



**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

**Industrial Hygiene Assessment  
of an Unoccupied Property  
Resulting in the Discovery of an  
Illegal Drug Laboratory  
At  
7166 S Kline Way, Littleton CO**

**Prepared for:**

**Confidential Client 1117**

Prepared by:

**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

185 Bounty Hunter's Lane  
Bailey, CO 80421



October 26, 2013

## 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 Forensic Applications Consulting Technologies, Inc. (FACTs) at 7166 S Kline Way, Littleton, CO (the subject property) for the determination of the presence of methamphetamine.
- On Friday, October 18, 2013, FACTs performed a site assessment and collected samples pursuant to the intent of Colorado Revised Statutes §38-35.7-103(2)(a).<sup>1</sup>
- FACTs collected samples from 15 locations throughout the property, and composited the samples into three analyses for quantitative analysis of methamphetamine.
- The sample results indicate the presence of 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 approximately 12 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.
- Pursuant to Colorado Revised Statutes §25-18.5-104, from this point forward, entry into the property is restricted by regulation.
- 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).
- 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.

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<sup>1</sup> The State of Colorado recognizes that statutory language notwithstanding, it is not possible to comply with the language of the statute as written with regarding to sampling. See *Cleanup of Clandestine Methamphetamine Labs Guidance Document*, July 2003 (Revised October 2007)



- 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 CCR1014-3 (4.0 *et seq*), or 2) demolish the property. No timeframe is currently assigned by the City of Littleton or Jefferson County 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).
- 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 Friday, October 18, 201, Forensic Applications Consulting Technologies, Inc. (FACTs) was contracted to perform a standard cursory evaluation for the presence of methamphetamine at the residence located at 7166 South Kline Way, 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 three 5-parted wipe sample composites for the quantitative determination of the presence of methamphetamine.

### ***Personnel***

The field work was performed by FACTs Industrial Hygienist, 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.

### ***Findings***

Based on state of the art sampling and analysis techniques, FACTs conclusively determined the presence of 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 confirms "Notification" as that term is used in CRS §25-18.5-103 (1)(a).

### ***Background Information***

#### **Structure**

The subject property built *circa* 1980, consisted of a single family dwelling approximating 3,172 square feet of interior occupiable floor space (including the garage). The structure has a forced-air heating system.

At the time of our assessment, the structure was unoccupied by a resident. At the time of our assessment, an electrical contractor was performing activities in the structure.

## **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.”<sup>2</sup>”

In turn, “illegal drug laboratory” is defined in Colorado Revised Statutes §25-18.5-101(8) as 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*. In this case, the presence of the methamphetamine is conclusive and unequivocally demonstrates that, at a minimum, methamphetamine was used and was stored and is currently being stored as a waste material 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 may be deemed a public health nuisance, and must either be demolished or remediated pursuant to a Preliminary Assessment.

### **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.

### **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 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).

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<sup>2</sup> CRS §25-18.5-103



## **Prohibition of removal of personal belongings**

Pursuant to State statutes, the removal of items from the property is restricted:

### **25-18.5-103(1)(c)**

(c) A person who removes personal property or debris from a drug laboratory shall secure the property and debris to prevent theft or exposing another person to any toxic or hazardous chemicals until the property and debris is appropriately disposed of or cleaned according to board rules..

## **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, any retesting, outside of a Preliminary Assessment can only be used to confirm the initial testing..

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 Jefferson County and pursuant to CRS §25-18.5-101(7) the office of the “Governing Body” is:

Mr. Craig Sanders  
Environmental Protection Supervisor  
Jefferson County Department of Health and Environment  
1801 19th Street  
Golden, CO 80401

FACTs will forward a copy of this report to the Governing Body on Wednesday, October 30, 2013. 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,<sup>3</sup> following discovery and notification, a comprehensive and detailed “Preliminary Assessment” must be commissioned by the property owner (seller) and performed by a 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**

### ***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 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:

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<sup>3</sup> Titled: Colorado Department Of Public Health And Environment, State Board Of Health, *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories.*



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/100cm<sup>2</sup>. That is, unless the concentration of the methamphetamine in the composite sample exceeded 0.49 µg/100cm<sup>2</sup>, the laboratory would report the concentration as “below reportable limit.” The value of 0.5 µg/100cm<sup>2</sup> 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/100cm<sup>2</sup>; the minimum permissible concentration of methamphetamine allowed as determined during compliance sampling for a five parted sample is 0.1 µg/100cm<sup>2</sup>.

Our testing produced results that failed to support the hypothesis, and we therefore accept the null hypothesis; *viz.* the subject property conclusively contains methamphetamine concentrations greater than the 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 samples were collected as part of a final clearance sampling protocol, the concentrations of methamphetamine would have been approximately twelve times the minimum permissible concentration of methamphetamine allowed as determined during compliance sampling, with a 20% probability that at least one surface in the residence contained methamphetamine at a concentration of approximately 12 times greater than the regulatory threshold for a discrete sample.

Our data also suggest that there is an high 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 exclude several areas from the need for remediation, or, possibly, to issue a Decision Statement directly from the mandatory Preliminary Assessment. That is, the concentrations are such that upon completion of the Preliminary Assessment, remediation may be limited to only a few areas (such as the entire ventilation system), or a Decision Statement may be issued.

According to Colorado revised statutes,<sup>4</sup> 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.

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<sup>4</sup> CRS 38-35.7-103(3)(a)



## **Sample Collection**

Using standard industrial hygiene methods, we collected three 5-part composite samples from within the structure. The samples were submitted to Reservoirs Laboratory, Denver, CO. for quantitative analysis using gas chromatography coupled with mass spectrometry. 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***

Although not required by regulation, these samples included a field blank. The samples were co-submitted with a second suit of samples that included two 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 # A13Ø1 is less than the method detection limit for n=32 and gauze lot # G12Ø1 is less than the method detection limit for n=50. Therefore, we are confident the methamphetamine reported in the sample 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 methamphetamine into the selected samples. 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 in the Decision Statement are then corrected to the spike recovery.

Historically, recovery from all previous projects which indicates a spike recovery of 95.6% recovery (n=27,  $\sigma = 0.19 \mu\text{g}$ ). In this case, we used the spike associate with the co-submitted sample suit. The laboratory reported recovering 9.7  $\mu\text{g}$  from a 10  $\mu\text{g}$



methamphetamine<sup>5</sup> spike. All final results were spike-corrected and the corrected values are used here.

**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 required to be reported, are not germane to this discussion, 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, and therefore, the concentrations will not be presented here.

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
KM101813-01A	Top of door bell cover	<b>Exceeded Reportable Limit</b>
KM101813-01B	Living room return vent	
KM101813-01C	Living room supply vent	
KM101813-01D	Return vent in den	
KM101813-01E	Laundry fan exhaust	
KM101813-02A	Fluorescent light in garage	Below Reportable Limit
KM101813-02B	Basemen storage room top of duct	
KM101813-02C	Furnace interior return side	
KM101813-02D	Upstairs SE Bedroom, top of window frame	
KM101813-02E	Upstairs NE Bedroom, top of window frame	
KM101813-03A	Upstairs central bedroom, top of window frame	Below Reportable Limit
KM101813-03B	Master bathroom top of medicine chest	
KM101813-03C	Master bedroom ceiling fan	
KM101813-03D	Whole house fan	
KM101813-03E	Landing bathroom exhaust fan	

**Table 1**  
**Results of Methamphetamine Samples**

**CONCLUSIONS**

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

Pursuant to State statues, the illegal drug lab has been “otherwise discovered.”

<sup>5</sup> S(+)-methamphetamine, S,S(+)-pseudoephedrine, 1S,2R(+)-ephedrine



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 273168-1**

**October 25, 2013**

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Chain of Custody	5



October 25, 2013

Laboratory Code: RES  
Subcontract Number: NA  
Laboratory Report: RES 273168-1  
Project # / P.O. #: Kline St.  
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 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 273168-1** 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 273168-1**  
Client: **Forensic Applications**  
Client Project Number / P.O.: **Kline St.**  
Client Project Description: **None Given**  
Date Samples Received: **October 18, 2013**  
Analysis Type: **Methamphetamine by GCMS**  
Turnaround: **5 Day**  
Date Samples Analyzed: **October 21, 2013**

Client ID Number	Lab ID Number	Reporting Limit** (µg)	METHAMPHETAMINE CONCENTRATION (µg)
KM101813-01	EM 1052387	0.30	0.74
KM101813-02	EM 1052388	0.30	BRL
KM101813-03	EM 1052389	0.30	BRL

\* 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 273168-1**  
Client: **Forensic Applications**  
Client Project Number / P.O.: **Kline St.**  
Client Project Description: **None Given**  
Date Samples Received: **October 18, 2013**  
Analysis Type: **Methamphetamine by GCMS**  
Turnaround: **5 Day**  
Date Samples Analyzed: **October 23, 2013**

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)
<b>1</b>	0.05	BRL	8	100	106

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

\*\* These analytical results meet NELAC requirements.

Due Date: 10-25-13  
 Due Time: 4:45pm



**REILAB RESERVOIRS ENVIRONMENTAL, INC.**

RES 273168

After Hours Cell Phone: 720-339-9228

INVOICE TO: (IF DIFFERENT)

CONTACT INFORMATION:

Company: **Forensic Applications, Inc**  
 Address: 185 Bounty Hunters Lane  
 Bailey, CO 80421

Contact: **Caioimhin P. Connell**  
 Phone: 303-903-7494  
 Fax:   
 Cell/pager:   
 Final Data Deliverable Email Address: **admin@forensic-applications.com**

Project Number and/or P.O. #: Kline Street  
 Project Description/Location:

Client sample ID number	ASBESTOS LABORATORY HOURS: Weekdays: 7am - 7pm		REQUESTED ANALYSIS		VALID MATRIX CODES		LAB NOTES:
	PLM / PCM / TEM	___ RUSH (Same Day) ___ PRIORITY (Next Day) ___ STANDARD (Rush PCM = 2hr, TEM = 6hr.)	PCRA 8, TCLP, Welding Fume, Metals Scan	ORGANICS - METH	Air = A Dust = D Soil = S Swab = SW Drinking Water = DW O = Other	Bulk = B Paint = P Wipe = W F = Food Waste Water = WW	
1 KM101813-01				X			
2 KM101813-02				X			
3 KM101813-03				X			
4							
5							
6							
7							
8							
9							
10							

Number of samples received: (3) (Additional samples shall be listed on attached long form.)

Relinquished By: *[Signature]* Date/Time: 10/18/13 1640  
 Laboratory Use Only  
 Received By: *[Signature]* Date/Time: 10.18.13 4:45pm Carrier: *[Signature]*

Sample Condition: On Ice \_\_\_ Sealed \_\_\_ Intact \_\_\_  
 Temp. (F°) \_\_\_ Yes / No \_\_\_ Yes / No \_\_\_

Results: Contact Phone Email Fax Date Time Initials  
 Contact Phone Email Fax Date Time Initials

# 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:	Kline	Form # ML15
Date Oct. 26, 2013		

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 meth-lab 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 144 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 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 392 assessments of illegal drug labs in Colorado, Nebraska and Oklahoma, and collected over 3,672 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 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.

# APPENDIX C

## REGULATORY DECISION FLOW CHART



