



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Regulatory Audit
of
Preliminary Assessment Report
and
Clearance Assessment Report**

**By
Judith E Sawitsky, CMC
Weecycle Environmental Consulting, Inc
at an
Identified Illegal Drug Laboratory
(Identifying 440 Regulatory Violations)**

**Located at:
101 S Clarkson Street
Denver, CO 80209**

Prepared by:

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EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) is performing a series of regulatory audits on public domain documents regarding the sampling of methamphetamine affected properties located in Colorado.

This document has been prepared by Forensic Applications Consulting Technologies, Inc. as part of an ongoing Motion for Judicial Review in response to actions by personnel employed by the Colorado Department of Public Health and Environment (CDPHE), and pursuant to the provisions of C.R.S. 18-8-115 *Duty to report a crime - liability for disclosure*. The level of scrutiny used in this review is that which was established by the CDPHE.

This review pertains to the document identified as:

Methamphetamine-affected Property Clearance Assessment
For the Building Located at:
101 S Clarkson St.
Denver, CO 80209
Weecycle Job Number: 14-11064
Performed On: December 22 and December 28, 2014
Prepared For:
Scott Byer
Colorado Realty, LLC
8101 Belleview Ave Suite F
Denver, CO 80237

The purpose of this review is to document regulatory violations associated with regulatory work regarding the sampling of methamphetamine affected properties. The consultant in question (Judith E Sawitsky with Weecycle (WEC)) has an extended history of regulatory violations.^{1,2,3}

This property can be thought of as being divided into two regulatory realms 1) Pre-revision regulatory requirements (in effect until December 14, 2014), and 2) Post-revision Regulatory requirements (effective December 15, 2014). However, since **none** of work by the Consultant performed during pre-revision period was valid, the project can actually be thought of as exclusively a post-revision Clearance project, and therefore, subject to the Post Decontamination Sampling requirements of 6 CCR 1014-3 as Revised (12/15/2014).

Ignoring for a moment that the Consultant, Ms. Sawitsky, was not even permitted to perform the work prior to receiving full State approval in 2015, none of the samples met the existing regulations as claimed.

¹ See for example: 1170 Garrison Street, Lakewood, CO: http://www.forensic-applications.com/meth/Censored_Weecycle_review.pdf

² See for example: 3402 S Eagle, Aurora, CO: http://forensic-applications.com/meth/Regulatory_audit_Eagle.pdf

³ See for example: 3282 E 103rd Dr. Unit 1601, Thornton, CO 80229: http://forensic-applications.com/meth/WEC_103_PA_Clearance_RAdocx.pdf



For this regulatory audit, FACTs has identified no fewer than 440 individual regulatory violations.

REVIEW OF THE DOCUMENTS

During the performance of a Post Decontamination Assessment of a methamphetamine affected property, the Consultant is required by regulations to perform specific mandatory tasks and provide specific mandatory documentation in their report. In reviewing the report associated with 101 S Clarkson St. Denver, CO 80209 (the subject property), FACTs has identified multiple deficiencies in the actual assessment of this property, and the resultant reporting process as is required by regulation.

According to the original State Regulations, which were in effect since 2005, prior to decontaminating a property, a Preliminary Assessment was required. Prior to December 15, 2014, when the revised regulations became effective, completion of the Preliminary Assessment was restricted exclusively to those individuals who were “Industrial Hygienists” and met the statutory definition of an “Industrial Hygienist.” As discussed in this review, Ms. Sawitsky is not an Industrial Hygienist and was not permitted to perform a Preliminary Assessment. As such, for this property, no legitimate Preliminary Assessment was ever performed as required by Regulations.

According to State regulations, upon performance of a Post Decontamination Assessment for a property, specific documents must be submitted to the State of Colorado and those documents must contain specific information. One of the requirements is a summary or inclusion of the Preliminary Assessment. As such, for this review, FACTs obtained a copy of the Preliminary Assessment and the Clearance report through the Colorado Open Records Act. Since the Colorado Department of Public Health and Environment is the custodian for the “official” report, that is the copy we used for our review.

PRELIMINARY ASSESSMENT

The Post Decontamination Report contained, as an appendix, the following document:

Methamphetamine-affected Property Preliminary Assessment

For the Buildings Located at:

101 S Clarkson Street

Denver, CO 80209

Weecycle Job Number: 14-11064

Performed On: 12/2/2014

Prepared For:

Scott Byer

Colorado Realty, LLC

8101 Belleview Ave Suite F

Denver, CO 80237

Denver, CO 80237

This document was prepared, in its entirety, during the effective dates of Colorado Regulation 6 CCR 1014-3, (2005) that remained in effect until December 15, 2014. Therefore, the first part of



this review deals exclusively with those regulations that applied at the time the work was performed.

Violation of 6 CCR 1014-3 General Provisions Failure to Provide Authorized Personnel

One of the mandatory provisions, pursuant to state regulations promulgated by the Colorado State Board of Health and designated as “6 CCR 1014-3, *Regulations Pertaining To The Cleanup Of Methamphetamine Laboratories*” states that assessments of properties within the scope of the regulation can only be performed by an Industrial Hygienists meeting the definition of Section 24-30-1402 of the Colorado Revised Statutes.

Over the last several years, a serious problem has been created by consultants (such as WEC) who have fraudulently claimed to be Industrial Hygienists and, under that assumed title, have been performing invalid assessments of illegal drug laboratories. Since local governments were not receiving support in compliance, many local jurisdictions did not enforce any aspect of the regulations.

Certified Mould Inspectors

For this property, as indicated on the cover of the report, WEC does not even pretend the author is an “Industrial Hygienist” and instead identifies the author as “Judith E Sawitsky, CMC”

The designation “CMC” is a make-believe “certification” that is not recognized as carrying weight or validity in the legitimate field of microbiology or Industrial Hygiene. The term “CMC” usually indicates some kind of “certified” mould (mold) inspector and often means “Certified Mould Contractor” or “Certified Microbial Contractor,” or other meaningless “certification” in mould related issues.

Colorado, like virtually every other State, does not recognize the credentials of a “certified mould inspector” since there is no State Regulatory Board which oversees such “certification.” This “certification” does not carry any indication of proficiency in any field of practice. Typically, “certified” mould inspectors are self-“certified” and generally lack any legitimate training in indoor moulds or in any science related field.

None of the various “certifications” used by Weecycle in their report, are recognized in Colorado; essentially a child of 12 years old could sit down at their computer and print out a “certificate” identifying themselves as a “CMC” or claim they are a “Certified Meth Lab Decontaminator” and run around collecting samples. However that does not make them an Industrial Hygienist, and such a person will not meet the statutory definition of an Industrial Hygienist and none of their assessments in illegal drug laboratories will be valid in the state of Colorado.

In fact, similar to most “certified” mould inspectors Ms. Sawitsky is not even knowledgeable in indoor moulds, but rather practices fear-based, junk science, pretending to perform Industrial Hygiene work. FACTs has been involved in reviewing other reports from WEC involving indoor mould issues wherein WEC cooperated with a “toxic mould” remediation contractor and



relied on junk-science, and nonsensical sampling to frighten a homeowner into expensive, fear-based “mould remediation.” (See for example: <http://www.forensic-applications.com/moulds/elizcensoredcritical.pdf>). As demonstrated in that report, WEC clearly has no legitimate experience or training in indoor moulds, basic science, air monitoring protocols or Industrial Hygiene.

CRS Title 24 Article 30 – Industrial Hygienist

In their report, Ms. Sawitsky claims to be an Industrial Hygienist by virtue of having “...AT LEAST 5 years of experience in Industrial Hygiene prior to the July 1, 1997 date as set out in DEFINITION II.”

However, there is no such provision in Colorado State statutes under which an individual may claim to be an Industrial Hygienist. The Colorado Revised Statutes actually require something completely different than the provision claimed by WEC; the statutes actually read:

CRS 24-30-1402 (c)(2)(II) Any individual who has practiced within the scope of the meaning of industrial hygiene for a period of not less than five years immediately prior to July 1, 1997, is exempt from the degree requirements set forth in this subsection (2.2).

As it is, according to the public domain report, in the five years prior to July 1, 1997, the WEC technician was not practicing as an Industrial Hygienist, but rather Ms. Sawitsky describes her experience as working at “...an environmental consulting firm located in Denver, CO as an intern and then as an Environmental Biotechnologist staff member from 1990 through 1994.” Being an “intern” with an environmental firm is not practicing Industrial Hygiene and there is no definition of an “Environmental Biotechnologist” and, therefore, a janitor at a school legitimately can claim to be an “Environmental Biotechnologist.”

According to Colorado statutes:

24-30-1402. Definitions.

(2.2) "Industrial hygienist" means an individual who has obtained a baccalaureate or graduate degree in industrial hygiene, biology, chemistry, engineering, physics, or a closely related physical or biological science from an accredited college or university. The special studies and training of such individual shall be sufficient in the cognate sciences to provide the ability and competency to:

- (a) Anticipate and recognize the environmental factors and stresses associated with work and work operations and to understand their effects on individuals and their well-being;
- (b) Evaluate on the basis of training and experience and with the aid of quantitative measurement techniques the magnitude of such environmental factors and stresses in terms of their ability to impair human health and well-being;
- (c) (i) Prescribe methods to prevent, eliminate, control, or reduce such factors and stresses and their effects.

The author of this review (Caoimhín P. Connell) was the legislative technical advisor for the promulgation of CRS 24-30-1402, and crafted some of the legislative language. The intent of the legislation was to recognize those Industrial Hygienists who were already practicing Industrial Hygiene for five years prior to July 1, 1997. WEC has not provided any



documentation indicating that Ms. Sawitsky was a practicing Industrial Hygienist five years prior to July 1, 1997.

AIHA Industrial Hygienist Core Capabilities

In 2012, the American Industrial Hygiene Association,⁴ in conjunction with the American Conference of Governmental Industrial Hygienists,⁵ and the American Board of Industrial Hygiene, published a document called “Core Competencies for the Practice of Industrial /Occupational Hygiene” The document identified those core competencies as:

- Air Sampling and Instrumental analysis
- Basic Science
- Biohazards
- Biostatistics and Epidemiology
- Chemical Hazards
- Community Exposures
- Engineering Control and ventilation
- Ergonomics
- Health Risk Analysis and Hazard Communication
- Ionizing radiation
- Management
- Noise and Hearing loss prevention
- Non engineering controls
- Non ionizing radiation
- Thermal stressors
- Toxicology
- Work Environments and Industrial Processes

There is no documentation in their report that would suggest that the WEC field technician, Ms. Sawitsky has any training or experience or knowledge in ANY of the above listed core capabilities. Furthermore, previous work by WEC clearly demonstrates gross incompetence in several of these areas, such as toxicology, biohazards and air sampling.

A part-time FACTs field Technician, was a supervisor at a heavy industry steel manufacturing facility. Some time ago (mid November 2013,) FACTs asked our technician to contact WEC, and identifying himself and identify his role in heavy industry and to inform WEC he was asked to contact WEC regarding their capabilities to provide Industrial Hygiene services. Specifically, our technician was asked to inquire as to the capabilities of WEC to perform the following Industrial Hygiene services:

- Air Sampling and Instrumental analysis
- Biohazards
- Chemical Hazards

⁴ I am a member of the AIHA and currently sit on the Clandestine Drug Laboratory Working Group

⁵ Of which I am a member



Engineering Control and ventilation
Ergonomics
Health Risk Analysis and Haz Comm
Ionizing radiation
Noise and Hearing loss prevention
Non ionizing radiation
Toxicology
Work Environments and Industrial Processes

Our technician was informed by WEC, that they were not able of providing ANY of the above listed Industrial Hygiene services. Therefore, out of the 17 core capabilities that constitute Industrial Hygiene, WEC was incapable of providing at least 11 of those services.

TIG and Arc Welding Operations

Specifically, WEC was asked about their capabilities to provide air monitoring exposures assessment for TIG and stick arc welding operations which incorporates the following industrial Hygiene aspects:

Air Sampling and Instrumental analysis
Chemical Hazards
Health Risk Analysis and Haz Comm
Ionizing radiation
Non ionizing radiation
Toxicology
Work Environments and Industrial Processes

WEC informed him they were not able to perform this basic Industrial Hygiene function.

Biohazards

Specifically, WEC was asked about their capabilities to provide an assessment of biohazards related with the Mycobacteria associated with metal cutting fluids which incorporates the following industrial Hygiene aspects:

Air Sampling and Instrumental analysis
Basic Science
Biohazards
Engineering Control and ventilation
Health Risk Analysis and Haz Comm
Non engineering controls
Toxicology
Work Environments and Industrial Processes

WEC informed him they were not able to perform this basic Industrial Hygiene function.



Ergonomics

Specifically, WEC was asked about their capabilities to provide an ergonomic assessment for grinders and buffers which incorporates the following industrial Hygiene aspects:

- Basic Science
- Biohazards
- Ergonomics
- Health Risk Analysis and Haz Comm
- Non engineering controls
- Work Environments and Industrial Processes

WEC informed him they were not able to perform this basic Industrial Hygiene function.

Industrial Ventilation

Specifically, WEC was asked about their capabilities to provide design criteria for industrial ventilation which incorporates the following industrial Hygiene aspects:

- Basic Science
- Chemical Hazards
- Community Exposures
- Engineering Control and ventilation
- Health Risk Analysis and Haz Comm
- Management
- Noise and Hearing loss prevention
- Work Environments and Industrial Processes

WEC informed him they were not able to perform this basic Industrial Hygiene function.

Noise and Hearing Loss Prevention

Specifically, WEC was asked about their capabilities to provide sound and noise monitoring services for a factory floor wherein steel fabrication occurs, which incorporates the following industrial Hygiene aspects:

- Basic Science
- Engineering Control and ventilation
- Health Risk Analysis and Haz Comm
- Noise and Hearing loss prevention
- Non engineering controls
- Work Environments and Industrial Processes

WEC informed him they were not able to perform this basic Industrial Hygiene function.

Ionizing radiation

Specifically, WEC was asked about their capabilities to provide ionizing radiation assessments for sealed source devices, which incorporates the following industrial hygiene aspects:



Basic Science
Community Exposures
Engineering Control and ventilation
Health Risk Analysis and Haz Comm
Ionizing radiation
Management
Non engineering controls
Work Environments and Industrial Processes

WEC informed him they were not able to perform this basic Industrial Hygiene function.

WEC, which is not an Industrial Hygiene firm, was not able to provide any of the above, basic Industrial Hygiene services since WEC is not an Industrial Hygiene firm and apparently does not employ any Industrial Hygienists.

There is no documentation suggesting that Ms. Sawitsky has any special training or studies in the core cognate sciences that constitute Industrial Hygiene, or that speak to the ability and competency to anticipate and recognize the environmental factors and stresses associated with work and work operations and to understand their effects on individuals and their well-being. In fact, as already referenced, in the document found at <http://www.forensic-applications.com/moulds/elizcensoredcritical.pdf> FACTs demonstrated that WEC entirely rejects known air sampling and instrumental analysis techniques, and rejects basic science in evaluating biohazards, and rejects basic science of toxicology and rejects basic science in biostatistics and rejects the science of biohazards and therefore, rejects basic science.

Furthermore, there is no indication that Ms. Sawitsky has any knowledge of the assessment of illegal drug laboratories, and there is no documentation in the WEC report that would indicate that Ms. Sawitsky has any experience or training that would equip her to perform an assessment of an illegal drug laboratory.

6 CCR 1014-3 Language on Training

Not only did the State regulations and pertinent standards mandate the use of an Industrial Hygienist for an identified illegal drug laboratory, the regulations repeatedly allude to the necessity of that IH being trained and knowledgeable in clandestine drug laboratory operations and contamination.

For example, regarding pre-remediation assessments wherein the hypothesis of compliance is tested, the regulations explicitly state:



6CCR 1014-3
Attachment to Appendix A
Methamphetamine Laboratories Sampling Methods and Procedures
Sampling Theory

...The strength of evidence needed to reject the hypothesis is low, and is only that which 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.

And:

Other outdoor surfaces should be evaluated based on **best professional judgment**. Wipe samples and destructive samples may be required.

And:

Composite sampling is permitted by this regulation, as described herein. The consultant may not use composite sampling unless in their **professional judgment**, contamination is expected to be relatively evenly dispersed throughout a given area, such that the sampling will accurately represent the conditions of the drug laboratory.

Similarly, regarding contamination migration, the regulations explicitly state:

6 CCR 1014-3 Section 3.0: “Functional space” means a space where the spread of contamination may be expected to occur relatively homogeneously, compared to other functional spaces. The “functional space” may be a single room or a group of rooms, designated by a consultant who, **based on professional judgment**, considers the space to be separate from adjoining areas with respect to contaminant migration. Other typical examples of functional spaces include a crawl space, an attic, and the space between a dropped ceiling and the floor or roof deck above.

And:

6 CCR 1014-3 §4.6 Identification and documentation of areas of contamination. This identification may be based on visual observation, law enforcement reports, proximity to chemical storage areas, waste disposal areas, or cooking areas, or **based on professional judgment** of the consultant; or the consultant may determine that assessment sampling is necessary to verify the presence or absence of contamination.

The allusion to an appropriately trained IH is woven intrinsically into the State’s regulation’s application of “professional judgment” and is needed for compliance. If an individual has never received any kind of legitimate training in the manufacturing of illegal drugs, it would be impossible for that individual to apply “professional judgment” during the assessment. If an individual has never received any kind of training in the assessment of illegal drug laboratories, how could that individual possibly exercise “professional judgment”?

Fraudulent and Misleading Certifications

Colorado Methlab Certification

In the past, WEC has explicitly claimed to be Certified by the State of Colorado to perform illegal drug laboratory assessment work. However, during that time-frame, there was no such certifications in Colorado, and there never had been any such certification in Colorado.



As of November 9, 2013, on their website, WEC made the patently fraudulent claim that they were explicitly **certified** in the State of Colorado for performing testing in clandestine drug laboratories. On their web site, WEC falsely claims:



Figure 1
Language from the Weecycle Internet Site⁶

At the time the work was performed, Weecycle, Inc. was not certified in the State of Colorado or by the State of Colorado to perform clandestine lab testing for methamphetamine contamination; the claim is fraudulent and as a result of that fraudulent claim, the Registered Owner of the subject property believed WEC was in fact certified by the State of Colorado to perform the work.

Mysterious State of Colorado Consultant Registration

In their report, WEC also claims they hold

State of Colorado Consultant Registration, Reg. #5417

FACTs is entirely unaware of this “registration” or how it may be alluding to this project. FACTs searched the Official State of Colorado Registry and found there is only exclusively one listing for “Judith Sawitsky ” who is exclusively certified to collect asbestos air samples. We could find no reference to a Consultant Registration or Consultant Registration Number 5417.

Meth Lab Clean-up Company

On the WEC internet page, they claim to have a certification in “Clandestine Drug Lab Decontamination Training” and they falsely claimed they were **certified** for performing clandestine drug laboratory assessments in Colorado.

WEC claimed the certification was from a meth-lab cleanup company who is similarly known for multiple violations of State regulations.^{7,8}

⁶ Copyright Weecycle 2013, used here without permission under the “fair use” doctrine as described in US Code, Title 17 Section 107 “criticism,” “teaching,” “reporting,” and “scholarship.”

⁷ See for example 9210 Race Street, Thornton, CO 80229 http://forensic-applications.com/meth/Critical_review_Race.pdf



Montana Cleaning License

We have seen in other reports where WEC claimed to be a Montana Certified Methamphetamine Cleanup Supervisor (MCP11-0039-S) – On November 9, 2013, FACTs went to the following internet page: <http://www.deq.mt.gov/Meth/MethContractors.mcp>



Figure 2
Language from the State of Montana Internet Site

Nowhere in the roster of Certified Meth Lab Cleanup Contractors does the State of Montana recognize or list the name of “Sawitsky ” (or Judith or Judy) and nowhere on that roster do they list WEC as being certified in any way whatsoever.

Violation of §8.21

Specific mandatory information is required to be included in the final verification documentation for the assessment of a clandestine drug laboratory. Many elements of that final documentation must be included in the initial Preliminary Assessment, or it will not be available for inclusion in the final documentation. One of the items that must be included in the Preliminary Assessment for subsequent inclusion in the final documentation is:

8.21. Consultant statement of qualifications, including professional certification or qualification as an industrial hygienist as defined in section 24-30-1402, C.R.S., and description of experience in assessing contamination associated with methamphetamine labs.

The WEC documentation entirely failed to identify what training or capabilities the WEC technician has in the assessment of illegal drug laboratories. The WEC report merely states:

...industry specific training in conducting methamphetamine assessments.

⁸ See for example: 836 Prospect Lake Drive, Colorado Springs, CO, http://www.forensic-applications.com/meth/MLCC_Prospect_Lake.pdf



There are no certifications presented in the documentation, no references to any training courses, nor an allusion as to whom performed the training, or when or where. Based on the profound incompetence exhibited and previously demonstrated by Ms. Sawitsky, it is clear Ms. Sawitsky did not possess any of the skills necessary to perform the work.

Failure to Comply With Mandatory Elements of a Preliminary Assessment

According to Colorado State regulation 6 CCR 1014-3, when a Preliminary Assessment is conducted:

6 CCR 1014-3 4.0 Preliminary Assessment. A preliminary assessment shall be conducted by the consultant, in accordance with section 6.7 of this regulation, prior to the commencement of property decontamination. ... Information collected during the preliminary assessment shall include, but not be limited to, the following:

Failure to Comply With Paragraph 4.1

According to State regulations, the Preliminary Assessment shall include a property description containing specific elements.

4.1. Property description including physical address, legal description, number and type of structures present, description of adjacent and/or surrounding properties, and any other observations made.

Violation of §4.1 Property Description

WEC failed to perform its regulatory and professional duty by failing to comply with this requirement. Nowhere within the documentation do we see where WEC has provided a description of the subject property.

The subject property is actually one of the units within a superstructure with adjoining spaces.

The subject property also has a four detached garages which the Consultant failed to include in the assessment (addressed later).

Violation of §4.1 Adjacent Property

WEC failed to perform its regulatory and professional duty by failing to comply with this requirement. Nowhere within the documentation do we see where WEC has provided a description of adjacent and/or surrounding buildings. In their report, WEC merely notes:

There are similar residential properties surrounding the subject site.

In fact, there are no similar residences surrounding the subject property. This “description” is exactly the same as that WEC has used in all reports reviewed by FACTs regardless of the actual site conditions and fails to note that the subject property is in fact, not surrounded by similar properties but is in fact surrounded by various types of properties - including apartments, and multi-family structures.

It appears that WEC merely issues “boiler-plate” reports for all their projects without considering actual site conditions. We have even seen WEC use this same language when the property was a condominium in a superstructure and, then again, when the property was an agriculture property.



Failure to Comply With Paragraph 4.2

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist shall perform specific duties regarding law enforcement documentation:

4.2 Review of available law enforcement reports that provide information regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and observed areas of contamination or waste disposal.

WEC failed to perform its duties and fulfill regulatory requirements by failing to determine if law enforcement documents were available.

In its report, WEC merely stated:

There were no law enforcement reports available for this property.

The Industrial Hygienist is required by regulation to determine if law enforcement documents are available and what information law enforcement personnel have for the property.

There is no evidence in their report, that WEC made any attempt to contact any law enforcement office or obtain any law enforcement documents associated with the property as required by regulations. WEC had the regulatory duty to attempt to identify and, if available, review, and provide the mandatory documentation in its report.

Nowhere in the WEC report does WEC document any attempts to comply with State regulations and apparently made no attempt to obtain or review any law enforcement documents as required by regulation.

Failure to Comply With Paragraph 4.4

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist shall identify the methamphetamine manufacturing process used on site. The information is imperative and indispensable during the Preliminary Assessment, since the decontamination efforts may be incumbent on the type of process used. Furthermore, the post decontamination sampling shall be incumbent on the type of process used. The state regulations explicitly required the Industrial Hygienist to:

4.4. Identification of manufacturing methods based on observations and law enforcement reports.

Inherent in this requirement is the presumption that the consultant would be capable of actually having some knowledge of manufacturing processes, and some training which would allow the recognition of observations to be linked to some kinds of manufacturing. Ms. Sawitsky demonstrates her lack of knowledge of illegal drug lab activities and manufacturing processes by making the false statement:

Visual inspection revealed no etching or residue on the walls that is typically associated with clandestine drug manufacturing.



As already stated, there is no documentation which indicates that the work was performed by an Industrial Hygienist, or any person with any training or knowledge of illegal drug laboratories but rather, the work was performed by a “certified microbial consultant” with no documentable training in clandestine drug operations. Therefore, it would be impossible for Mr. Sawitsky to be capable of describing the method of manufacturing or chemicals used, especially since, in violation of regulations, WEC failed to contact law enforcement agencies for information regarding the subject property.

In their own report, WEC acknowledges they were suppose to perform this function and they falsely claim they did perform this function. In their report, they state:

WEC’s Preliminary Assessment included the following items from the METHAMPHETAMINE PRELIMINARY ASSESSMENT CHECKLIST:

- *Review of Law enforcement reports, if any or available, that provide information regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and observed areas of contamination or waste disposal.*

But then, in contradiction to their own earlier statement, WEC then address manufacturing by admitting they failed to comply with the Regulations:

The manufacturing methods used or the exact source of the contamination by Methamphetamine at the Site were not specifically identified during the assessment.

This is simply what WEC seems to state for all such projects regardless of the actual site conditions. It becomes obvious, based on the available information, that WEC would be entirely incapable of being able to identify the type of manufacturing and that they make no attempt to discern the situation and also lack the technical ability to perform the work.

WEC does not explain why they did not comply with the regulations that state the Industrial Hygienist **shall** provide:

4.4. Identification of manufacturing methods based on observations and law enforcement reports.

Since WEC failed to attempt to obtain law enforcement records as required, WEC could not have complied with this provision. Similarly, since WEC has no documented knowledge or training of manufacturing processes and WEC has otherwise demonstrated gross technical incompetency in clandestine drug lab assessments, there is no reason to expect WEC to have sufficient competency in recognizing, or knowing the significance of any such observations to discern which method(s) may have been involved.

State Regulations explicitly require the following:

7.3. If the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface wipe samples for lead shall not exceed a concentration of 40 µg /ft², and vapor samples for mercury shall not exceed a concentration of 1.0 µg /m³.



Therefore, since WEC has not determined why the contamination is present, or the type of process that may have been used, their “sampling” for final verification cannot be supported by their faulty Preliminary Assessment. WEC entirely failed to perform its regulatory duties, and entirely failed to grasp the importance of this determination and WEC states:

Visual inspection revealed etching and residue on the walls that are typically associated with clandestine drug manufacturing.

Again, this is exactly the same boiler plate language we have seen in other WEC reports, regardless of actual site conditions. Since WEC has no documentable knowledge of illegal drug laboratories and is not an Industrial Hygiene firm and is therefore not authorized to even perform the work, it appears that WEC plugs in the same language regardless of actual site situations. If WEC was capable of identifying etching and residue “typically associated with drug manufacturing,” then presumably WEC would have known that different manufacturing methods result in different kinds of etching and staining – why then did WEC ignore the regulations and fail to identify the method? Why, as described elsewhere in this report, did WEC fail to comply with the regulations and fail to photograph those areas?

It is difficult to understand how the property could be contaminated with methamphetamine, yet, WEC cannot make a representation as to whether or not the property was, at some time, the site of clandestine drug activity.

Failure to Comply With Paragraph 4.5

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.5. Identification of chemicals used, based on observations, law enforcement reports, and knowledge of manufacturing method(s).

WEC entirely failed to perform its professional, regulatory duties by failing to obtain law enforcement documents, and failing to determine what chemicals may have been used or stored on the subject property. Since WEC failed to attempt to obtain law enforcement records as required, WEC could not have complied with this provision.

The WEC document contains several contradicting statements such as:

All potential chemical storage areas on the property, which may include: garage, utility room, closets, cabinets, vanities, pantry cupboards, under sinks and other storage areas, were inspected for chemicals during the investigation.

Then WEC states:

The property has an unattached garage which was not included in the survey.

Then WEC actually documented they failed to comply with the Regulations by stating:



Chemical storage areas for products used in production of Methamphetamine (sic) were not specifically identified during the visual inspection or site evaluation.

Failure to Comply With Paragraph 4.6

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.6 Identification and documentation of areas of contamination. This identification may be based on visual observation, law enforcement reports, proximity to chemical storage areas, waste disposal areas, or cooking areas, or based on professional judgment of the consultant; or the consultant may determine that assessment sampling is necessary to verify the presence or absence of contamination. If the consultant determines that assessment sampling is necessary, such sampling shall be conducted in accordance with the sampling protocols presented in Appendices A and D. Sample analysis shall be conducted in accordance with the method requirements presented in Appendices B and D.

WEC failed to perform its duties and fulfill regulatory requirements by failing to identify or recognize signs of contamination. Since, as described later, WEC failed to comply with Section 4.14 of the regulations (4.14. Photographic documentation of property conditions, including cooking areas, chemical storage areas, waste disposal areas, and areas of obvious contamination) the mandatory photographs are not available to objectively assess WEC's observations.

Failure to Comply With Paragraph 4.7

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.7. Identification and documentation of chemical storage areas.

As already noted, WEC ignored this regulatory provision.

However, since WEC failed to determine the availability of law enforcement documents, as required by regulation, WEC could not have complied with this section.

Similarly, since Ms. Sawitsky has no documented training in the assessment of illegal drug laboratories, there is no reason to believe that she would be capable of recognizing chemical storage (as is evidence in her report).

Failure to Comply With Paragraph 4.8

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.8. Identification and documentation of waste disposal areas.

In their report, WEC states:

Waste disposal areas were not identified and a visual inspection of the property and exterior of the house did not reveal any areas suspected as waste disposal areas.



As already noted, WEC entirely failed to provide the mandatory photographs and therefore, there is no way to confirm whether or not there were signs of illegal waste disposal. Since there is no documentation of relevant training in their report, there is no reason to believe that they would be capable of recognizing such indicators if they were present.

Failure to Comply With Paragraph 4.9

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.9. Identification and documentation of cooking areas.

This is imperative information, where available, since it helps to direct proper decontamination as well as final clearance sampling activities.

Since WEC failed to comply with Sections 4.2 (Law Enforcement Documentation) and Section 4.14 of the regulations (Photographic documentation) and since Ms. Sawitsky ignored previous field observations and since she has no documented training in the assessment of illegal drug laboratories, and since the remainder of the report exhibits gross technical incompetence, there is no reason to believe the on-site individual would be capable of recognizing such areas.

Failure to Comply With Paragraph 4.10.

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.10 Identification and documentation of signs of contamination such as staining, etching, fire damage, or outdoor areas of dead vegetation.

There is no indication that WEC conducted the assessment of the exterior grounds. Since Ms. Sawitsky failed to provide the mandatory photographs, there is no way to know now if there were signs of contamination.

Also, the property exhibited evidence of iodine staining, however, since Ms. Sawitsky has no documentable training in the assessment of illegal drug laboratories, she entirely failed to identify the evidence for what it was (see photograph below taken by FACTs, Inc.)





FACTs Photograph of Subject Property: November 21, 2014

Ms. Sawitsky failed to understand the importance of the staining, and what the staining could have been telling her, and failed to meet mandatory regulations and failed to provide "... documentation of signs of contamination such as staining, etching, fire damage, or outdoor areas of dead vegetation."

Failure to Comply With Paragraph 4.11

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.11. Inspection of plumbing system integrity and identification and documentation of potential disposal into the sanitary sewer or an individual sewage disposal system (ISDS). ... *et seq.*

In their own report, WEC acknowledges they were suppose to perform this function and they falsely claim they did perform this function. In their report, they state:

WEC's preliminary assessment included the following items from the METHAMPHETAMINE PRELIMINARY ASSESSMENT CHECKLIST:

Inspection of plumbing system integrity and identification and documentation of potential disposal into the sanitary sewer or individual sewage disposal system (ISDS).

Other than boiler plate language referring to "drains," there is nothing in the report that documents the plumbing was inspected or evaluated as required by Regulations.

Failure to Comply With Paragraph 4.12

According to the Regulations, the Consultant was required to include:



4.12. Identification of adjacent units and common areas where contamination may have spread or been tracked.

Ms. Sawitsky failed to comply with this mandatory provision. The WEC report contains language that underscores the Consultant's knowledge of illegal drug laboratories and general contamination issues when she states the following:

There is common space at the property including, a crawlspace with furnace, shared outdoor spaces and an attic area in each unit. There is no apparent evidence that the contamination associated with this property has impacted neighboring properties.

In fact, the profoundly elevated concentrations of methamphetamine present (which Ms. Sawitsky failed to identify) in the presence of a common crawlspace containing a furnace IS sufficient evidence to indicate migration of contamination into the adjoining units common to the crawlspace and furnace(s).

Furthermore, the report contains conflicting information since later in the report Ms. Sawitsky also states:

Samples were collected where contamination may have migrated, such as adjacent rooms or functional spaces, common areas, and ventilation systems.

Yet, the sample results for these samples have not been included in the report and there is no actual documentation in the report that indicates such an assessment was actually performed.

Failure to Comply With Paragraph 4.13

During the Preliminary Assessment, the Industrial Hygienist is required to provide:

4.13. Identification and documentation of common ventilation systems with adjacent units or common areas.

For this property, Ms. Sawitsky confirms that the ventilation system was a shared system, she confirmed the ventilation system was contaminated and yet, Ms. Sawitsky failed to evaluate the adjoining units.

Failure to Comply With Paragraph 4.14

During the Preliminary Assessment, the Industrial Hygienist is required to provide:

4.14 Photographic documentation of property conditions, including cooking areas, chemical storage areas, waste disposal areas, and areas of obvious contamination.

WEC entirely failed to meet this regulatory obligation and responsibility by failing to provide any photographs of any site conditions. Instead, Ms. Sawitsky provided close-up photographs of her sample locations.



Failure to Comply With Section 6.0

The sampling performed by WEC was not compliant with State regulations; (and indeed, the vast majority of sampling conducted by WEC was both useless, unnecessary and a waste of the client's financial resources).

FACTs can make this statement because the initial testing performed on site indicated profoundly elevated concentrations of methamphetamine. Contrary to false statement made by Ms. Brisnehan (CDPHE),⁹ sampling during Preliminary Assessments is not required. According to the regulations,

6.0.2 As provided in Appendix A of these regulations, the consultant may determine that some areas should be deemed to be contaminated based on data other than assessment sampling. Areas that are deemed to be contaminated do not need to be sampled as part of the preliminary assessment.

Therefore, samples collected in the unit were a foregone conclusion; the reason Ms. Sawitsky failed to find the profoundly elevated concentrations is because Ms. Sawitsky, lacking any training in this field, did not know how to collect samples, and therefore, failed to follow the mandatory sampling provisions (as described later).

State Regulations explicitly provide that:

6.0.1 Except as provided in 6.0.2, assessment sampling shall be conducted as part of the preliminary assessment to characterize the nature and extent of contamination. Assessment sampling and laboratory analysis shall be conducted in accordance with Appendices A, B and D of these regulations.

None of the sampling performed by WEC met the regulatory requirements for such sampling.

Failure to Comply With Paragraph 6.1.1 (41 Violations)

State regulations require that samples be collected from:

6.1.1. Areas expected to **have the highest levels** of contamination, such as cooking areas, chemical storage areas, and waste disposal areas

During the initial testing of the property, FACTs identified methamphetamine concentrations of 45 µg/100cm². By contrast, since Ms. Sawitsky does not know how to properly collect samples, the highest concentration she observed was 1.9 µg/100cm².

Based on the close-up photographs of sampling locations provided in the WEC report several samples were collected from prohibited surfaces. Of those that were collected from permitted surfaces, 41 were collected from areas that would not have been expected to have the highest levels of contamination.

⁹ See for example, letter from Colleen Brisnehan, to Joan Whittemore (CSPD) and Sgt. Harrell (Colorado Spring Police Department) regarding Citizen Request #4967 (Tuesday, September 4, 2012 4:00 pm) From: WHITTEJO@ci.colospgs.co.us to FACTs, Inc.



The reason Ms. Sawitsky failed to identify the elevated concentrations was because she intentionally and willfully violated the mandatory sampling provisions. In her report, Ms. Sawitsky explicitly stated:

To insure an average, measurement was taken of each Functional Space, judgment sampling was conducted. Since there were no specific areas identified as chemical storage, waste disposal, or cooking locations, a biased sampling theory was not used.

In fact, the above paragraph appears to be boiler plate language that is used for all WEC assessments regardless of actual site conditions.

According to the regulations:

Pre-decontamination sampling

In pre-decontamination sampling, the assumption (hypothesis) is made that the area is clean i.e. “compliant,” and data will be collected to find support for the hypothesis. Data (such as samples) are collected to “prove” the area is compliant. Sampling, if it is performed, is conducted in the areas with the highest probability of containing the highest possible concentrations of contaminants.

By claiming she was trying to ensure an “average” concentration, Ms. Sawitsky doesn’t realize she is documenting the fact that she was willfully violating the sampling provision of the regulations. Ms. Sawitsky ignored the sampling requirements and simply invented her own protocol outside of the mandatory regulations.

According to the regulations:

ATTACHMENT TO APPENDIX A
METHAMPHETAMINE LABORATORIES
SAMPLING METHODS AND PROCEDURES SAMPLING THEORY

Sampling Theory

The type of sampling used for stationary structures and vehicles described in this protocol is a type of sampling recognized as “authoritative” sampling. Authoritative sampling is a nonstatistical sampling design that does not assign an equal probability of being sampled to all portions of the population. Consultants using this protocol will have *a priori* knowledge of the property to be sampled. The *a priori* knowledge, in the hands of a competent consultant, permits immediate inclusion/exclusion of sampling areas, based on professional judgment. As such, the weight of validity of the data gathered with authoritative sampling is largely dependent on the knowledge and competency of the sampler.

Violation of 6.1.2

According to the regulations, the consultant was require to

6.1. ...Samples shall be collected from:

6.1.2. Areas where contamination may have migrated, such as adjacent rooms or units, common areas, and ventilation systems.

In her report, Ms. Sawitsky claims she collected those samples:



Samples were collected where contamination may have migrated, such as adjacent rooms or functional spaces, common areas, and ventilation systems.

Yet, the sample results for these samples have not been included in the report and there is no actual documentation in the report that indicates she actually collected the samples as claimed.

Violation of Section 6.2.1 Prohibited Composite Sampling Technique (35 violations)

Mandatory Colorado regulations require:

6.2.1. Discrete sampling is **required** in all cases, except as provided in 6.2.2 of these regulations.

6.2.2. Composite sampling may **only** be conducted in situations where contamination is expected to be relatively evenly dispersed throughout a given area, and composite sampling will provide an accurate representation of the area sampled, as described in Appendix A.

A legitimate Industrial Hygienist, trained in the aspects of illegal drug laboratory assessments would have known that contamination under these circumstances exhibits very large sampling error; a legitimate Industrial Hygienist would have known that field data from properly characterized properties exhibit a lognormal distribution (large variations of concentration). That is, the contamination under the circumstances of the subject property will never be “...expected to be relatively evenly dispersed throughout a given area...” and the geometric standard deviations can be as large as 3.0. This distribution is similar to that reported elsewhere.^{10, 11}

In spite of this, in their report, WEC states:

Composite samples were collected from no more than five (5) areas per composite sample in each functional area.

A legitimate Industrial Hygienist would have known the anticipated distribution of data and a legitimate Industrial Hygienist would also have known that the composite sampling employed by WEC was prohibited by state regulations for this very reason.

However since Ms. Sawitsky has no documented training in this area, and she is not an Industrial Hygienist, she not only violated State regulations by using prohibited sampling techniques, she exhibited a lack of knowledge in basic science and mathematics and basic practice of Industrial Hygiene.

¹⁰ Washington State Department of Health: Summary Results from a Pilot Study to Evaluate Variability and Distribution of Methamphetamine Residue in Remediated Residential Illegal Drug Labs, as reported in NIOSH Method 9106 (DRAFT)

¹¹ Martyny JW, Arbuckle SL, McCammon CS, Esswein EJ, Erb N, *Chemical Exposures Associated with Clandestine Methamphetamine Laboratories*, (http://www.njc.org/pdf/chemical_exposures.pdf , May 10, 2004).



Her data testifies against her – the sampling results produced by Ms. Sawitsky exhibits a lognormal distribution; the one-tail percentage point Shapiro Wilk W statistic is 0.8660; the normal distribution for Ms. Sawitsky's data is 0.88 and the lognormal is 0.8988, indicating that a lognormal is a better fit (0.8988 is greater than 0.88). As such, composite sampling would have been prohibited on this site (as expected).

Therefore, since all her samples were composites, all her samples are invalid since they have all been collected in violation of the State regulations (even if she had been an Industrial Hygienist). Since Ms. Sawitsky composited 35 aliquots, there are 35 violations.

Violation of Section 6.2.1 Prohibited Matrix Mixing (2 violations)

WEC failed to comply with the composite sampling techniques as described in Regulations. According to regulations:

APPENDIX A METHAMPHETAMINE LABORATORIES SAMPLING METHODS AND PROCEDURES

Any composite sampling must consist of like media, matrices or substrates. The mixing of media, matrices or substrates is not permitted.

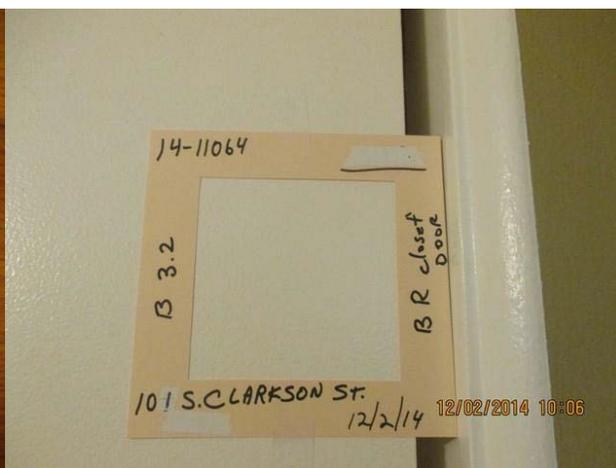
And, in their report WEC stated:

Composite samples were collected from no more than five (5) areas per composite sample in each functional area. The composite materials consisted of like media, matrices and /or substrates.

However, when we look at the actual samples, we see that contrary to what WEC has claimed and acknowledged they were prohibited from doing, they mixed matrices anyway, in violation of State regulations:



Sample 3.1, (varnished hardwood)



Sample 3.2 (painted surface)





Sample 8.1 (vinyl ABS)

Sample 8.2 (painted surface)

Violation of Appendix A: Prohibited Surfaces (20 violations)

According to mandatory State regulations:

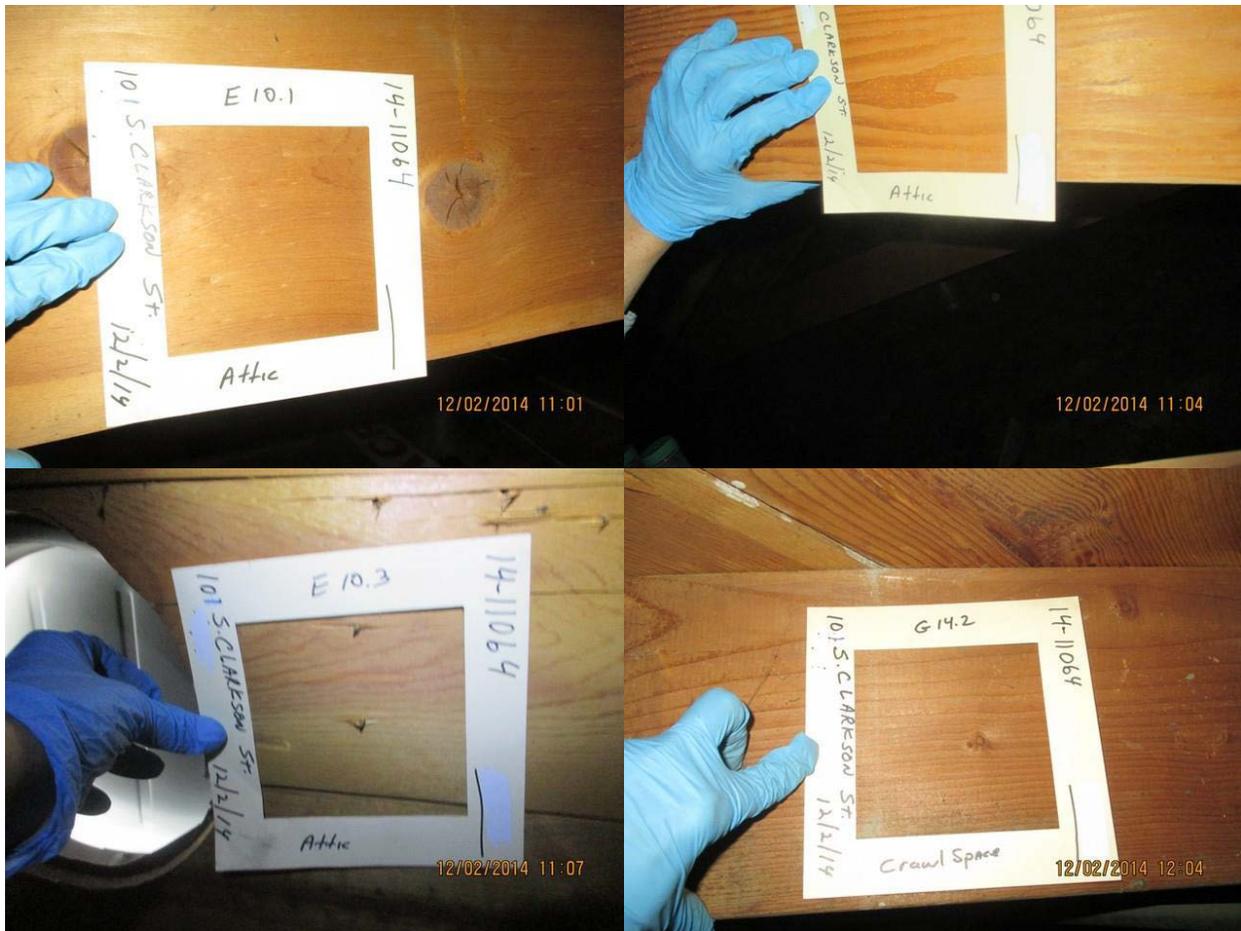
Wipe sampling shall **not** be used to demonstrate that cleanup levels have been met on porous surfaces.

In reviewing their report, we see that 20 samples were collected from porous surfaces:

- E9.1 Attic
- E9.2 Attic
- E10.1 Attic
- E10.2 Attic
- E10.3 Attic
- G14.1 Crawl Space Entrance
- G14.2 Crawl Space Entrance
- G15.1 Crawl Space Entrance
- G15.2 Crawl Space Entrance
- G15.3 Crawl Space Entrance

A few examples of the samples collected from prohibited surfaces are given below:





Violation of Appendix A: Mandatory Sampling Theory (41 Violations)

According to Colorado’s mandatory sampling protocols, the Industrial Hygienist is required to follow the specified sampling theory:

The type of sampling used for stationary structures and vehicles described in this protocol is a type of sampling recognized as “authoritative” sampling. Authoritative sampling is a nonstatistical sampling design that does not assign an equal probability of being sampled to all portions of the population. Consultants using this protocol will have a *priori* knowledge of the property to be sampled. The *a priori* knowledge, in the hands of a competent consultant, permits immediate inclusion/exclusion of sampling areas, based on professional judgment. As such, the weight of validity of the data gathered with authoritative sampling is largely dependent on the knowledge and competency of the sampler.

Instead of using the mandatory authoritative biased judgmental sampling theory, WEC appears to have collected willy-nilly grab samples with no rational basis for the selection of the areas, and with complete disregard for the regulations.

Excluding those samples that were collected from prohibited surfaces, 41 of the aliquots failed to represent authoritative characteristics.



Failure to Comply With Paragraph 8.1

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

Property description including physical address, legal description, ownership, number and type of structures present, description of adjacent and/or surrounding properties, and any other observations made.

Nowhere in the WEC report, do we find the information as required by State regulations: the WEC report failed to identify the number and types of structures present.

Failure to Comply With Paragraph 8.2

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.2. Description of manufacturing methods and chemicals used, based on observations, law enforcement reports and knowledge of manufacturing method.

Nowhere in the WEC report, do we find the information as required by State regulations.

Failure to Comply With Paragraph 8.3

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.3. If available, copies of law enforcement reports that provide information regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and observed areas of contamination or waste disposal.

Nowhere in the WEC report, do we find the information as required by State regulations. As we already addressed, WEC ignored the presence and availability of any and all law enforcement documents and made no attempt to ascertain the availability of any such documents.

Failure to Comply With Paragraph 8.4

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.4. A description of chemical storage areas, with a figure documenting location(s).

Nowhere in the WEC report, do we find the information as required by State regulations.

Failure to Comply With Paragraph 8.5

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.5. A description of waste disposal areas, with a figure documenting location(s).

Nowhere in the WEC report, do we find the information as required by State regulations.



Failure to Comply With Paragraph 8.6

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.6. A description of cooking areas, with a figure documenting location(s).

Nowhere in the WEC report, do we find the information as required by State regulations.

Failure to Comply With Paragraph 8.7

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.7. A description of areas with signs of contamination such as staining, etching, fire damage, or outdoor areas of dead vegetation, with a figure documenting location(s).

Nowhere in the WEC report, do we find the information as required by State regulations.

Failure to Comply With Paragraph 8.8

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.8 The results of inspection of plumbing system integrity and identification of sewage disposal mechanism.

Nowhere in the WEC report, do we find the information as required by State regulations.

Failure to Comply With Paragraph 8.13 (15 violations)

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.13. A description of the location and results of initial sampling (if any), including a description of sample locations and a figure with sample locations and identification.

WEC failed to provide description and locations of the initial sampling for the following samples:

9.1

9.2

10.1

10.2

10.3

14.1

14.2

15.1

15.2

15.3

CM112114-01A

CM112114-01B



CM112114-01C
CM112114-01D
CM112114-01E

Failure to Comply With Paragraph 8.14

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.14. A description of the health and safety procedures used in accordance with OSHA requirements.

Nowhere in the WEC report, do we find the information as required by State regulations.

Failure to Comply With Paragraph 8.21

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.21. Consultant statement of qualifications, including professional certification or qualification as an industrial hygienist as defined in section 24-30-1402, C.R.S., and description of experience in assessing contamination associated with methamphetamine labs.

As already stated, nowhere in the WEC documentation is there any indication that any individual used on this project is A) An Industrial Hygienist, B) in possession of any training, skill or experience of illegal drug laboratory assessment. In their report WEC gives lengthy and useless information on asbestos inspections, and lead inspections, and underground storage tank inspection training. Where WEC mentions methamphetamine, the references are either not germane to assessments such as:

Clandestine Drug (Meth) Lab Decontamination Training and Refresher (16 hr.)

Failure to Comply With Paragraph 8.22

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.22. Certification of procedures and results, and variations from standard practices.

In the preceding document, FACTs has identified scores of deviations from standard practices, and yet not a single one of these deviations has been identified by WEC in their report, as required by regulations. In fact, in their report, WEC patently falsifies their report by stating:

I do hereby certify that I conducted the preliminary sampling in accordance with 6CCR 1014-3, §6 without any variations from the standard practices.

Failure to Comply With Paragraph 8.23

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.23. A signed certification statement in one of the following forms, as appropriate:



"I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, § 4, and that I conducted post-decontamination clearance sampling in accordance with 6 CCR 1014-3, § 6. I further certify that the property has been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3, § 5, and that the cleanup standards established by 6 CCR 1014-3, § 7 have been met as evidenced by testing I conducted."

"I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, § 4. I further certify that the cleanup standards established by 6 CCR 1014-3, § 7 have been met as evidenced by testing I conducted."

In the WEC report, WEC entirely failed to comply with the mandatory language and instead, invented their own noncompliant language:

I do hereby certify that I conducted the preliminary sampling in accordance with 6CCR 1014-3, §6 without any variations from the standard practices. I have reviewed the analytical procedures, certifications and QA/QC protocol from the laboratory Reservoirs Environmental and confirm that there were no variations from the standard practices regarding the analysis of the samples.

Ms. Sawitsky is so poorly trained that she has confused 6 CCR 1014-3, §6 (sic) – which is final verification sampling with 6 CCR 1014-3, §4 (Preliminary Assessment provisions); but WEC also, remarkably, failed to note the numerous variations from standard, and fraudulently claimed there were no variations.

False "certification" of analytical data

In their report, WEC falsely states:

I have reviewed the analytical procedures, certifications and QA/QC protocol from the laboratory Reservoirs Environmental and confirm that there were no variations from the standard practices regarding the analysis of the samples.

Nowhere in the WEC report has WEC provided any evidence or documentation they "...reviewed the analytical procedures, certifications and QA/QC protocol from the laboratory Reservoirs Environmental..." Indeed, if WEC had actually performed such a review, they would have found the following deficiencies and variations:

Failure to provide data pursuant to NIOSH 9106: In the WEC report, WEC has reproduced the following table from Reservoirs:

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	5	94	101

If WEC had any training or knowledge of basic Industrial Hygiene and/or the assessment of illegal drug laboratories, WEC would have noticed that the laboratory incorrectly identified the



Matrix Blank as $\mu\text{g}/100\text{cm}^2$ – in fact, the Matrix Blank cannot be expressed in such units. Had WEC actually possessed any legitimate knowledge of such matters and if WEC had actually performed a data review as falsely claimed, WEC would have caught this laboratory error.

Similarly, if WEC had training or knowledge of basic Industrial Hygiene and/or the assessment of illegal drug laboratories, WEC would have noticed that the laboratory incorrectly identified the Reporting Limit as $\mu\text{g}/100\text{cm}^2$ – in fact, the Reporting Limit cannot be expressed in such units. Had WEC actually possessed any legitimate knowledge of such matters and if WEC had actually performed a data review as falsely claimed, WEC would have caught this laboratory error.

In their report, WEC reproduced the Reservoirs Report and included a table with the following heading:

Client ID Number	Lab ID Number	Sample Area (cm^2)	Reporting Limit (μg)	METHAMPHETAMINE CONCENTRATION (μg)	Reporting Limit ($\mu\text{g}/100\text{cm}^2$)	METHAMPHETAMINE CONCENTRATION ($\mu\text{g}/100\text{cm}^2$)
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If WEC had any training or knowledge of basic Industrial Hygiene and/or the assessment of illegal drug laboratories, WEC would have noticed that the laboratory incorrectly identified the results of the samples as $\mu\text{g}/100\text{cm}^2$. According to the NIOSH 9106 Method:¹²

NOTE: For example, if the sample was a composite sample and the area was 400 cm^2 , report results as $\mu\text{g}/400 \text{ cm}^2$ and not averaged to $\mu\text{g}/100 \text{ cm}^2$. In general, if the area wiped was greater than or less than 100 cm^2 , do not convert value to $\mu\text{g}/100 \text{ cm}^2$. To avoid confusion, report separately both $\mu\text{g}/\text{sample}$ (C) and the total area wiped in cm^2 per sample (A) for both discrete and composite samples.

In this case, WEC collected composites of up to 200 cm^2 , and therefore, according to the NIOSH 9106 Method “METHAMPHETAMINE and Illicit Drugs, Precursors and Adulterants on Wipes by Liquid-Liquid Extraction” the results should have been reported as either mass per 200 cm^2 and/or absolute mass. However, since Ms. Sawitsky lacks training in this field, she failed to comprehend this deviation from the standard method.

REVIEW OF THE CLEARANCE DOCUMENT

During the performance of the Post Decontamination Assessment at this subject property, the December 15, 2014 revision of Regulation 6 CCR 1014-3 was in effect. According to that regulation, the Consultant is required to perform specific mandatory tasks and provide specific mandatory documentation in their report.

It is important to note that no legitimate Preliminary Assessment was ever performed for this property, and according to the Regulations, decontamination can only occur pursuant to a legitimate Preliminary Assessment. Therefore, no lawful decontamination occurred at this property.

¹² I was a technical reviewer for NIOSH on the 9106 Method series.



According to the WEC report, Ms. Sawitsky made two visits to the property for “Post Decontamination” sampling. However, nothing in the report indicates that once an area was cleaned and “cleared,” the remediation company made any attempt to isolate that area from other areas that failed. Therefore, once an area “passed,” it was exposed to the migration of contaminants from areas that were being cleaned and/or re-cleaned, and therefore, simply became re-contaminated. In violation of Section 8.6.1, Ms. Sawitsky failed to ensure that a proper description and photographs of the decontamination process were included in the final report. According to that regulations, Ms. Sawitsky's report was supposed to include:

8.6.1 A description and photographic documentation of the decontamination procedures used and a description of each area that was decontaminated.

That information is missing from the final report.

Therefore, upon the completion of post decontamination activities, pursuant to Regulations, ALL areas would have been subject to the Clearance assessment activities required by Section 6, of Part 1 of 6 CCR 1014-3. As it is, none of the areas were subjected to the mandatory sampling.

1. Attic
2. Bedroom 1
3. Bedroom 2
4. Living room / Dining Room
5. Crawlspace
6. Attic

Violation of Section 6

According to the Regulations:

6.9 Clearance level sampling protocols for buildings and personal property.

However, according to the WEC report:

During the post decontamination assessment, methamphetamine surface samples were collected using sterile filter pads saturated with methanol and/or isopropanol in accordance with sampling protocols presented in Section 6 appendices A, B, and D (if applicable) of 6 CCR-1014-3.

There is no such thing as Appendix A (or Appendix B or Appendix D) in Section 6. In fact, Appendix A of the regulations pertains to Consultant Training provisions and Appendix B pertains to Contractor Training and there simply is no Appendix D anywhere in the regulations. These kinds of comments continue to underscore that the consultant in questions has no idea what she is doing, or why.

Violation of Section 6.1.3

According to the regulations:



6 CCR 1014-3 , Part 1

6.1.3 The following sample collection procedures shall be followed for screening level sampling, preliminary assessment sampling and clearance sampling, except as provided in Section 6.8.2 of this Part 1.

As delineated below, the sampling and assessment failed to meet the requirements specified in Regulations.

Violation of Section 6.1.3.3 (1 Violation)

According to the Regulations,

6.1.3.3 Wipe sampling shall be used to determine the extent of iodine contamination whenever there is visible evidence of iodine staining on surfaces that will not be removed.

For this property, as already discussed, there was evidence of iodine contamination in the property.

Since the consultant has no documentable training in the assessment of illegal drug laboratories, the consultant failed to recognize these stains for what they represent, and failed to identify these areas, and therefore failed to comply with Section 6.1.3.3. that required sampling of these areas for iodine.

Since Ms. Sawitsky similarly failed to comply with Section 8.2 of the Regulations (requiring photographic documentation of post decontamination site conditions), FACTs cannot know the actual number of violations under this section.

Also, in her report, Ms. Sawitsky falsely claims:

Sampling for surface or airborne iodine or any other compounds typically associated with methamphetamine production was not conducted at the Site because it had been renovated and subjected to air-out for several months prior to the post-cleanup evaluation.

Yet in her report, Ms. Sawitsky explicitly states that her initial sampling was performed on December 2, 2014, and her post decontamination sampling was performed on December 22, 2014, and, following additional cleaning, on December 28, 2014. There are 20 days between December 2, December 22 and not “several months” as claimed. However, in any event, this is a moot point since there is nothing in the regulations that provide regulatory relief from sampling for iodine even if a property had been aired out for several months (or even several years).

In her report, Ms. Sawitsky falsely claims

No evidence of iodine contamination is present at the site.

Yet, the photographic documentation contradicts this statement. Furthermore, we know the area that contained the iodine (the living room) was NEVER decontaminated. According to her report, (Page 50), Excel (the decontamination contractor), in conjunction with Ms. Sawitsky



explicitly states that the living room was excluded from the decontamination process, per Ms. Sawitsky's instructions.

The Excel report explicitly states:

*The attic, crawl space **living room and dining room** are **excluded** per the Preliminary assessment levels. This is based on the Weecycle Environmental Consulting, Inc. Preliminary assessment dated December 2, 2014.*

Based on the information in the report, and based on FACTs' firsthand knowledge of this subject property, at least 1 sample would have been needed to assess the iodine contamination in the property.

Violation of Section 6.2

According to the Regulations,

6.2 Discrete Wipe Sample Collection Procedures. The following procedure shall be used for collecting discrete wipe samples:

None of the Post Decontamination sampling conducted at the property was performed pursuant to State regulations. All of the sampling performed prior to the effective date of 6 CCR 1014-3 (Revised) was invalid, and all of the sampling performed after the effective date of 6 CCR 1014-3 (Revised - 12/15/2014) was invalid.

Violation of Section 6.2.1 (31 Violations)

6.2.1 Sample media shall consist of 2x2 inch wipes made of one of the following:

In violation of §8.3 (described later), Ms. Sawitsky failed to provide documentation of her sampling methods and protocols and in violation of 6.2.14.9 Ms. Sawitsky failed to provide a description of her sampling matrices, and as such there is nothing in the documentation to support the argument that Ms. Sawitsky used the mandatory sampling media. FACTs has observed firsthand the sampling media submitted by WEC to Reservoirs Environmental Laboratory for methamphetamine analysis, and the media we have observed is not compliant with Regulations. There is nothing in the report that would indicate Ms. Sawitsky used compliant sampling materials. Ms. Sawitsky identifies the submission of 31 aliquots, after December 15, 2014, therefore, there are 31 violations.

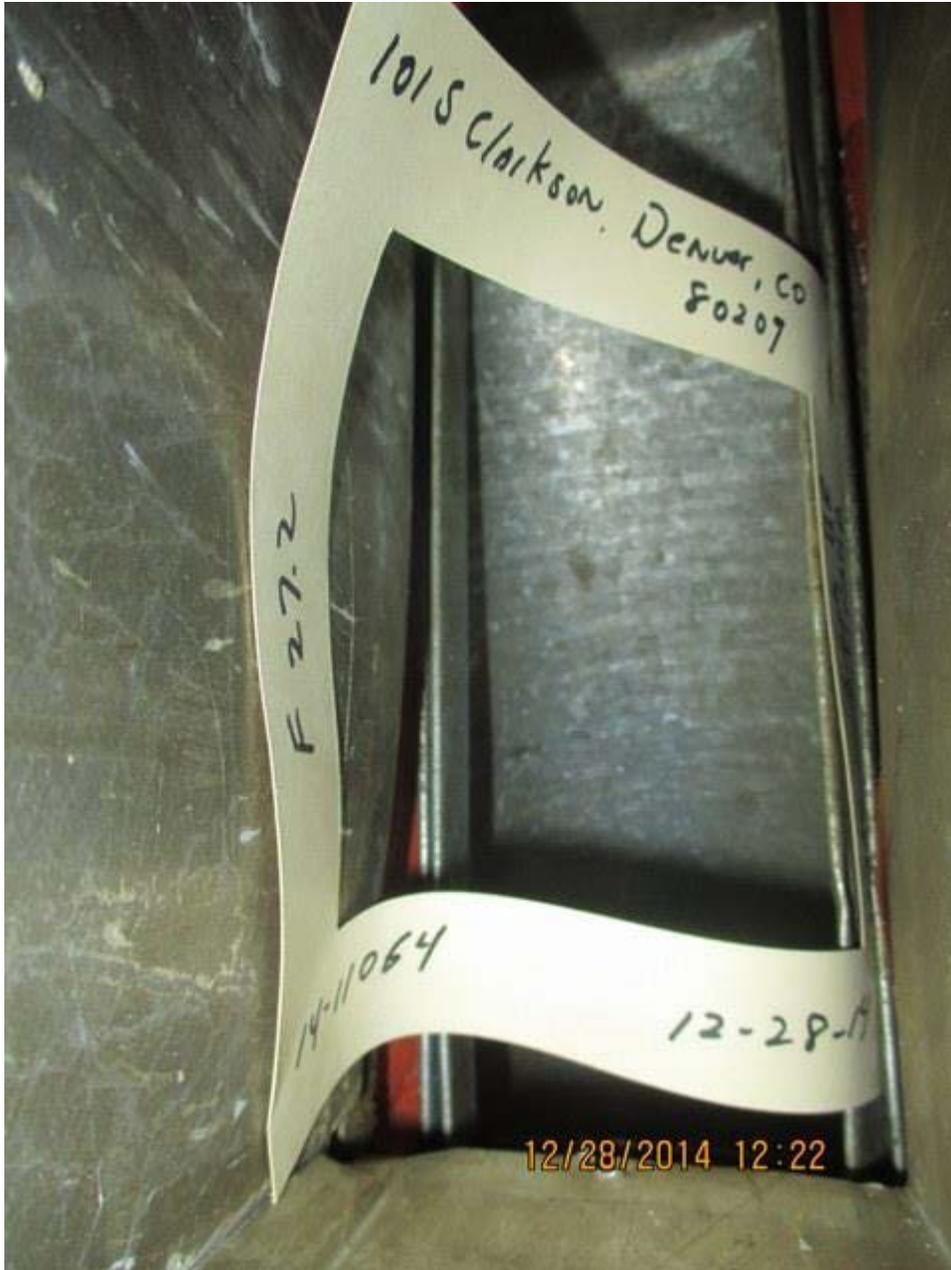
Violation of Section 6.2.2 (5 Violations)

According to Regulations:

6.2.2 Delineate a 100 cm² area on the surface to be sampled, either by attaching a physical template to the surface (being careful not to touch the area within the template), or by an equivalently reliable and accurate method. **The area within the template (i.e., the sample area) shall be 100 cm².** Physical templates may not be re-used.

The consultant failed to collect areas that were 100 cm², as required by regulation. Thus for example, in the photograph below, we see:





Photograph reproduced from WEC report dated January 8, 2015

In other examples from the same report we see:



Since the consultant used a template she identified as 10 X 10 cm, we can calculate the actual surface areas. If we look at the top left photograph for example (the air conditioner vent), we can calculate the actual surface sampled and we find that it was only 17.8 cm² and not 100 cm² as falsely claimed.

Since WEC failed to photograph all sample locations as required by regulations (discussed later), we don't know how many violations there were, however, based on the photographs, we do know that at least five of the samples were not 100 cm².

Since this contractor routinely records "100 cm²" on her reports regardless of the actual sample size, we cannot use the values in the associated laboratory reports.

Violation of Section 6.2.3 (18 violations)

According to Regulations, the Consultant is required to:

6.2.3 Prepare a rough sketch of the area(s) to be sampled and indicate sample location(s).

For this property, Ms. Sawitsky claims she collected 38 samples demonstrating compliance, therefore, there should be a minimum of 38 sample locations indicated on the drawings in her report. However, there are only 22 sample locations identified in the drawings. Therefore, the locations of 18 samples are missing from the drawings in her report for this subject property.

Violation of Section 6.2.4 (30 Violations)

According to Regulations, the Consultant is required to:

6.2.4 Wet the sample media with isopropanol to enhance collection efficiency.

For this property, the Consultant stated that she used:

...filter pads saturated with methanol and/or isopropanol in accordance with sampling protocols presented in Section 6 appendices A, B, and D



As already mentioned, there are no such appendices in the Revised regulations. However, we note the language is almost identical to the language used by Ms. Sawitsky in her December 5, 2014 report:

The methamphetamine surface samples were collected using sterile gauze pads saturated with methanol, in accordance with sampling protocols presented in appendices A, B, and D (if applicable) of 6 CCR-1014-3.

Therefore, since Ms. Sawitsky failed to actually document the solvent as required, we presume that she really did use the same method as during her December 5, 2015 sampling visit, and used methanol. Since there were 30 aliquots collected after December 15, 2015, that would indicate 30 aliquots using the wrong solvent.

As already pointed out, none of the samples collected prior to the decontamination process were valid and now it would appear that none of the samples collected following decontamination were valid.

Violation of Section 6.2.7 (30 violations)

According to the State Regulations, the Consultant is required to wipe each area three times, following three specific patterns. The Regulations read -

6.2.7 Wipe the surface using one of the following methods:

6.2.7.1 Square method: Start at the outside edge and progress toward the center of the surface area by wiping in concentric squares of decreasing size.

6.2.7.2 "S" method: Wipe horizontally from side-to-side in an overlapping "S"-like pattern as necessary to completely cover the entire wipe area.

6.2.8 Without allowing the sample media to come into contact with any other surface, fold the sample media with the sampled side in.

6.2.9 Use the same sample media to repeat the sampling of the same area using the same method. If using the "S" method, the second pass shall be sampled by wiping with overlapping "S"-like motions in a top-to-bottom direction.

6.2.10 Fold sampled side in. Using the same sample media, sample the same area a third time. The third pass shall be sampled by wiping using the method not previously used (i.e., use the square method if the "S" method was originally used).

Since, in violation of §4.17.1 and §8.3, Ms. Sawitsky failed to provide a description of her sampling method, and she has otherwise exhibited gross technical incompetence with the regulatory requirements, there is nothing in the report that indicates this requirement was performed. However, the report clearly indicates samples for which the three-pass method as described would be physically impossible to collect; see the two examples below:





Indeed, for several of the samples pictured in the report, it would be impossible to have collected the sample in the required manner.

Violation of Section 6.2.11 (18 violations)

According to the regulations, the Consultant is required to:

6.2.11 ... Place the sample media in a sample container, cap and number it, and note the number at the sample location **on the sketch**.

For this property, Ms. Sawitsky claims she collected 40 aliquots for samples demonstrating compliance. Therefore, a total of 40 sample locations should be on the drawings in the report. However, there are only 22 sample locations identified on the drawings. Therefore, the locations of 18 samples are missing from the drawings.

Violation of Section 6.2.11 – Photographs (4 violations)

According to the regulations, the Consultant is required to:

6.2.11 ...Photograph each sample location.

For this property, Ms. Sawitsky claims she collected 40 aliquots for samples demonstrating compliance. Therefore, the report should contain a total of 40 photographs of sample locations. However, there are only 36 sample locations photographed identified in the report.

Violation of Section 6.2.14

According to the regulations, the Consultant is required to maintain a chain-of-custody that contains specific information:

6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. ... At a minimum, the Chain-of-Custody Record shall include the following:

Violation of Section 6.2.14.3 (2 violations)

6.2.14.3 sampler name and contact information;



There are two chains-of-custody submitted after December 15, 2014. Neither of the chains-of-custody identify the person who collected the samples.

Violation of Section 6.2.14.5 (4 violations)

6.2.14.5 sample area;

As already discussed, Ms. Sawitsky failed to collect 100cm² as required for several of the samples. However, even though she did not collect 100cm² for those samples, she nevertheless falsely claimed the samples for each aliquot comprised of 400cm², when clearly they did not. Therefore, Ms. Sawitsky failed to record the correct sample areas for at least four samples on the chain-of-custody.

Violation of Section 6.2.14.6 (12 violations)

6.2.14.6 number of sample aliquots;

Of the two post December 15, 2014 chains-of-custody, the number of aliquots is missing for 12 sample submissions.

Violation of Section 6.2.14.6 (2 violations)

6.2.14.9 sample matrix;

Of the two post December 15, 2014 chains-of-custody, the matrix (or matrices) is/are not identified on either.

Violation of Section 6.2.15 (23 violations)

According to the regulations:

6.2.15 Painted-over surfaces. Estimate the concentration of methamphetamine present below a painted-over surface (as defined in Section 2 of this Part 1) by one of the following methods:

6.2.15.2 collect wipe samples from similar surfaces within the same room that were not painted after contamination was introduced, or

6.2.15.3 sample the painted over surface as set forth in 6.2.1 – 6.2.14, but use methanol instead of isopropanol as the wetting agent for the sampling media to acquire a representative sample from beneath the painted-over surface.

In her report, Ms. Sawitsky makes the following statement:

As a property with painted-over surfaces, sampling was conducted beneath the new texture and in areas not repainted in an attempt to establish if pre-existing contaminant levels exceed the State Regulatory levels.

This raises several problems since:



A) Painting as a remediation activity was prohibited under both versions of the regulations.

B) Ms. Sawitsky failed to provide the following information on the sample(s):

1. No laboratory reports as required by regulations §4.17.2, and §4.17.3
2. No photographs as required by regulations
3. No computer generated figure of locations §4.17.3
4. No drawings as required by regulations
5. No chains of custody as required by regulations §4.17.2, and §6.2.14
6. Sample results shall be presented as reported by the analytical laboratory §4.17.3
7. No description of the sampling procedures used, including sample collection, handling, and QA/QC. §4.17.1
8. No documentation of the analytical methods used §4.17.1
9. No documentation of laboratory QA/QC documentation, §4.17.1
10. No Chain-of-Custody Record as required §6.2.14
11. No documentation of transfer as required, §6.2.14
12. No subject property address as required §6.2.14.2
13. No subject sampler name and contact information as required §6.2.14.2
14. No sample identification number as required §6.2.14.4
15. No sample area as required by §6.2.14.5
16. Number of sample aliquots missing; §6.2.14.6
17. Number of containers for each sample missing; §6.2.14.7
18. No sample collection time and date as required; §6.2.14.8
19. No sample matrix as required by §6.2.14.9
20. No requested analysis as required by §6.2.14.10
21. No sample preservatives, if applicable, as required by §6.2.14.11
22. No signatures and date for each person relinquishing or receiving sample custody as required by §6.2.14.12

Since Ms. Sawitsky failed to identify those samples, we do not know how many were collected, therefore, conservatively, we have only identified 23 violations.

Violation of Section 6.9.1 (5 violations)

According to the regulations, the Consultant is required to:

6.3.6 Collect all individual aliquots from 100 cm² sampling areas.

As already discussed, at least five of the samples were collected from areas that were not 100 cm² as required.

Violation of Section 6.9

According to the Regulations:

6.9 Clearance level sampling protocols for buildings and personal property. The Consultant shall conduct clearance level sampling of any subject property that meets the definition of a methamphetamine-affected property, or that is suspected of being a methamphetamine-affected property as provided in Sections 3.2, 3.3 or 3.4 of this Part 1, to verify that cleanup standards have been met. ...



As discussed below, Ms. Sawitsky failed to comply with the regulatory requirements identified below:

Violation of Section 6.9 (Failure to assess the garage)

According to the Regulations:

... If the subject property is a unit in a multi-unit building that has exclusive access to any auxiliary portion of the multi-unit property (such as a storage room **or garage**), the Consultant **shall** conduct clearance sampling of the unit and all such auxiliary structures. Samples shall be collected according to the following criteria:

As already discussed, in her report, Ms. Sawitsky specifically identified the detached garage, and specifically stated that she did not include the detached garage in her assessment.

Violation of Section 6.9.1 (3 violations)

According to the regulations, the Consultant is required to:

6.9.1 Except as provided in Section 6.9.1.1, at least 400 cm² of surface area shall be sampled from every room, attic, and crawl space.

As already mentioned, the Consultant failed to collect 400 cm² from at least five aliquots.

The sample applicable to this rubric represented the Living room, where Ms. Sawitsky only collected 317 cm² and not the required 400 cm².

Furthermore, no valid samples were collected from the attic or the crawlspace. As already described above, the clearance samples for the attic and the crawlspace were collected pursuant to 6 CCR 1014-3 (2005). According to that regulation:

Wipe sampling **shall not** be used to demonstrate that cleanup levels have been met on porous surfaces.

And yet, in violation of that regulation, Ms. Sawitsky collected clearance samples exclusively from porous surfaces. The left photograph below is a faithful representation of the samples collected from the attic and the right photograph below is a faithful representation of the samples collected from the crawlspace. Therefore, no clearance samples were collected from the attic or the crawlspace as required by either regulation.





Sample Collection from Prohibited Surfaces

Violation of Section 6.9.4 (3 violations)

According to the regulations, the Consultant is required to:

6.9.4 For buildings and structures that have forced air ventilation systems, at least 400 cm² of surface area of the ventilation system shall be sampled, unless the entire ventilation system is removed. Samples shall be collected from accessible areas within the heat exchanger unit, inside the cold air return system, from inside the supply air system, and from one other location selected at the Consultant's discretion. The Consultant will visually inspect accessible portions of the ventilation system and review photo documentation to verify that the system has been cleaned and is free of debris.

Ms. Sawitsky failed to comply with these provisions as follows:

- 1) Failure to collect 100 cm² from the heat exchanger
- 2) Failure to collect 100 cm² from the cold air return
- 3) The consultant failed to review photo documentation to verify that the system has been cleaned and is free of debris (since, in violation of §8.6.1, no photo documentation was ever conducted).

Violation of Section 6.9.4 (3 violations)

According to the regulations, the Consultant is required to:

6.9.5 For buildings and structures with non-ducted heating or cooling systems that circulate indoor air, one **discrete** sample shall be collected from each heating or cooling unit.

In her report, Ms. Sawitsky documents the presence of an air conditioning unit. While it is questionable that sampling the exterior louver is actually sampling the unit, what is not questionable is collecting a 17.8 cm² sample and using the aliquot as part of a composite.

Therefore, at no time was a discrete sample collected from the cooling system as required.

Although Ms. Sawitsky failed to photograph the air condition unit as required, the unit in question is probably the unit in the photograph below (Photograph by FACTs, Inc.)





FACTs Photograph of Subject Property: November 21, 2014

Violation of 6.9.11.1 (15 violations)

According to the regulations:

6.9.11.1 Areas expected to have the highest levels of contamination, such as cooking areas, chemical storage areas, and waste disposal areas.

It should be remembered that this consultant has never been able to document any training in the recognition or assessment of illegal drug laboratories (methamphetamine affected properties) and therefore would not be expected to have any knowledge on how contamination migrates or why, and therefore, would have no knowledge of where to sample to meet the above requirements.

This position is well support by the fact that initial sampling identified contamination concentrations in excess of $24 \mu\text{g}/100\text{cm}^2$, yet Ms. Sawitsky's samples failed to find contamination levels in excess of $2.0 \mu\text{g}/100\text{cm}^2$.

For this property, several of the samples were collected from areas that have a very low expectation of being contaminated. Although we did not perform a thorough review, a few notable examples are as follows:



- 17.1
- 17.2
- 17.3
- 17.4
- 18.1
- 18.2
- 18.3
- 18.4
- 19.1
- 19.2
- 19.3
- 19.4
- 20.1
- 20.2
- 20.3

For brevity, we have only included these samples in the violation count.

Violation of Section 7.2 (1 violation)

According to the regulations, the consultant is required to perform specific sampling based on site conditions including:

7.2 If there is evidence of iodine contamination on materials or surfaces that will not be removed, surface wipe samples for iodine shall not exceed a concentration of 22 µg/100 cm².

As documented previously in this discussion, there was evidence of iodine contamination at the property, and yet this was not addressed.

Violation of Section 8

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report:

8.0 Post-Decontamination Reporting. The Consultant **shall** prepare a Post-Decontamination Report, **in conjunction with the** Contractor, to document the decontamination process and demonstrate that the entire subject property meets the cleanup standards listed in Section 7.0 of this Part 1. The Post-Decontamination Report shall include, but not be limited to, the following, to the extent available and applicable:

Violation of Section 8.2

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report:

8.2 Photographic documentation of post-decontamination property conditions, including previously identified cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination and sample locations.



Site Conditions: (1 violation)

The WEC report exclusively contains close-up photographs of sampling templates. There is no indication that any Post Decontamination photographs were taken at the site to document post-decontamination property conditions.

Previously Identified Cooking Areas: (1 violation)

There is no indication that any Post Decontamination photographs were taken at the site to document previously identified cooking areas.

Chemical Storage Areas: (1 violation)

There is no indication that any Post Decontamination photographs were taken at the site to document chemical storage areas.

Waste Disposal Areas: (1 violation)

There is no indication that any Post Decontamination photographs were taken at the site to document waste disposal areas.

Areas of Obvious Contamination: (1 violation)

There is no indication that any Post Decontamination photographs were taken at the site to document areas of obvious contamination.

Violation of Section 8.3

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.3 A description of the sampling procedures used, including sample collection, handling, and QA/QC.

In her report, Ms. Sawitsky simply inserted boiler plate language and stated that she was performing her samples and QA/QC according to Section 6, Appendix A (which does not exist), Section 6 Appendix B (which does not exist), and Section 6 Appendix D (which does not exist).

As already mentioned, Ms. Sawitsky entirely failed to included any of the samples she stated were collected from newly painted surfaces.

Also found in here report were false statement such as:

Samples were collected from previously identified traffic areas and visibly stained areas, at or near water or electric sources and/or other suspect areas where clandestine drug manufacturing was suspected, or where previous sample results yielded concentrations in excess of 0.5 $\mu\text{g}/\text{cm}^2$.

Collection of a sample near water sources is exactly the opposite of what is required by the regulations. However, since Ms. Sawitsky has no documented training in the assessment of illegal drug laboratories, she is unaware of this fact.



Similarly, in her report, Ms. Sawitsky falsely states:

Samples were collected where contamination may have migrated, such as adjacent rooms or functional spaces, common areas, and ventilation systems.

Yet, nowhere in the report is there any evidence of samples being collected in adjacent rooms as required.

Similarly in her report, Ms. Sawitsky falsely states:

Composite samples were collected from no more than four (4) areas per composite sample in each room, attic, and crawl space. The composite materials consisted of like media, matrices and/or substrates. Each area sampled, as part of the composite sample, was collected from distinct 100 cm² area.

Virtually every aspect of the above statement is false:

- 1) Five-part composite samples were collected from prohibited surfaces in the attic.
- 2) Five-part composite samples were collected from prohibited surfaces in the crawl space.
- 3) The composites throughout were collected from dissimilar matrices/substrates.
- 4) Several of the composite aliquots were collected from areas that were not 100 cm².

Similarly, in her report Ms. Sawitsky makes the following false statement:

Samples were collected from distinct 100 square centimeter (100 cm²) sample areas of the floor and other working surfaces of the residence. For any given room, attic, or crawl space identified by WEC, at least 400 cm² of surface was sampled.

This is false since several of the composite aliquots were collected from areas that were not 100 cm² and therefore, the summation of the composites were not 400 cm² as claimed.

Similarly, in her report Ms. Sawitsky makes the following false statement:

In buildings and structures that have forced air ventilation systems, a minimum of 400 cm² of surface area was sampled, unless the entire ventilation system was removed during decontamination.

As documented already, Ms. Sawitsky collected ventilation samples exclusively from supply ducts, and at least two of the samples were not 100 cm² as required.

Similarly, in her report, Ms. Sawitsky falsely states:

If the subject property is a multi-unit building that has exclusive access to any auxiliary portion of the multi-unit property (such as a storage room, garage, or laundry room), WEC conducted sampling at these auxiliary portions of the property.



This is false, and no samples were collected from the garage as required by Regulations.

Similarly, in her report, Ms. Sawitsky falsely states:

The methamphetamine surface samples and blanks were sent for analysis, with proper chain-of-custody, to laboratories qualified under 6 CCR 1014-3 for methamphetamine analysis.

As demonstrated here, the chains-of-custody forms were not filled out as required by mandatory regulations.

Similarly in her report, Ms. Sawitsky makes the following false statement:

Sample handling, labeling, preservation, documentation, and chain of custody were conducted in a manner consistent with the requirements of the analytical methods being used and based on laboratory recommendations.

As demonstrated here, sample handling the chains-of-custody was not conducted in a manner that was consistent with the regulatory requirements.

Violation of Section 8.5 Results missing

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.5 Results of post-decontamination clearance sampling, ... Sample results shall be presented as reported by the analytical laboratory, and shall not be adjusted, changed, or manipulated in any way.

Ms. Sawitsky claims the samples from the garage, adjacent rooms, and from newly painted surfaces were collected. However, the report does not contain any documentation of these samples as required.

Violation of Section 8.5 Drawing Missing (18 violations)

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.5 Results of post-decontamination clearance sampling, ... including a description of sample locations and a computer generated figure with sample locations and identification,...

There is no computer generated figure showing sample locations for 18 samples.

Violation of Section 8.5 Laboratory Reports Missing

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.5 ...a copy of each laboratory report of post-decontamination sample results.



Ms. Sawitsky claims she collected clearance samples from the garage, adjacent rooms, and from newly painted surfaces were collected. There are no laboratory reports for these samples included in her report as required by Regulation.

Violation of Section 8.6

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6 The Contractor shall provide an electronic copy of a Decontamination Summary Report, containing the following information, to the Department and to the Consultant within thirty (30) days of completion of decontamination work at the subject property for inclusion in the Post-Decontamination Report:

The mandatory information is missing from the report as described below.

Violation of Section 8.6.1 (Photographs Missing)

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.1 A description **and photographic documentation** of the decontamination procedures used
...

The Excel report explicitly states:

*The attic, crawl space **living room and dining room** are **excluded** per the Preliminary assessment levels. This is based on the Weecycle Environmental Consulting, Inc. Preliminary assessment dated December 2, 2014.*

And Excel further states:

Containments will be built to separate clean areas from the contaminated work area.

According to Regulations:

7.4 In all buildings, if clearance-level sampling has been conducted and the results demonstrate that one or more rooms meet the cleanup standard in Section 7 of this Part 1, the rooms that meet the standard do not need to be decontaminated, provided that they are isolated from the remainder of the building in a manner that will prevent cross-contamination from decontamination activities elsewhere in the building.

However, since the mandatory photographic discussions are missing from her report as required by Regulations, and there is such significant discrepancies in the report, there is no documentation to demonstrate this was done.

The mandatory photographic documentation is missing from the report as required by Regulations.



Violation of Section 8.6.1 (Descriptions Missing)

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.1 A description and photographic documentation of the decontamination procedures used **and a description of each area that was decontaminated.**

The report contains a lot of boiler plate language from Excel, however, missing from the report is a description of what was actually done at the property.

Violation of Section 8.6.2

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.2 A description of the removal procedures used, a description of areas where removal was conducted, and the materials removed.

The report contains a lot of boiler plate language from Excel, however, missing from the report is a description of what was actually done at the property.

Violation of Section 8.6.3

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.3 A description of the encapsulation procedures used and documentation of the areas and/or materials where encapsulation was performed.

In her report, Ms. Sawitsky explicitly states

As a property with painted-over surfaces, sampling was conducted beneath the new texture and in areas not repainted in an attempt to establish if pre-existing contaminant levels exceed the State Regulatory levels. Decontamination was conducted in the appropriate rooms and spaces and results of analysis indicate the all areas have met clearance criteria as set forth in the CDPHE document.

However, in violation of State Regulations, Ms. Sawitsky has failed to provide information on these encapsulated areas.

Violation of Section 8.6.4

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.4 A description of the waste management procedures used, including characterization, handling and final disposition of wastes. **Copies of the waste manifests or bills of lading shall be included in the final report.**

No waste manifests are provided in the report as required by regulations.



Violation of Section 8.6.5

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.5 Evidence of Contractor certifications in accordance with Part 2 of these regulations.

No evidence of Contractor certifications are included in the report as required by regulations.

Violation of Section 8.6.6

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.6 Documentation of variations from standard practices.

In this discussion, FACTs has documented no fewer than 440 violations – each a variation from standard practice. Yet nowhere in the report is there documentation of variations. The report contains a statement that a variation was sought

9.0 Variations from Standard Practices

Weecycle applied to the CDPHE to receive authorization to use the results of samples collected by composite sampling for clearance of the HVAC System at the methamphetamine-affected property located at 101 Clarkson, Denver, CO. She inadvertently used a composite sample, which consisted of wipe samples from the components of the forced air furnace, following miss interpretation of the 6 CCR 1014-3, section 6.9.4 and 6.9.6. The fact that discrete sampling was the required method for collection of samples from the furnace and related ducting and “included by omission” in Section 6.9.6, was unclear.

However, there is nothing in the regulations that prohibits the collection of composite samples from the HVAC system, and yet, Ms. Sawitsky entirely failed to mention that the composite samples were not from the required locations. In light of the 440 violations identified here, it is difficult to understand why Ms. Sawitsky sought a variation from the state for a requirement that doesn't even exist, and failed to seek a variation from the state for 440 violations.

Violation of Section 8.6.7

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.7 A certification statement, signed by the Decontamination Supervisor who oversaw the work, in the following form:

“I hereby certify that the subject property has been decontaminated, and/or contaminated portions of the subject property have been removed, in accordance with the procedures set forth in 6 CCR 1014-3, Part 1, § 5.”

The mandatory certification is not in the report.



Violation of Section 8.8

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.8 A certificate of compliance, signed by the Consultant, in the following form:

"I do hereby certify that I conducted clearance sampling of the subject property in accordance with 6 CCR 1014-3, Part 1, § 6. I further certify that the cleanup standards established by 6 CCR 1014-3, Part 1, § 7 have been met as evidenced by testing I conducted.

Colorado Criminal Code – Fraud; Offering a false instrument for recording

The above "certification" does appear in Ms. Sawitsky's report which creates a serious problem for Ms. Sawitsky, since clearly none of the work at the property was performed according to mandatory regulations. According to Colorado Revised Statute §18-5-114 (*Offering a false instrument for recording*), a person commits a class 5 felony when offering a false instrument for recording in the first degree if, knowing that a written instrument relating to or affecting real or personal property or directly affecting contractual relationships contains a material false statement or material false information, and with intent to defraud, he presents or offers it to a public office or a public employee, with the knowledge or belief that it will be registered, filed, or recorded or become a part of the records of that public office or public employee.

One of two mental states necessarily must have been present in the performance of the WEC work at the subject property: 1) Either Ms. Sawitsky knew that the work she was performing was grossly incompetent and not in compliance with State Regulations (as demonstrated above) or, 2) Ms. Sawitsky was unaware of the fact that her work was deviating from mandatory State requirements.

If Ms. Sawitsky did not know that her work was deviating from mandatory State requirements, then that is sufficient to surmise that she lacked the technical competency and therefore authority to perform the work in the first place since it was her professional obligation to conform to those regulations and perform work pursuant to those regulations.

However, since Ms. Sawitsky has specifically referenced 6 CCR 1014-3 and explicitly stated that she was aware of those requirements and since FACTs has identified hundreds of similar regulatory violations in the past regarding Ms. Sawitsky's work, one must conclude that Ms. Sawitsky knowingly and willfully performed work that deviated from mandatory State requirements.

Pursuant to State statute and state regulations, the "Post Decontamination Report" must be filed with the State of Colorado (indeed the report we reviewed was obtained from the State of Colorado through the Colorado Open Records Act) Therefore, we believe the facts objectively establish that Ms. Sawitsky was aware of such recording and was aware of the false statements made therein.

Colorado Criminal Code CRS 18-5-113. Criminal impersonation

Ms. Sawitsky has repeatedly held herself out to be an Industrial Hygienist. As documented in this review (and in other historical documents referenced in this review) there is nothing in the



present documentation that would indicate that Ms. Sawitsky is, in fact an Industrial Hygienist meeting the State definition.

The incompetence demonstrated in the WEC report should be sufficient to demonstrate that Ms. Sawitsky is not an Industrial Hygienist and is not competent to perform the work and may be falsely representing herself as an Industrial Hygienist (interim authorization notwithstanding).

Colorado Case law defines criminal impersonation as knowingly assuming a false or fictitious identity or capacity, and in that identity or capacity, doing any act with intent to unlawfully gain a benefit or injure or defraud another (*People v. Brown*, 193 Colo. 120, 562 P.2d 754 (1977); *People v. Borrego*, 738 P.2d 59 (Colo. App. 1987)). To falsely impersonate means to pretend to be a particular person without lawful authority (*People v. Horkans*, 109 Colo. 177, 123 P.2d 824 (1942); and to perform an act in assumed character for benefit. It is an offense under the code to falsely impersonate another, and in such assumed character to do any act whereby any benefit might accrue to the offender or to another person. (*People v. Horkans*, 109 Colo. 177, 123 P.2d 824 (1942)). Venue is not an element of the crime of criminal impersonation (*People v. Perez*, 129 P.3d 1090 (Colo. App. 2005)). Although the code does not require two overt acts to be committed, (rather the code requires assuming a false identity and doing an act with the intent to gain a benefit (*People v. Johnson*, 30 P.3d 718 (Colo. App. 2000)), Ms. Sawitsky has repeatedly performed these acts. The requisite intent to gain a benefit may be inferred from the accused's knowing use of a false identity and the acknowledged intent to secure some advantage from the impersonation (*People v. Borrego*, 738 P.2d 59 (Colo. App. 1987)). The common meaning of "assumes a false or fictitious identity" is not to hold oneself out as someone that she or she is not; it requires the assumption of the identity of another person, whether that other person is real or fictitious (*People v. Jones*, 841 P.2d 372 (Colo. App. 1992)). For example, an attorney with a suspended license who continues to practice law is guilty of criminal impersonation for practicing law. The courts have held that "continuing to represent himself as an attorney and performing legal work when she was aware that she had no valid license to do so amounts to the assumption of a false or fictitious capacity for purposes of the criminal impersonation statute." (*People v. Bauer*, 80 P.3d 896 (Colo. App. 2003)).

Colorado Consumer Protection Act

In Colorado, consumers are protected against deceptive trade practices as delineated in the Colorado Consumer Protection Act, CRS Title 6, Article 1. According to those statutes, a person engages in a deceptive trade practice when, in the course of such person's business or occupation, that person knowingly makes a false representation as to the certification of their services, and/or knowingly makes a false representation as to the characteristics of their services and/or represents their services are of a particular standard, quality, or grade if he knows or should know that they are not as specified.

According to the *Colorado Department Of Regulatory Agencies, Office Of Policy And Research, Industrial Hygienists, And Safety Professionals 2001 Sunrise Review* (October 15, 2001) Mr. M. Michael Cooke, Executive Director stated:

Another avenue of redress is the Colorado Consumer Protection Act. This law prohibits individuals from misrepresenting their certification, abilities, and associations, and making false or misleading statements concerning the price of goods, services, or property. In addition, §6-1-



707(1)(a)(I), C.R.S., prohibits an individual from claiming “either orally or in writing, to possess either an academic degree or an honorary degree of the title associated with said degree, unless the person has, in fact, been awarded said degree.” While this Act does not prevent individuals from performing industrial hygiene work, it does prohibit individuals from claiming that they have education or background that they do not possess. An individual who misrepresents her or her qualifications may be in violation of this Act.18 18 § 6-1-105(1)(b), (c), (e) and (I), C.R.S.

The State regulations were revised in 2014 to counter the serious problem created by fraudulent and incompetent consultants who were falsely claiming to be “Industrial Hygienists” and who were performing invalid assessments under the false presentation of being an “Industrial Hygienist.”

Forensic Applications Consulting Technologies, Inc. (the author of this review), helped the State Legislature write the statutory language that eventually became codified and required the Colorado Department of Public Health and Environment (CDPHE) to revised the regulations. Unfortunately, the task for the revision was given to the CDPHE regulator who, in violation of Colorado’s criminal statutes, had helped create the problem associated with fraudulent consultants performing assessments of methamphetamine affected properties.¹³

The regulations required the CDPHE to restrict Interim Authorization (for the period of time between December 15, 2014 and June 15, 2015) for performing assessments under the regulations exclusively to those consultants who were A) *bona fide* Industrial Hygienists, and B) had an history of performing valid assessments under the old regulations, which had been in effect since 2005. Instead, Ms. Coleen Brisnehan with the CDPHE gave *carte blanc* Interim Authorization to anyone who applied, including the fraudulent consultants who had created the serious problems in the first place.

Although Ms. Brisnehan granted automatic State Interim Authorization, Ms. Sawitsky has, in the past, never claimed to be an Industrial Hygienist until recently (she has always identified herself as a some kind of a “certified” mould inspector) and has never been able to provide any documentation indicating that she has received any training in illegal drug laboratories or their assessment. As such, there is no expectations that the consultant would possess the necessary skills or knowledge to fulfill the regulatory requirements.

Finally, the consultant in question has never documented any training or experience that would permit her to identify herself as an Industrial Hygienist pursuant to State statutes CRS Statute §24-30-1402.

Statement on Regulation 6 CCR 1014-3 Language on Knowledge

Not only do the State regulations and pertinent standards mandate the use of the knowledge and skills possessed by a legitimate Industrial Hygienist for assessment of an identified illegal drug laboratory, the regulations repeatedly allude to the necessity of that Industrial Hygienist being trained and knowledgeable in clandestine drug laboratory operations and contamination.

¹³ See for example, the discussion here: http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf



For example, the regulations explicitly refer back to the Consultant's "professional judgment," as follows, in various locations in regulation:

4.7 Identification and documentation of areas of contamination. This identification may be based on visual observation, law enforcement reports, proximity to chemical storage areas, waste disposal areas, cooking areas, use areas, or the professional judgment of the Consultant. ...

5.11.1.4.2 the personal property in question was located in a room that was determined to be below the cleanup standards specified in Section 7.0 of this Part 1 after being sampled in accordance with the clearance level sampling protocols and other requirements of Section 6 of this Part 1; and in the Consultant's judgment, the item is unlikely to have been contaminated from exposure elsewhere in the subject property,

7.5 If the composite sample result from a room is below the standard in this Section 7, personal property in the room is considered compliant if, in the Consultant's judgment, the personal property is unlikely to have been contaminated from exposure elsewhere in the subject property, given

If an individual is not an Industrial Hygienist, and if an individual has no documented training in illegal drug laboratories or their assessment, how, then, can one expect that consultant to possess the necessary skills needed to perform the professional role of an Industrial Hygienist in the assessment of illegal drug laboratories?

This becomes pertinent to this subject property for example since there was iodine contamination in the house, and that contamination went unrecognized by Ms. Sawitsky who failed to comply with the mandatory iodine assessment provisions of the regulations as is evidenced by the omission of this matter in her report.

In the past, Ms. Sawitsky has made several claims regarding her credentials and experience¹⁴ that upon scrutiny, have been found to be unsupported.

CONCLUSION

For this regulatory audit of a Preliminary Assessment and Post Decontamination Report and Clearance Sampling by Ms. Judith Sawitsky with Weecycle, for the subject property located 101 South Clarkson Street, Denver, CO 80203, FACTs has identified no fewer than 440 regulatory violations.

¹⁴ See for example, the discussion here: http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf



Appendix A
Reviewer's Statement of Qualifications





Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	Clarkson	Form # ML15
Nov. 5, 2015		

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" and is authorized under 6 CCR 1014-3 to perform assessments in illegal drug laboratories. He has been a practicing Industrial Hygienist since 1987. 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 (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 a member of the American Conference of Governmental Industrial Hygienists, the Occupational Hygiene Society of Ireland, the Colorado Drug Investigators Association, an appointed 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 194 hours of highly specialized law-enforcement sensitive training in drug lab operation, and under supervision of the US DEA, 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, Rocky Mountain HIDTA, as well as through the US NHTSA, and the U.S. Bureau of Justice Assistance (US Dept. of Justice) and he 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 602 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,452 samples during assessments (a partial 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, and was an original team member on two of the legislative working-groups which wrote the original regulations for the State of Colorado and he was the primary author of Appendix A (*Sampling Methods And Procedures*) and Attachment to Appendix A (*Sampling Methods and Procedures Sampling Theory*) of the original Colorado regulations. Mr. Connell strongly objected to the unscientific, unfounded and inappropriate amendments now applicable to those original regulations.

Recommended by the US NIOSH as Peer Review Expert for the NIOSH 9109 Method, *Methamphetamine*, he has been admitted as a 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, and provided testimony regarding criminal activities of staff members at the Colorado Department of Public Health Environment..



Multijurisdictional Counterdrug Task Force Training

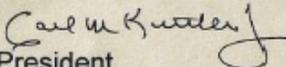


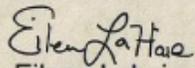
This is to certify that
Caoimhin P. Connell

Has satisfactorily completed the following 24 hour MCTFT training course held at
DIVIDE, CO

Rural Patrol

Training held 9/27/2004 through 9/29/2004


President
St. Petersburg College


Eileen Lahaie
MCTFT Director

A partnership between The Florida National Guard and St. Petersburg College

Midwest Counterdrug Training Center



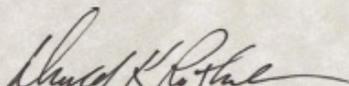
Certificate of Training

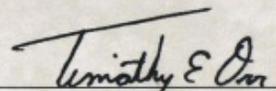
This certifies that

Caoimhin Connell

Has successfully completed the
Clandestine Laboratory Certification

Cheyenne, WY
40 Training Hours
2-6 August 2004


Network Environmental Systems, Inc.


LTC Timothy E. Orr
Commandant



Center *for* Task Force Training™

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

HAS SUCCESSFULLY COMPLETED 20 HOURS OF TRAINING IN

METHAMPHETAMINE INVESTIGATION MANAGEMENT

MARCH 20-22, 2006

DENVER, COLORADO

Domingo S. Herraiz
Director, Bureau of Justice Assistance

Training coordinated by the
Institute for Intergovernmental
Research® on behalf of BJA



State and Local Anti-Terrorism Training

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

HAS SUCCESSFULLY COMPLETED AN 8-HOUR
STATE AND LOCAL ANTI-TERRORISM TRAINING PROGRAM
NARCOTICS TASK FORCE ANTI-TERRORISM BRIEFING

June 1, 2006

Denver, Colorado

Domingo S. Herraiz
Director, Bureau of Justice Assistance



Training coordinated on behalf of BJA
by the Institute for Intergovernmental Research

*Rocky Mountain
High Intensity Drug Trafficking
Area*



Certifies that



Caoimhín Connell

has attended

4 hours of

Hash Oil Extraction: The Scene and The Patient

Aurora, CO

July 25, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA



www.nesglobal.net

Certificate of Completion

Caoimhin Connell

has successfully completed training in

Advanced Clan Labs: Beyond the Basics

presented by

NES, Inc.

1141 Sibley Street Folsom, CA 95630

Instructor - Brian Escamilla

04/28/14 04/30/14

Date

Contact Hours:24

This certifies that

Caoimhin P Connell

Has met the requirements for the online course

Expert Testimony Training for the Prosecutor and Scientist



11-07-2012

Certificate Number: 1109778763

For more information please visit <http://www.rti.org/forensiced>



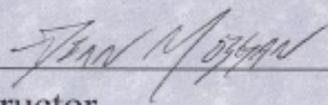
Park County Sheriff's Office Certificate of Completion

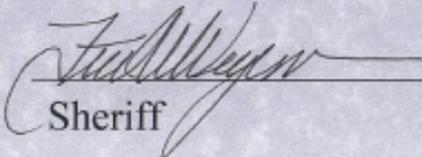
Caoimhin Connell

has completed an 8 hour course in:

Crime-scene Approach and Evidence Collection

Completed this 29th day of April, 2009


Instructor


Sheriff

***Rocky Mountain
High Intensity Drug Trafficking
Area***



Certifies that



Caoimhín P. Connell

*has attended
2 hours of
Hash Oil Explosions
Woodland Park, CO
May 31, 2014*

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

Certificate of Completion

This Will Certify That

Caoimhín P. Connell

Successfully Completed

Prescription Drug Crimes

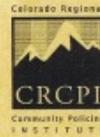
7 Hours Completed

At: CO Law Enforcement Officers Assn. On: September 30, 2010
Greeley, Colorado

P. Ritch Wagner
Instructor



Director, Law Enforcement Liaison & Education



Certificate of Training

This is to certify that
Caoimhin Connell

(Name)

Park County Sheriff's Office

(Agency)

If the bearer of this document possesses a 40 Hour certificate pursuant to 29 CFR §1910.120, this certifies the above named has met the refresher training requirements of 29 CFR §1910.120(e)(8) and is hereby **RECERTIFIED** in Clandestine Laboratory Safety / HazWoper

Sponsored by
Rocky Mountain High Intensity Drug Trafficking Area
Colorado Regional Community Policing Institute

Caoimhin P. Connell 4/12/10
Caoimhin P. Connell, Instructor/Date
Glean HARDEY



Colorado Law Enforcement Officers' Association



This is to certify that

CAOIMHIN CONNELL

Completed **ARIDE (Advanced Roadside Impaired Driving Enforcement)**

hosted by **Loveland Police Department**

on **February 28 – March 1, 2011**

Tom Finelle
Tom Finelle, CLEOA President

M. A. [Signature]
ARIDE Instructor

State of Colorado



THE BOARD ON PEACE OFFICER STANDARDS AND TRAINING
HEREBY AWARDS THIS CERTIFICATE
AS INSPECTOR OF VEHICLE IDENTIFICATION NUMBERS
TO

CAOIMHIN PADRAIG CONNELL

August 27, 2008

Date

VIN INSP— **0952**

Number

For fulfilling the prescribed requirements as an Inspector of Vehicle Identification Numbers and as a peace officer in Colorado, pursuant to Title 42, Article 5, Section 206 Colorado Revised Statutes.

Bill Ritter Jr.

Governor

John W. Suthers

Attorney General, Board Chairperson

Certificate of Completion Intoxilyzer 9000 Operator Certification Course

*The Evidential Breath Alcohol Testing Program of the
Colorado Department of Public Health and Environment certifies that*

Caoimhin P Connell

User ID: **841645**

*has successfully completed the "Intoxilyzer 9000 Operator Certification Course"
to determine the alcohol concentration in breath specimens pursuant to the
State Board of Health Rules Pertaining to Testing for Alcohol and Other Drugs (5 CCR, 1005-2)
Training was provided by the Evidential Breath Alcohol Testing Program
of the Colorado Department of Public Health and Environment.*

February 21, 2013

Certificate Date

Jeffrey A. Groff

Jeffrey A. Groff, Program Manager
Evidential Breath Alcohol Testing Program



David A. Butcher

David A. Butcher, Director
Laboratory Services Division
Colorado Department of Public Health
and Environment

Certification expires 180 days from certificate date. Recertification must be per 5 CCR 1005-2.



Certificate of Achievement

awarded to:

Caoimhin P. Connell

Has successfully completed Methamphetamine Lab Cleanup Management and Supervision training in accordance with 29 CFR 1910.120 and State Regulations Pertaining to the Cleanup of Methamphetamine Laboratories (8Hrs.)

June 1st, 2005

Date

Signed

HAZMAT Plans & Programs, Inc. 30 S. Havana St. Suite 304F Aurora, Colorado 80012 (303) 360-9801
"Safety Plans, Programs and Training Tailored To The Needs Of Your Business"

CERTIFICATE OF COMPLETION

COLORADO LAW ENFORCEMENT ASSOCIATIONS TRAINING PROJECT

This Certifies That

Caoimhin Connell

Has Attended the

CLEAT 40-HOUR

Train the Trainer Course

Hosted by Breckenridge Police Department
August 14-18, 2006

Karen M. Renshaw, CAE
Executive Director
Colorado Association of Chiefs of Police

John L. Kammerzell
Executive Director
Police Officer Standard & Training

Donald E. Christensen
Executive Director
County Sheriffs of Colorado



COLORADO AUTO THEFT INVESTIGATORS



SINCE 1973

This is to certify that

Caoimlin P. Connell

Has completed a 24 hour training program in Vehicle Identification Number
Inspection

Presented this 24th day of May, 2008

CATI President

VIN Inspector Training Coordinator

State of Colorado



THE BOARD ON PEACE OFFICER STANDARDS AND TRAINING
AWARDS THIS CERTIFICATE
TO

CAOIMHIN PADRAIG CONNELL

May 6, 2004

Date

B- 10670

Number

For fulfilling the prescribed requirements for certification. This certificate expires three years from date of
issuance unless the certificate holder meets the requirements for continued certification as established by law
and the P.O.S.T. Board.

Governor

Attorney General, Board Chairperson

**Rocky Mountain
High Intensity Drug Trafficking
Area**



Certifies that



Caoimhín Connell

has attended

16 hours of

MCTC / RMHIDTA Indoor Marijuana Grows

Centennial, CO

August 28-29, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

CERTIFICATE OF TRAINING

THIS IS TO CERTIFY THAT

Caoimhín Connell

Has completed 4 hours of successful training for

The Hazards of Hash Oil Extraction

Held at IRIS Fire Investigations in Englewood, CO

on this 7th day of November, 2014

Robert K. Toth
IRIS Fire Investigations, President



COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

December 30, 2014

Caoimhin Connell
Forensic Applications Consulting Technologies Inc
185 Bounty Hunter Ln
Bailey, CO 80421

Consultant Interim Authorization Approval

Dear Caoimhin Connell:

The Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (the Department) has reviewed the application for Consultant Interim Authorization and has determined the application to be complete and in compliance with 6 CCR 1014-3, Regulations Pertaining to the Cleanup of Methamphetamine-Affected Properties (the Regulations).

The Department approves the application for **Consultant Interim Authorization**. This interim authorization approval shall expire on June 15, 2015.

Assessment and sampling of methamphetamine-affected properties may only be conducted by Consultant Firms that have received interim authorization under Part 2, Section 3.2.4 of the Regulations. Therefore, this interim authorization may only be used to conduct assessment and sampling of methamphetamine-affected properties for a Consultant Firm that has received interim authorization approval from the Department.

Approved By: _____

Date: _____

12/30/2014





COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

December 30, 2014

Forensic Applications Consulting Technologies Inc
185 Bounty Hunters Ln
Bailey, CO80421

Consultant Firm Interim Authorization Approval

Dear Forensic Applications Consulting Technologies Inc:

The Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (the Department) has reviewed the application for Consultant Firm Interim Authorization and has determined the application to be complete and in compliance with 6 CCR 1014-3, Regulations Pertaining to the Cleanup of Methamphetamine-Affected Properties (the Regulations).

The Department approves the application for **Consultant Firm Interim Authorization**. The firm shall only utilize individuals who have received interim authorization under Part 2, Section 3.2.1 of the Regulations to conduct assessment and sampling of methamphetamine-affected properties. This interim authorization approval shall expire on June 15, 2015.

The Regulations require submittal of electronic copies of reports to the Department. Electronic copies of reports should be submitted via email to cdphe_methlabdocuments@state.co.us. The words "report" or "report submittal" should be included in the email subject line, and the property address should be included in the body of the email.

Alternatively, compact disks with electronic copies of reports may be mailed to:

Colorado Department of Public Health and Environment
Hazardous Material and Waste Management Division
4300 Cherry Creek Drive South
Denver, CO 80246-1530
Attn: Colleen Brisnehan or Richard Mruz

Packages may also be hand delivered to the Department's mail room located in the northwest corner of Building B (700 South Ash Street).

Approved By: _____

Date: 12/30/2014

