

**Proposed  
Adoption of Methamphetamine Cleanup  
Oversight Regulation**

**Presented**

**by**

**Kayla Lesperance**

**Public Health Industrial Hygienist**

# Agenda

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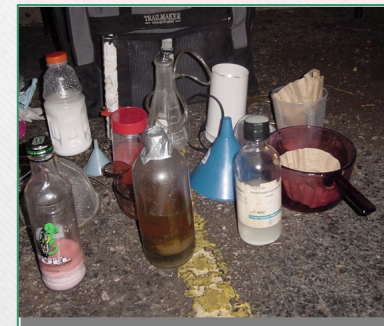
- Methamphetamine Overview/Scope of Use
- Program Goals & Background
- Regulatory Structure & Real Estate Disclosure
- ACHD Regulation and Recommendations

# Methamphetamine

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## Meth

- Powerful central nervous system stimulant
- High lasts up to 14 hours or more
- Manufactured in a person's home, vehicle, storage garage, etc.



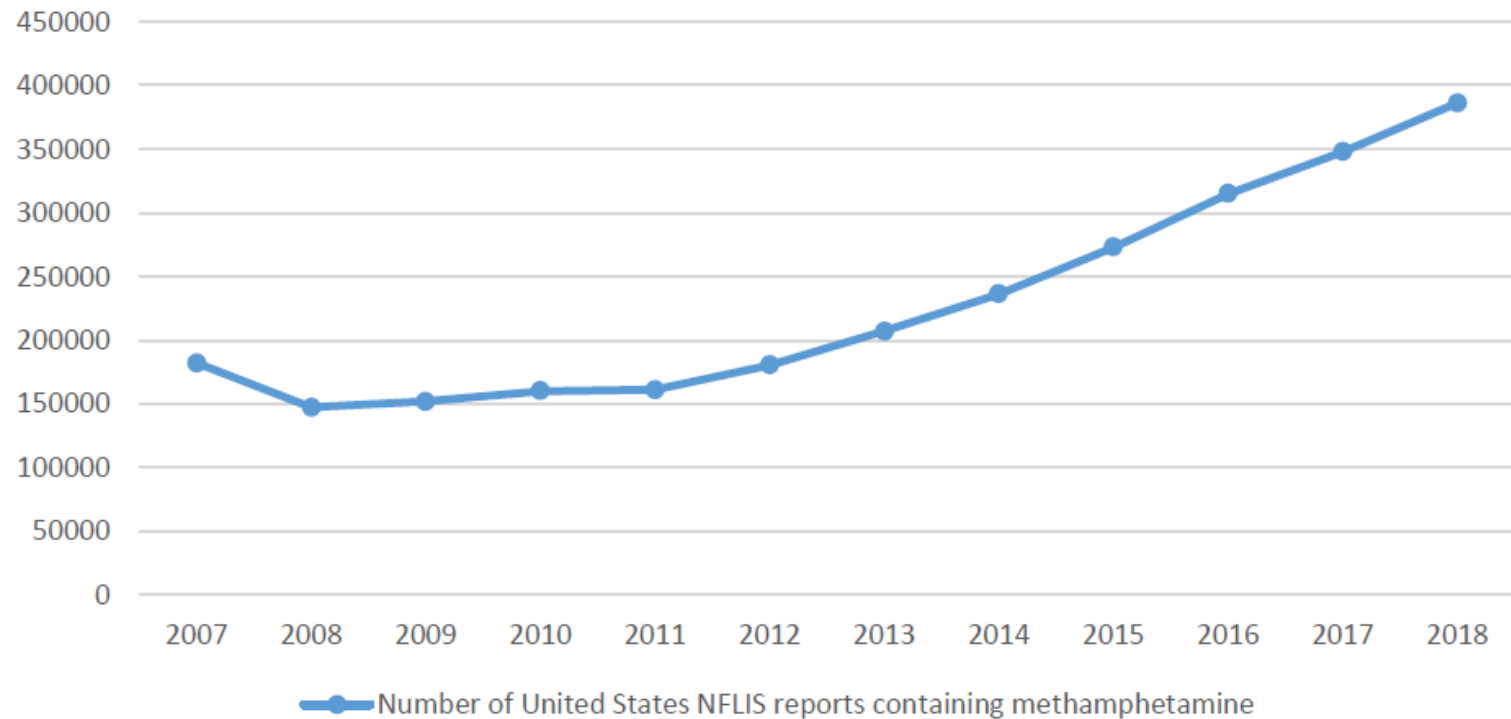
## Common Exposure Routes

- Snorted, injected, smoked, eaten
- Very addictive



# Scope of Meth Use

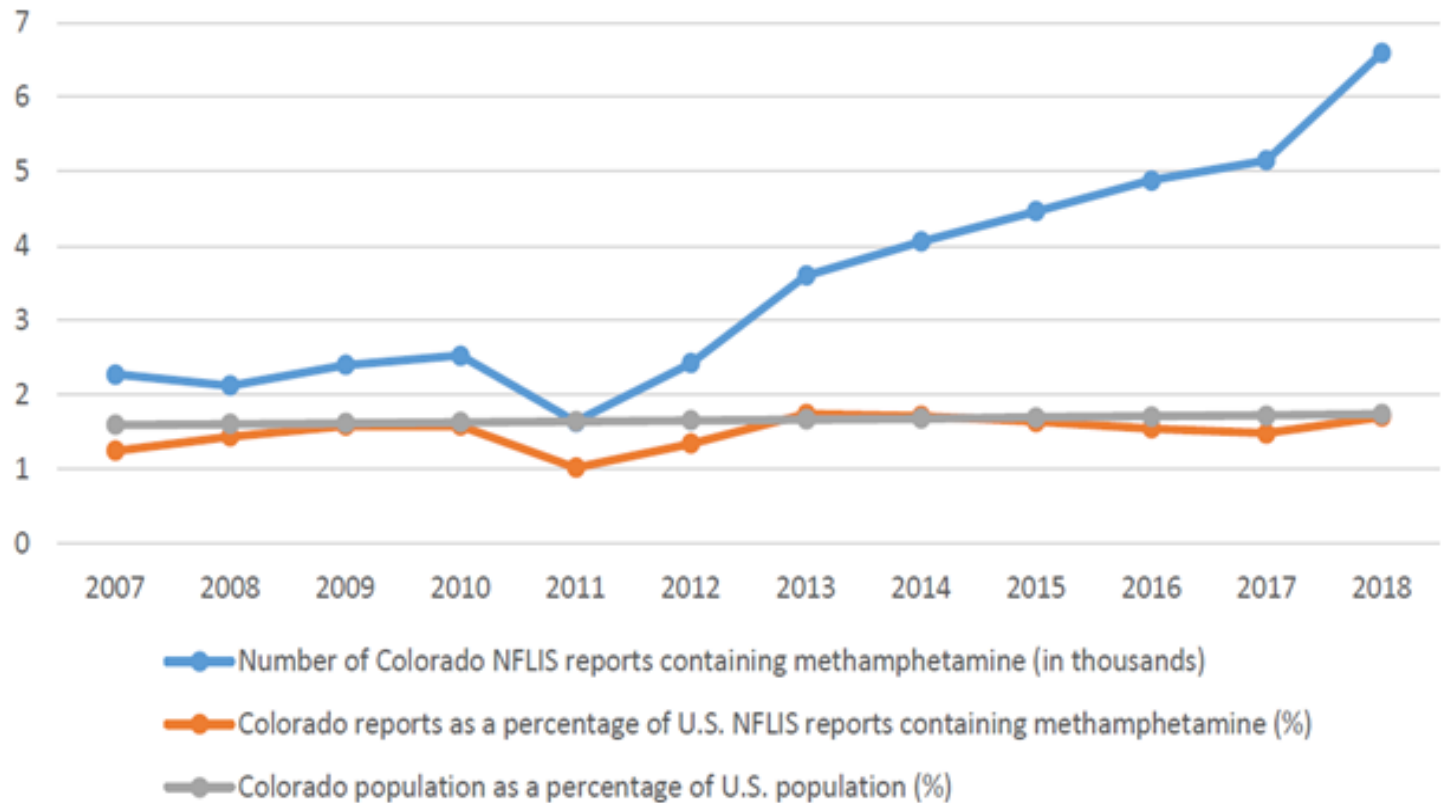
DEA National Forensic Laboratory Information System Reports (NFLIS)



## COLORADO

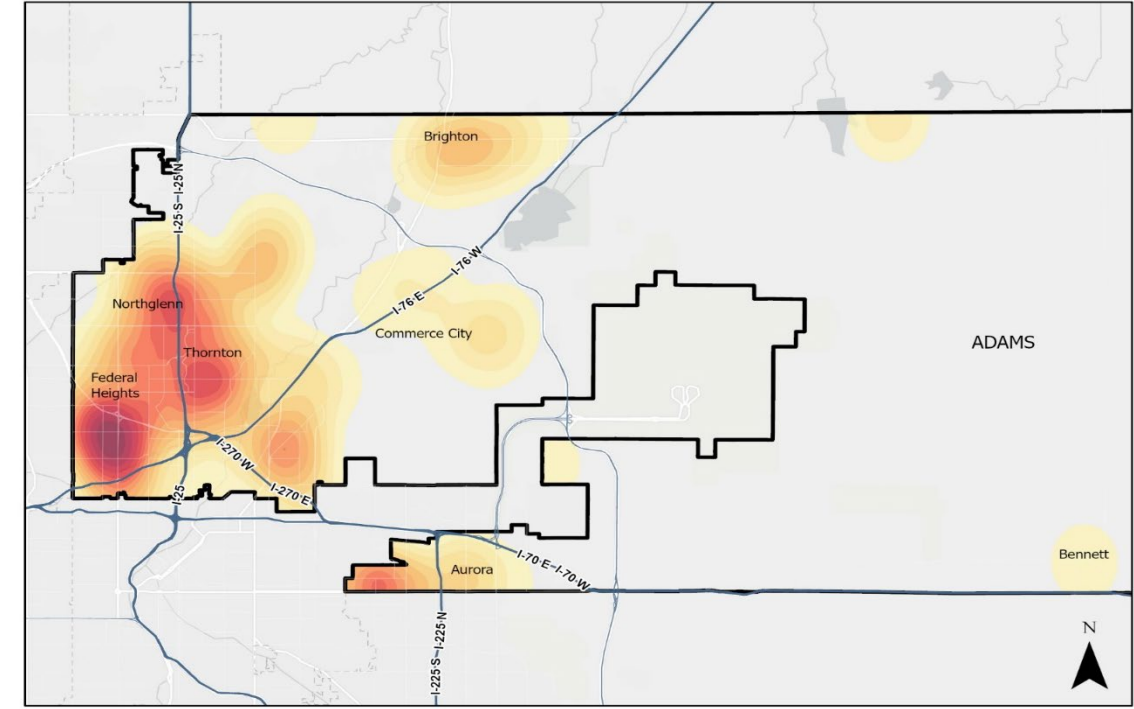
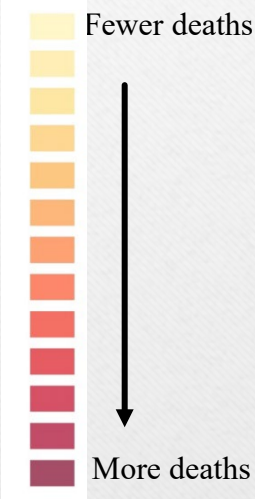
### Prevalence of methamphetamine<sup>21</sup>

DEA National Forensic Laboratory Information System Reports (NFLIS)



# Methamphetamine Overdose Deaths, 2020-2021 Adams County

## Legend



# Key Background Information

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- Nationally, 2011-2019 reports of meth use increased 139%
- In 2008, meth went from 3<sup>rd</sup> most frequently identified drug in country (behind cannabis and cocaine) to most frequently identified in 2018
- Most meth available today is produced in Mexico (higher purity, extremely potent)
- Domestic production of meth in clandestine laboratories at lowest point since 2000 (low purity).
- Colorado strengthened laws pertaining to:
  - Obtaining precursors (ephedrine, pseudoephedrine with intent to manufacture) – 2013
  - Criminal possession, manufacturing, trafficking – 2013, 2019
  - Clean-up and disposal, property disclosure – 2004, 2005, 2006, 2013

*Source: 2020 Report of Legislative Analysis and Public Policy Association*

# ACHD Meth Lab Cleanup Oversight Program Goals

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- Protect the public and vulnerable from ill affects of methamphetamine exposure associated with methamphetamine-affected properties
  - Skin irritation
  - Respiratory function
  - Childhood developmental issues
  - Neurological issues
  - Headaches and nausea
- Partner and consult on best known practices for methamphetamine clean-up
- Ensure a safe and healthy home environment – property is fit for use upon clean-up





# Reporting History

- 2002 – 2014
  - Majority of Properties Reported
    - Law Enforcement
    - Meth Labs

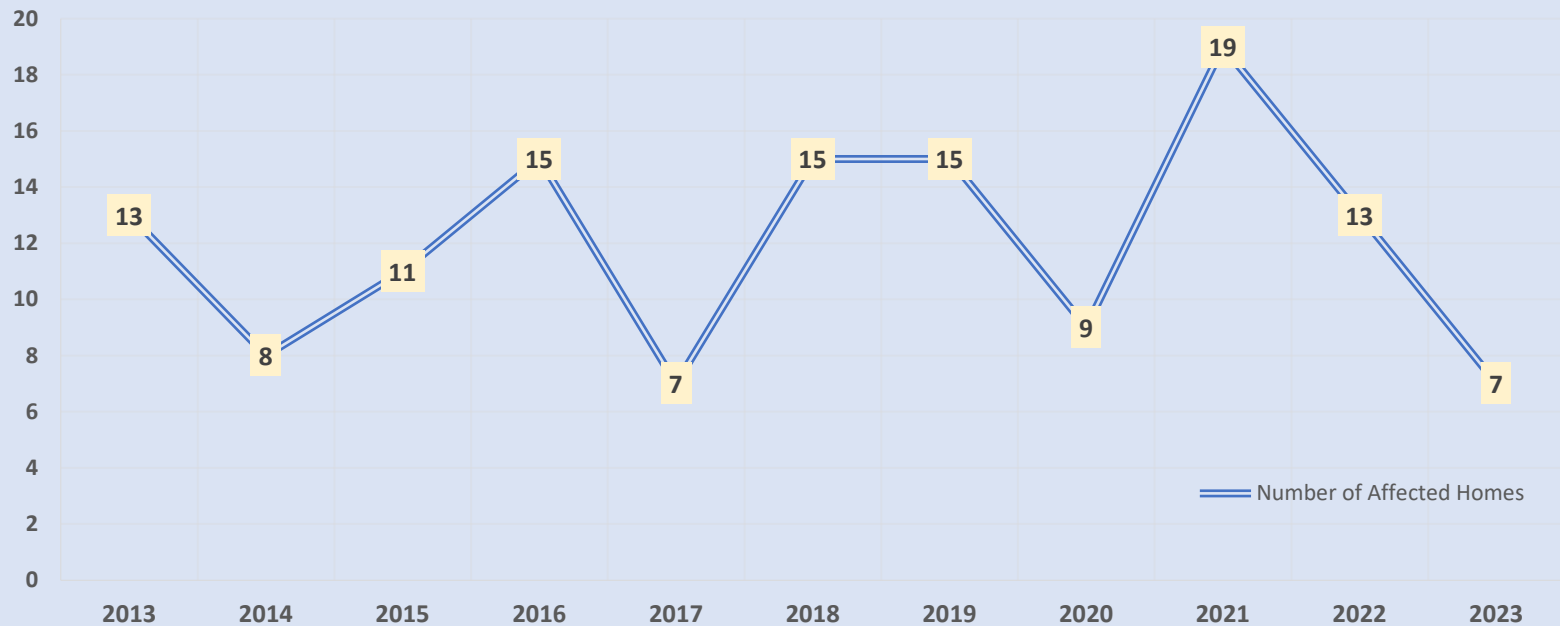


- 2014 – Present
  - Majority of Properties Reported
    - Real Estate Transactions
    - Buyer Diligence
    - Public Spaces – emerging issue

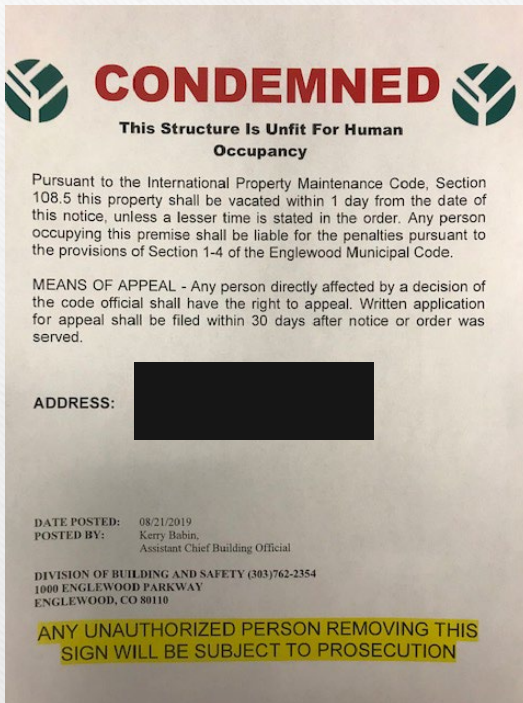
\*2013 – CO laws strengthened related to possession of precursor ingredients



# Adams County Trend 2013 - 2023

## REPORTED NUMBER OF METH-AFFECTED HOMES IN ADAMS COUNTY



# Coordination with Building Departments

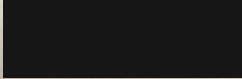


 **CONDEMNED** 

**This Structure Is Unfit For Human Occupancy**

Pursuant to the International Property Maintenance Code, Section 108.5 this property shall be vacated within 1 day from the date of this notice, unless a lesser time is stated in the order. Any person occupying this premise shall be liable for the penalties pursuant to the provisions of Section 1-4 of the Englewood Municipal Code.

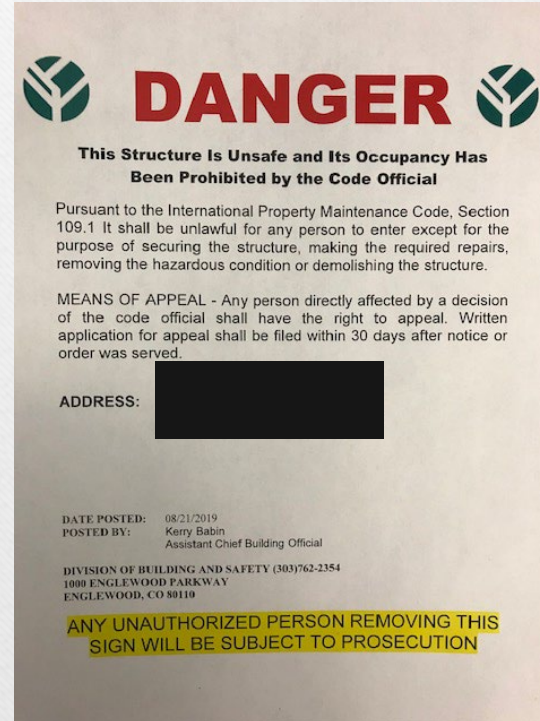
MEANS OF APPEAL - Any person directly affected by a decision of the code official shall have the right to appeal. Written application for appeal shall be filed within 30 days after notice or order was served.



ADDRESS: 

DATE POSTED: 08/21/2019  
POSTED BY: Kerry Babin,  
Assistant Chief Building Official

DIVISION OF BUILDING AND SAFETY (303)762-2354  
1000 ENGLEWOOD PARKWAY  
ENGLEWOOD, CO 80110

**ANY UNAUTHORIZED PERSON REMOVING THIS SIGN WILL BE SUBJECT TO PROSECUTION**




 **DANGER** 

**This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official**

Pursuant to the International Property Maintenance Code, Section 109.1 It shall be unlawful for any person to enter except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the structure.

MEANS OF APPEAL - Any person directly affected by a decision of the code official shall have the right to appeal. Written application for appeal shall be filed within 30 days after notice or order was served.

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# Regulatory Structure

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- Colorado Revised Statutes (CRS) 25-18.5-101, et seq. (Illegal Drug Laboratory Act) sets forth regulatory structure for decontamination of methamphetamine affected properties
- Pursuant to 25-18.5-102, State BOH adopted regulations pertaining to cleanup, 6 CCR 1014-3; establishes technical requirements including:
  - Industrial Hygienist (IH) Class & Certification
  - Cleanup Contractor Class & Certification
  - Cleanup Levels
  - Standardized Sampling Methodology
  - Standardized Assessment and Report Development Process
- If cleaned properly, statute provides immunity from future civil lawsuits for health based claims
- CDPHE Authority: Implement training and certification program; no spending authority for oversight of property cleanup

# Regulatory Structure

- **Illegal Drug Laboratory Act** – establishes a “default governing body” consisting of local public health agency, building department, and law enforcement agency, if no agency or office is designated by the city council or BOCC.
- **Local BOH Authority: CRS 25-18.5-105(1 & 2)**
  - Governing bodies **may** declare an illegal drug laboratory that has not met the cleanup standards a public health nuisance.
  - Governing bodies **may** enact ordinances or resolutions to:
    - Prevent unauthorized entry into contaminated property
    - Require property to meet cleanup standard before occupancy
    - Notifying the public of a contaminated property
    - Coordinating services and information sharing law enforcement, building, public health, social service agencies
    - Charge reasonable inspection and testing fees
- **Local BOH Authority: CRS 25-1-506** – Broad public health powers and duties

# Illegal Drug Laboratory

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CRS 25-18.5-101: “the areas where controlled substances...have been manufactured, processed, cooked, disposed of, used, or stored and all proximate areas that are likely to be contaminated as a result of the manufacturing, processing, cooking, disposal, use or storage.”

# Real Estate Disclosure Law

## CRS 38-35.7-103 (2006)

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- A buyer has the right to test a property for methamphetamine
- Tests shall be performed by a Certified Industrial Hygienist or an Industrial Hygienist who has been approved by CDPHE and done in accordance with state regulations
- Buyer shall provide test results to seller
- Seller has 30 days to retest or accept buyers results
- Buyer may purchase the contaminated property and assume liability. Buyer must:
  - 1) Notify the department of public health and environment and the governing body (ACHD)
  - 2) Remediate the property within 90 days after closing
- Seller must disclose in writing if has knowledge of contamination
- If seller remediates property to the cleanup standard, no disclosure required

### LOCAL NEWS

**'Meth-contaminated' condo  
in Denver could be yours for  
\$252,000**

by: [Dara Bitler](#)  
Posted: Apr 4, 2023 / 07:51 AM MDT  
Updated: Apr 4, 2023 / 02:51 PM MDT

# Ongoing and Emerging Challenges

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- 2014 – Present
- Public Space Decontamination Costs (CDPHE reg. does not reflect public space risk)
- Public Space re-contamination issue
- Majority of contaminated properties reported result from real estate transactions
- Personal property issues





## Colorado libraries keep closing for meth contamination. Is it their problem to solve?



A Colorado library is closed after meth contamination. What will it take to clean it?

January 18, 2023 · 5:02 AM ET

By Jaclyn Diaz



The New York Times

SUBSCR

## *A Second Colorado Library Closes Because of Meth Contamination*

The Englewood library closed last week after tests found methamphetamine in parts of the building, officials said. The main library in Boulder closed after a similar problem last month.

# New ACHD Regulation

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- Purpose: Outline the regulatory function of ACHD as member of the default governing body and define roles of law enforcement agencies and building departments within Adams County who together make of the default governing body
  - Establishes specific powers and duties (oversight role) for ACHD:
    - Make appropriate investigations, inspections, reviews, and evaluations of properties with suspected or confirmed contamination
    - Maintain records of properties with suspected or confirmed contamination and subsequent decontamination
    - Issue notices to property owners, default governing body partners, and other interested parties
    - Provide regulatory oversight of the decontamination process required by state regulations
    - Issue certificates of compliance to property owners re: successful decontamination
    - Charge fees approved by the BOH for regulatory oversight

# Community Benefit & BOH Recommendation

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- Responsibility to protect the health and safety of the citizens as well as protect the environment
- Oversight program provides a needed service to the community
- Serve as resource for information/consultation

## Recommendation:

- Adopt former TCHD regulation as new ACHD Methamphetamine Cleanup Oversight Regulation
- Currently working with legal counsel on minor modifications
- Hold Public Hearing during May 18, 2023 BOH meeting

# Thank You

## Questions?



Photos provided by Google Images