



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

April 28, 2013

XXXXX
XXXX XXXXX XXXXXX, Inc.
XXXX Xxth Ave.
Longmont, CO 80501

Dear Mr. XXXXXXXX:

Per your request, Forensic Applications Consulting Technologies, Inc. (FACTs) has reviewed the letter dated March 15, 2013, which was prepared by Weecycle Environmental consulting, Inc. for the property located at xxxx Xxxx Street, Longmont, CO. It is difficult to know how Weecycle prepared a letter on March 15, 2013 for samples they claim they collected on April 17, 2013. We presume that this is just a sloppy mistake, especially considering the further sloppiness Weecycle exhibits throughout their letter.

The sampling performed by Weecycle is of no consequence, cannot be used for any kind of Real Estate transaction issues (from a statutory or regulatory perspective) and carries no weight. According to the Colorado Real Estate methamphetamine disclosure and testing statute as described by CRS §38-35.7-103, any such sampling for Real Estate disclosure **must** be performed by an Industrial Hygienist.

In Colorado, it is a Class VI criminal felony¹ for an individual to represent themselves as an Industrial Hygienist or present themselves for performing Industrial Hygiene if, in fact, they are not legitimate Industrial Hygienists. We note that Weecycle did not represent themselves as such.

Over the last couple of years, however, there has been a huge problem created by consultants who either fraudulently represent themselves as Industrial Hygienists, or are actual Industrial Hygienists who have fraudulently performed methamphetamine testing and assessments.

The problem has resulted in numerous law suits and confusion; the issue has become such a problem that on March 26, 2013, a new bill was introduced in the Colorado Legislature that will formally discipline these individuals and penalize them with a \$15,000 per day fine. However, since the bill is not yet law, we still see incompetent and fraudulent consultants performing work in this area.

In the last few weeks, Weecycle (along with another notoriously incompetent firm, who was the object of a recent 9News sting operation), received free press in a newspaper

¹ CRS 18-5-113. Criminal impersonation

article that helped to promote very bad information and misinterpretations of State regulations and State Statutes.

Weecycle is not an Industrial Hygiene firm, and there is no evidence the sampling was performed by an Industrial Hygienist. Instead, the work was performed by an organization (Weecycle) that has been shown to be technically incompetent in Industrial Hygiene matters, and otherwise engages in junk-science and fear-mongering activities, that have already been discredited. See for example our critical review found here:

<http://www.forensic-applications.com/moulds/elizcensoredcritical.pdf>

Throughout their report, Weecycle exhibits profound technical incompetence, and displays remarkable ignorance regarding the regulations they have referenced. For example, Weecycle states:

For samples collected by systemic composite sampling method: the CDPHE clearance standard is a sliding scale based on the following equation:...

Weecycle has simply made up an imaginary “CDPHE clearance level” out of thin air. In fact, there is **no** CDPHE (Colorado Department of Public Health and Environment) regulations that have any such “clearance level” as quoted by Weecycle.

Weecycle then goes on to inappropriately reference clearance language that I originally wrote back in 2004 for State regulations for the Colorado Board of Health, (for Stakeholders Committees on which Mr. Michael Richen, CIH, Boulder County Health, also served). Nowhere in that language did I ever include those clearance criteria to be used in this manner, and nowhere in the regulations ultimately adopted by the Colorado Board of Health can be found language that would permit the clearance criteria to be used in the manner applied by Weecycle.

A legitimate Industrial Hygienist, authorized to perform such work, would have understood the State regulations and statutes, and would have known that Colorado is a *no de minimis* state with regard to testing for methamphetamine. As such, a legitimate Industrial Hygienist would have developed appropriate “data quality objectives” and would have controlled the detection limits and the size of the sampling areas and would never have reported the data as it has been reported in Weecycle’s March 15, 2013 letter.

Weecycle has a demonstrated history of making wild, extravagant, “remediation” recommendations based not on necessity, science, or regulations, but rather are useless, fear-based remediation recommendations (as exemplified in the above referenced Critical Review).

On September 29, 2012, on their web page, Weecycle claimed to have a certification in “Clandestine Drug Lab Decontamination Training ,” and they claimed that such “certification” came from a cleaning company who themselves have a very poor

reputation and are known for multiple violations of State regulations.² Weecycle falsely claim their training “certifies” them to perform such assessments. Therefore, considering from whom they received their “training” it should not be too surprising their work was so grossly incompetent.

As it is, based on the Weecycle report, no testing has occurred at xxxx Xxxxx pursuant to the Colorado Real Estate methamphetamine disclosure and testing statute as described by Colorado Revised Statutes §38-35.7-103.

As it is, no “Discovery” of an illegal drug laboratory, as that term is found in Colorado Revised Statutes §25-18.5-103 has occurred in the property.

As it is, no “Notification” of an illegal drug laboratory, as that term is found in Colorado Revised Statutes CRS §25-18.5-103 (1)(a) has occurred at the property.

Therefore, no disclosure is required from you and no further action is required from you.

Ultimately, you have a “report” from an uninformed, incompetent, consultant with an history of making false claims, meaningless “certificates” and who has demonstrated gross incompetence in Industrial Hygiene, (and is not even capable of referencing the regulatory agencies they think they are quoting).

The “ report” by Weecycle carries no weight of law, does not trigger discovery or notification, and may essentially be treated in the same manner as if a buyer hired a grocery store clerk who used his own imaginary “test methods” to determine if a property was contaminated with methamphetamine.

If you need a legitimate cursory evaluation performed by a legitimate Industrial Hygienist, please let us know. I have included my SOQ with this letter so that you may know that, although there are many fraudulent consultants, I am authorized to perform an actual, legitimate assessment of a property for the purpose of determining the presence of methamphetamine according to State statutes.

I recommend that this letter be forwarded to Mr. Michael Richen at the Boulder County Department of Health.

Kind regards,



Caoimhín P. Connell
Forensic Industrial Hygienist

² See for example http://forensic-applications.com/meth/Critical_review_Race.pdf



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

May 15, 2013

XXXXX
XXXX XXXXX XXXXXX, Inc.
XXXX Xxth Ave.
Longmont, CO 80501

Dear Mr. XXXXXXXX:

Over the last couple of years, Colorado has seen a serious problem created by individuals who call themselves “environmental consultants” and who often fraudulently misrepresent themselves as Industrial Hygienists. Very often these individuals engage in “methlab testing” and have created a serious problem in the Real Estate industry.

In Colorado, only Industrial Hygienists who have been duly trained in the recognition and assessment of illegal drug laboratories may engage in regulatory compliance sampling for illegal drug laboratories. Furthermore, it is a Class VI criminal felony¹ for an individual to represent themselves as an Industrial Hygienist or present themselves for performing Industrial Hygiene services if, in fact, they are not legitimate Industrial Hygienists.

The problem of fraudulent consultants performing incompetent or unlawful work has become so significant, and has resulted in numerous law suits and confusion, that on March 26, 2013, a new bill was introduced in the Colorado Legislature that will formally discipline these individuals and penalize them with a \$15,000 per day fine. However, since the bill is not yet law we still see both incompetent consultants and fraudulent consultants performing work in this area.

Regulatory Misinterpretation

One of the hallmarks of these poorly trained “environmental consultants” is a very poor understanding of the Colorado Regulations and the Colorado Statutes regarding illegal drug laboratories.

Generally, these individuals have no understanding of sampling theory or the establishment of data quality objectives (DQOs), and rely on the “CSI Effect” (i.e., collect willy-nilly “samples” and submit the “samples” to a laboratory under the impression that the laboratory report answers questions). In fact, a laboratory report has no intrinsic value and is only as good as the expertise of the individual conducting an investigation, and the report cannot be used beyond the context of the DQOs established for any particular project.

When I wrote the original assessment language for the Colorado Methamphetamine Regulations (6 CCR 1014-3), I gave particular attention to the consideration of appropriate DQOs and how the Industrial Hygienist was to develop DQOs that would meet the requirements of the regulation.

¹ CRS 18-5-113. Criminal impersonation

selected since, according to the State of Colorado Regulations, the maximum permissible concentration of methamphetamine in a discreet sample as determined during compliance sampling is 0.5 µg/100cm². We then chose a “sampling theory” to meet the DQOs, and that sampling theory is known as “authoritative judgmental bias sampling.” In this method, the selected sampling locations are those that have the highest probability of being contaminated, if such contamination was present. The Industrial Hygienist only knows where these locations are if that consultant has documented training in fugacity modeling and sampling theory, and understands how methamphetamine is made, used, and why and how it migrates.

Furthermore, in order to have confidence in the results received from the laboratory, as part of the Industrial Hygienist’s DQOs, the Industrial Hygienist will establish “quality assurance/quality control” (QA/QC) samples, which challenge the analyzing laboratory and challenge the consultants own handling procedures. This is necessary to ensure against laboratory contamination or indeed, contamination that the consultants themselves may have brought into the property.

We then collected 10 samples to reduce the sampling error.

The wipe sample medium was individually wrapped commercially available Johnson and Johnson™ brand gauze pads. Each gauze material was assigned a lot number for quality assurance and quality control (QA/QC) purposes and recorded on a log of results. Each pad was moistened with reagent grade methyl alcohol. Each batch of alcohol was assigned a lot number for QA/QC purposes and recorded on a log of results. Each proposed sample area was delineated with a measured outline.

Field Blanks

Our data quality objectives included a QA/QC field blank which was surreptitiously submitted without the knowledge of the laboratory. The field blank confirmed that the laboratory will not report methamphetamine if it is not actually present. Furthermore, the history of the FACTs sampling media has demonstrated a media and solvent contamination level below the analytical detection limit for the method for that solvent/medium match. FACTs reagents blank information for that methyl alcohol lot (#A12Ø1) is less than the method detection limit for n=23 and gauze lot #G12Ø1 is less than the method detection limit for n=19.

Field Spikes

FACTs maintains a log of QAQC samples called “spikes” which are samples to which a known amount of methamphetamine is secretly added by a third party independent laboratory, and which is surreptitiously submitted to a separate analyzing laboratory. The spikes ensure that if methamphetamine is present, the laboratory can properly identify and quantify the contaminant. The historical pooled spike recovery for this laboratory and your sample set is 95.6%, (n=25 and $2\sigma = 0.19 \mu\text{g}$). Therefore, we are confident that if methamphetamine had been present, the laboratory would have reliably identified and properly quantified that analyte.

Sample Locations

Samples were collected from the locations identified in the following table:

| Sample ID | Sample Location | Methamphetamine Results |
|--------------|--------------------------------------|-------------------------------|
| SM050713-01A | Living room furnace return | Below Reportable Limit |
| SM050713-01B | Living room cloak closet | |
| SM050713-01C | NW Bedroom, top of closet door jamb | |
| SM050713-01D | NE Bedroom furnace #1 supply vent | |
| SM050713-01E | Bathroom top of door jamb | |
| SM050713-02A | Dining room electrical junction box | Below Reportable Limit |
| SM050713-02B | Lower east bedroom NE corner, N wall | |
| SM050713-02C | Furnace #2 interior | |
| SM050713-02D | Master bathroom, SW elevated corner | |
| SM050713-02E | Master bedroom NW corner | |
| SM050713-03 | Field Blank | |

Table 1
Results of Methamphetamine Samples

Following our DQOs, we were not able to prove that methamphetamine existed in the structure above the specified reportable limit, and therefore, we have to conclude that the reason we could not prove it, is because it isn't there.

PREVIOUS REPORTS

On April 17, 2013 a company called "Weecycle" claimed they collected "samples" from the xxxx Xxxx Street, Longmont, CO property, and Weecycle falsely claimed the samples triggered the regulation and "proved" the property was discovered as a "methlab" and falsely claimed the property needed to be decontaminated.

Weecylce is not an Industrial Hygiene firm, and the work was not performed by an Industrial Hygienist as stipulated in state regulations. Weecycle did not establish ANY data quality objectives. Weecycle did not establish ANY QAQC samples. Weecycle did not develop or use any known sampling theory. Weecycle does not have ANY documented legitimate training in illegal drug laboratories and uses a make-believe "certification" that is not recognized by any State in the US and has no meaning in Colorado. In their report, Weecycle is so poorly trained, they misquoted regulations, and falsely believed that the Colorado Department of Public Health and Environment has their own methlab regulations (simply not true).

Weecylce has a documented history of using scare tactics and bogus junk-science "sampling" protocols that are designed to frighten people, but are entirely invalid. Weecycle also has an history of trying to frighten homeowners into performing bogus "clean-up" projects for other imaginary contaminants.

Therefore, the work done by Weecycle was entirely invalid, did NOT trigger the regulations, and did NOT result in finding a methlab.

The buyers agents who hired Weecycle attempted to claim that Ms. Colleen Brisnehan with the Colorado Department of Public Health and Environment had declared the property a "methlab." However, not mentioned by the buyer's agent was that Ms. Brisnehan has **no** such authority to make that declaration, and was merely providing her unqualified *personal* opinion. The buyer's

agent also neglected to mention that Ms. Brisnehan and her office are currently under investigation for making false claims, and for regulatory misconduct.

FINDINGS

We are extensively trained in the aspects of illegal drug laboratories and we are extensively trained in many aspects of Industrial Hygiene. I have included a copy of my standard Drug Laboratory SOQ with this letter.

Based on our valid and authoritative evaluation, which diligently attempted to support our hypothesis within the context of our established DQOs, and QAQC samples and our sampling theory, we conclude:

Methamphetamine is not present in the property above specified levels.

CONCLUSIONS

There are no indicators to suggest the property is an illegal drug laboratory. The sample results indicate, with high confidence, that the property does not have methamphetamine contamination as defined by state regulation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Caoimhín P. Connell', written in a cursive style.

Caoimhín P. Connell
Forensic Industrial Hygienist