject property, are not germane, cannot be used for any purpose, 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. Since reporting of the concentrations frequently leads to misinterpretations and confusion by poorly trained consultants, the concentrations are not usually reported in a cursory evaluation.

Having said that, FACTs has elected to provide the numerical values of the concentrations identified at the residence

Sample ID	Sample Location	Methamphetamine Concentration $\mu\text{g}/100\text{cm}^2$
DM081412-01A	Basement Furnace interior	124
DM081412-01B	Basement Workshop light fixture	
DM081412-01C	Basement room w/graffiti	
DM081412-01D	Basement Fireplace room supply	
DM081412-01E	Basement Piano room on PVC pipe	
DM081412-02A	Upstairs Living room ceiling fan blade	365
DM081412-02B	Upstairs Middle bathroom cabinet	
DM081412-02C	Upstairs NE Bedroom closet door jamb	
DM081412-02D	Upstairs SE Bedroom window sill	
DM081412-02E	Upstairs Attic top of electrical box	

**Table 1
Results of Methamphetamine Samples**

If the composite samples had been collected and submitted as part of final verification sampling conducted pursuant to Colorado regulation 6 CCR-1014-3, the results would have indicated that the concentrations were approximate at least 1,240 times above the regulatory clean-up limit permitted by regulation, with a 20% probability that at least one surface upstairs exceeded the minimum regulatory threshold by 18,000 times.

CONCLUSIONS

Based on our objective sample results collected during our assessment, the subject property contains overt and profound methamphetamine contamination in excess of the regulatory 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.

Prepared by:



Caoimhín P. Connell
Forensic Industrial Hygienist



APPENDIX A LABORATORY REPORT





Forensic Applications

Final Report

RES 242237-1

August 21, 2012

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August 21, 2012

Laboratory Code: RES
Subcontract Number: NA
Laboratory Report: RES 242237-1
Project # / P.O. #: Driver
Project Description: None Given

Caoimhin Connell
Forensic Applications
185 Bounty Hunter Ln.
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 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 242237-1 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 light blue background.

Jeanne Spencer Orr
President

A handwritten signature in blue ink, appearing to read "Mike Schaumloeffel", is written over a light blue background.

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 242237-1**
Client: **Forensic Applications**
Client Project Number / P.O.: **Driver**
Client Project Description: **None Given**
Date Samples Received: **August 14, 2012**
Analysis Type: **Methamphetamine by GCMS**
Turnaround: **5 Day**
Date Samples Analyzed: **August 21, 2012**

Client ID Number	Lab ID Number	Reporting Limit** (µg)	METHAMPHETAMINE CONCENTRATION (µg)
DM081412-01	EM 896977	0.3	68.30
DM081412-02	EM 896978	0.3	202.00

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

** Client specified reporting limit.

RESERVOIRS ENVIRONMENTAL, INC.

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

QUALITY CONTROL: METHAMPHETAMINE BY WIPE

RES Job Number: **RES 242237-1**
Client: **Forensic Applications**
Client Project Number / P.O.: **Driver**
Client Project Description: **None Given**
Date Samples Received: **August 14, 2012**
Analysis Type: **Methamphetamine by GCMS**
Turnaround: **5 Day**
Date Samples Analyzed: **August 21, 2012**

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	6	110	109

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

** These analytical results meet NELAC requirements.

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:	Driver Road	Form # ML15
Date	August 10, 2012	
Reporting IH:	Caoimhín P. Connell, Forensic IH	

Caoimhín P. Connell, has been involved in clandestine drug lab investigations since 2002 and meets the Colorado Revised Statutes §24-30-1402 definition of an "Industrial Hygienist." He has been a practicing Industrial Hygienist in the State of Colorado since 1987 and is the contract Industrial Hygienist for the National Center for Atmospheric Research. Mr. Connell is a recognized authority in methlab operations and is a Certified Meth-Lab Safety Instructor through the Colorado Regional Community Policing Institute (Colorado Department of Public Safety, Division of Criminal Justice). Mr. Connell was the lead instructor for the Colorado Division of Criminal Justice and has provided over 260 hours of methlab training for officers of over 25 Colorado Police agencies, 20 Sheriff's Offices, federal agents and probation and parole officers throughout Colorado judicial districts. He has provided meth-lab lectures to prestigious organizations such as the County Sheriff's of Colorado, the American Industrial Hygiene Association, US Air Force, and the National Safety Council.

Mr. Connell is Colorado's only private consulting Industrial Hygienist 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 is a member of the Colorado Drug Investigators Association, the American Industrial Hygiene Association (where he serves on the Clandestine Drug Lab Work Group), the American Conference of Governmental Industrial Hygienists and the Occupational Hygiene Society of Ireland. From 2009, as a law enforcement officer representing his agency, Mr. Connell served as the Industrial Hygiene Subject Matter Expert on the Federally funded Interagency Board (www.IAB.gov) Health, Medical, and Responder Safety SubGroup, and was elected full member of the IAB-HMRS in 2011, and he conducted the May, 2010, AIHA Clandestine Drug Lab Course.

He has received over 144 hours of highly specialized law-enforcement sensitive training in meth-labs and clan-labs (including manufacturing and identification of booby-traps commonly found at meth-labs) through the Iowa National Guard/Midwest Counterdrug Training Center and the Florida National Guard/Multijurisdictional Counterdrug Task Force, St. Petersburg College 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 law enforcement officer in the State of Colorado, 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 308 assessments in illegal drug labs in Colorado, Nebraska and Oklahoma, and collected over 2,760 samples during assessments (a 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. He has provided expert witness testimony in criminal and civil cases for US Bureau of ATF and 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 officials and Federal Government representatives with forensic services and arguments against fraudulent industrial hygienists and other unauthorized consultants performing invalid methlab assessments.

Mr. Connell, who is a committee member of the ASTM International Forensic Sciences Committee, was the sole sponsor of the draft ASTM E50 *Standard Practice for the Assessment of Contamination at Suspected Clandestine Drug Laboratories*, and he is a coauthor of a 2007 AIHA Publication on methlab assessment and remediation.

APPENDIX C

REGULATORY DECISION FLOW CHART

