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NMHC/NAA GUIDANCE: CLEANING UP CLANDESTINE METHAMPHETAMINE LABS IN APARTMENTS

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- In recent years, apartment owners and managers have encountered an increasing number of apartment-based illegal “clandestine laboratories” that produce methamphetamine, a potent central nervous system stimulant with the potential to cause drug addiction.
- While federal, state, and local law enforcement authorities typically handle the initial investigation of such labs, property owners are often responsible for subsequent decontamination, which can be quite costly.
- This White Paper describes the typical cleanup procedures for illegal drug labs and surveys how the states and federal government are addressing the problem.
- It also identifies important signs that apartment owners and property managers should look for if they suspect a clandestine meth lab may exist somewhere on their property.
- This paper also recommends steps for apartment owners and managers who:
 1. Suspect or encounter a clandestine lab, based on federal and state guidance documents; and/or
 2. Need to select a clandestine drug lab decontamination contractor.

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The information discussed herein is general in nature and is not intended to be legal advice. It is intended to assist our members in understanding this issue area, but it may not apply to the specific fact circumstances or business situations of all owners and managers. For specific legal advice, consult your attorney.

INTRODUCTION

In recent years, apartment owners and managers have encountered a growing problem on their properties: illegal “clandestine laboratories” that produce methamphetamine (N,alpha-Dimethylbenzeneethanamine or meth),¹ a potent central nervous system stimulant with the potential to cause drug addiction. Possession, manufacture, or distribution of meth is unlawful in the United States.

Traditionally dominated by Mexican drug trafficking organizations, an estimated 50 percent of clandestine labs are now found on rental property.² In July 2003, the U.S. Department of Justice (DOJ) testified before the House Committee on Government Reform that, “a growing number of small, dangerous clandestine laboratories ... are straining communities and state and local police forces.”³ In fact, “[l]aw enforcement officials estimate that more than 80 percent of the nation’s meth supply comes from Mexican or California ‘super labs.’ But they note that small-time domestic production diverts resources from the larger trafficking problems.”⁴ Many states have reported dramatic increases in meth related arrests and lab seizures. In Missouri, while only 37 meth labs were seized during all of the 1980’s,⁵ 2,799 reported meth lab seizures occurred in 2004. Similarly, the Colorado Department of Public Health and Environment reported that the number of clandestine lab seizures increased from 150 in 1999 to 452 in 2001.⁶

While law enforcement authorities typically investigate and remove the hazardous materials from these clandestine labs, property owners are ultimately responsible for costly decontamination procedures to insure that the former lab site is safe for habitation. Further complicating matters is the fact that no federal guidance has been developed, which addresses the remediation of former lab sites.

This issue is becoming increasingly troublesome for apartment operators because (1) remediation contractors often recommend a variety of unproven, unnecessary, or costly strategies, (2) residual contamination from meth production or usage in an apartment may affect healthy subsequent residents, and (3) the potential for dispersal of meth production byproducts on a property to adjacent units, common areas, or the exterior environment is a source of liability for property owners.⁷

In response to requests for information from the industry about this issue, this White Paper describes some of the problems associated with the escalating criminal trend of meth production and usage on all types of properties, including apartment properties. The paper includes infor-

¹ *Methamphetamine is also known as Crystal Meth, Speed, Ice, Chalk, Crank, Fire, Glass, Zip, and Crystal.*

² *Washington State Dep’t of Health, Office of Environmental Health and Safety, Preventing Drug Labs on Your Property: Tips for Landlords*, available at www.doh.wa.gov/ehp/ts/CDL/LandlordsTips.htm (last updated Aug. 28, 2003).

³ *Facing the Methamphetamine Problem in America: Hearings Before the Subcomm. on Criminal Justice, Drug Policy, and Human Resources of the House Comm. on Gov’t Reform, 108th Cong. (July 18, 2003) (Testimony of Rogelio E. Guevara, Chief of Operations, U.S. Drug Enforcement Administration).*

⁴ *Lois Romano, Cold-Medicine Curbs Cited in Drug Effort, The Washington Post, Feb. 19, 2005, at A3.*

⁵ *Brad Harris, Managing Methamphetamine Cleanups*, at www.moguard.com/MLTF/MMI/new_page_6.htm (last visited Feb. 18, 2005).

⁶ *Colorado Dep’t of Public Health and Environment, Cleanup of Clandestine Methamphetamine Labs Guidance Document*, p. 1 (July 2003), available at www.cdph.state.co.us/hm/methlab.pdf.

⁷ *See Evers v. FSF Overlake Assocs., 2003 OK 53 (May 20, 2003) (where tenants filed a negligence action against their landlord after allegedly becoming ill when fumes produced by an illegal meth lab in the adjacent apartment seeped into plaintiffs’ apartment through the ventilation system).*

mation on the typical cleanup process, and legislative trends in the area. In addition, it offers NMHC/NAA members guidance if a clandestine meth lab is suspected or discovered.

WHAT IS METHAMPHETAMINE?

Methamphetamine, a Schedule II controlled substance, is a synthetic central nervous system stimulant. It is sold illegally in pill form, capsules, powder, or chunks and may be snorted, smoked, injected, or taken orally. Among other effects, use of meth damages the brain and cardiovascular system. High doses and chronic abuse are associated with increased nervousness, insomnia, irritability, paranoia, and hallucinations.

Meth has grown to be a significant problem, in part because it is relatively simple to manufacture using common, inexpensive, and readily-available household products. The essential ingredients like ephedrine or pseudoephedrine (available in over-the-counter cold medications) are “cooked” in processes involving rock salt, battery acid, brake and lighter fluid, drain cleaners, coffee filters, red phosphorous road flares, fertilizer, and pool chemicals. Clandestine drug labs do not require sophisticated laboratory equipment. Instead, an operator may use items such as mason jars, coffee filters, hot plates, pressure cookers, pillowcases, plastic tubing, and gas cans.

Although there are several techniques used to produce meth, all of the processes use a variety of chemicals including explosives, solvents, metals, salts, and corrosives. The fumes, vapors, spillage, and waste produced when the drug is manufactured (cooked) can be volatile and highly toxic. The toxic gases generated in the production have been found to disperse widely and contaminate surfaces including wall board, ceilings, and carpeting.

POTENTIAL HEALTH AND SAFETY EFFECTS ARISING FROM CLANDESTINE LABS

The health data concerning even short-term use of meth indicates that meth is a highly addictive and toxic drug. Meth irreversibly affects numerous organ systems, resulting in significant, permanent neurobehavioral alteration like psychosis, and severe heart and lung damage.⁸ Unfortunately, there is little known about the health effects from chronic (long-term) exposure to contaminants left behind after a clandestine lab has been dismantled according to typical crime scene protocols. However, even low levels of exposures to certain chemical residues resulting from meth manufacture may have health consequences.⁹ The potential health effects depend on: (1) the specific chemicals to which a person is exposed; (2) the amount of said chemicals; (3) the duration of exposure; and (4) the health condition of the person being exposed.

Active clandestine labs pose additional threats, including the serious risk of injury from fire, explosion, and poisoning. Even relatively short exposure to meth-related chemicals can result in

⁸ U.S. Dep't of Health and Human Services and Substance Abuse and Mental Health Services Admin., *Tips for Teens: The Truth About Methamphetamine*, available at ncadi.samhsa.gov/govpubs/PHD861/ (last visited Mar. 23, 2005).

⁹ Minnesota Dep't of Health, *Division of Environmental Health, Clandestine Drug Labs in Minnesota: Health, Safety, and Remediation Issues* (Mar. 2002).

corrosive (resulting from inhalation or skin exposure) or chronic health effects. Children are particularly vulnerable to the health effects associated with clandestine methamphetamine labs.

Beyond the chemical contamination and cleanup costs, clandestine labs cause a number of other problems for apartment operators, including loss of rent, devaluation of property, civil liability and penalties, presence of dangerous and threatening residents, resentful and angry neighbors, and potential loss of valued residents.

Compounding matters is the fact that labs typically found in apartment units are small and unsophisticated, which tend to be among the most dangerous.¹⁰ According to the Department of Justice (DOJ), these smaller labs are often operated by individuals with little experience, inferior and inappropriate equipment, and little regard for the consequences arising from the use of toxic, explosive, and poisonous chemicals.

THE PROBLEM FOR APARTMENT PROPERTIES

It is estimated that for each pound of meth manufactured, five to seven pounds of chemical waste is produced.¹¹ Following the discovery of a meth lab, law enforcement officials will typically confiscate or dispose of all drug-manufacturing equipment and chemicals found at the site.¹² This process is usually conducted by a hazardous waste contractor and is largely funded through government grant programs and other state resources. However, after this bulk removal of chemicals and hazardous waste is completed, residual contamination of the property, including sinks, drains, ventilation systems, carpets, furniture, and window coverings, remains to be dealt with.¹³ And although this contamination may be imperceptible to the naked eye, even trace amounts of meth-related chemicals can pose serious health risks.¹⁴ The property owner or manager is responsible for assessing the property and conducting any necessary secondary decontamination.

Moreover, property owners may not be aware that an illegal meth laboratory has operated on their property. Clandestine meth labs are highly mobile, and manufacturers are learning to hide the telltale signs of meth production through various means, including the use of new and reportedly odorless recipes.

MANDATORY CLEANUP

Given the costly nature of decontamination, many property owners do not know whether it is necessary to cleanup a property, and if so, what remediation techniques and property restoration practices are effective. Some state legislatures are addressing this issue by enacting clandestine laboratory cleanup statutes. These new laws mandate (in varying degrees) that the

¹⁰ Facing the Methamphetamine Problem in America, *supra note 3*.

¹¹ Oregon Dep't of Human Services, *Chemicals Used in Methamphetamine Labs*, p.8 (Apr. 2004), at www.dhs.state.or.us/publichealth/druglab/docs.cfm.

¹² Arkansas Dep't of Health, *Clandestine Methamphetamine Laboratory Cleanup Guidelines*, p.1 (last revised 2004), available at www.healthyarkansas.com/pdf/adh_methguidelines_2004.pdf.

¹³ Colo. Dep't of Pub. Health and Env't, *supra note 5*, at 1.

¹⁴ *Id.*

owner of a methamphetamine-contaminated property conduct a remediation, usually through a state licensed decontamination contractor. However, state law varies in relation to what an owner's options are when facing mandatory remediation. Some dictate that an owner may not "use, enter, occupy, rent, or sell" the property until a proper remediation has taken place¹⁵, while others allow an owner to demolish or sell the property in lieu of abatement.¹⁶

Importantly, even in the absence of specific methamphetamine cleanup legislation, decontamination may nonetheless be compelled through existing nuisance statutes, local regulations and ordinances, and environmental, health, and housing codes.¹⁷ Additionally, the subsequent use or occupancy of a contaminated property can potentially subject an owner to future legal liability and private lawsuits if decontamination has not been undertaken or is not successful. Therefore, an owner or manager is advised to consult an attorney about their responsibilities and liabilities under the law.

To further complicate the issue, **some states that have mandated the cleanup of properties used as methamphetamine labs have not yet established rules governing cleanup standards.**¹⁸ Further, there are currently no federal guidelines or standards addressing the remediation of meth contaminated properties. This largely stems from the lack of scientific and medical information concerning meth contamination. It is well recognized that difficulties and uncertainties exist relating to the testing for and evaluation of concentrations of meth-related chemicals and their health effects, especially in terms of long-term exposure to low concentrations of methamphetamine and its byproducts.¹⁹

Nonetheless, several states currently have operational cleanup standards or interim guidelines, which define levels of contamination and cleanup protocol.²⁰ These standards are 1) based on "conservative and protective" guidelines, not health-based levels²¹, and 2) vary widely depending on the state. Currently, meth contamination levels range from 0.5 ug/ft² to .05 ug/100 cm². Additionally, some states' standards only address the residual methamphetamine level itself²², while others establish acceptable levels for meth-related chemicals, such as mercury, lead, volatile organic chemicals, and corrosives.

¹⁵ See ARIZ. REV. STAT. § 12-1000(D)(2)(2004). However, with few exceptions, an owner is free to not conduct a decontamination, and allow the property to sit dormant and sealed to entry. As dictated by local law, abandoned structures (like unremediated meth labs) may be demolished for health and safety reasons, or after a statutory time period has elapsed.

¹⁶ See OR. ADMIN. R. 333-040-0090, 333-040-0100 (2000).

¹⁷ Colo. Dep't of Pub. Health and Env't, supra note 5, at 1.

¹⁸ There has been a flurry of meth-related legislative and regulatory actions in recent years; therefore, this issue is in a state of constant change. See the "State Guidance" section infra for the current status of state cleanup legislation.

¹⁹ Id. at 8; see also Ark. Dep't of Health, supra note 10.

²⁰ Note: In addition to those few states with mandatory cleanup guidelines, several states have established voluntary or recommended cleanup guidelines, which do not create a legal standard or obligation.

²¹ Colo. Dep't of Pub. Health and Env't, supra note 1, at 8.

²² Id. at 9, recognizing that "the cleanup process necessary to reduce the levels of meth to 0.5 ug/ft² should also be capable of reducing the concentrations of other meth related chemicals to acceptable levels."

State	Contamination Level	Other Chemical Levels Considered?	Contamination Levels for Other Chemicals
Colorado	.5 ug/ft ²	No	N/A
Arkansas	.5 ug/ft ²	No	N/A
Washington	.1 ug/100cm ²	Yes	VOC = 1 ppm in air Mercury = 50 ng/m ³ Lead = 20 ug/ft ²
Oregon	.05 ug/100cm ²	Unknown	
Tennessee	.1 ug/100cm ²	Yes	VOC = 1 ppm Mercury = 50 ng/m ³ Lead = 40 ug/ft ²
Minnesota	.1 ug/ft ²	Yes	VOC = 1 ppm Mercury = <0.3 ug/cubic meter Lead = <40 ug/ft ² Corrosives = surface PH 6-8

COSTS

While the decontamination costs of a former meth lab vary according to the nature and extent of the cleanup needed, the expense is usually significant. There are several different phases to the cleanup process that contribute to the cost of remediation. Usually, a preliminary site assessment is completed before any remediation work is undertaken (in fact, this assessment is required in many states with mandatory cleanup laws). These assessments typically cost between \$1,200 and \$1,500.²³ Then, the actual property cleanup costs generally run from \$2,000 to \$10,000, but can cost much more.²⁴ Notably, these estimates do not include any subsequent remodeling costs (replacement of appliances, painting, re-carpeting, etc.), or the loss of rental revenue during the decontamination process. Finally, there may be additional fees assessed by the state for their involvement or input into decontamination efforts. For instance, the Oregon Department of Human Services charges fees totaling \$1,400 for their review of a contractor's site assessment and work plan and the issuance of a Certificate of Fitness (which allows an owner to freely rent or sell the property).²⁵

THE TYPICAL CLEANUP PROCESS

After learning that a property has been used as a meth lab, a preliminary site assessment should be conducted. This practice is used to identify the chemicals involved, the manufacturing method used, and if necessary, the level of decontamination required. This information will guide subsequent cleanup efforts and help tailor the decontamination process to the specific

²³ John Trumbo, *Cleaning up meth doesn't come cheap*, *Tri-City Herald*, Apr. 24, 2002, at www.tri-cityherald.com/news/2002/0424/story1.html.

²⁴ *Id.* For example, a remediation professional in Washington State charged \$60 to \$70 per hour when cleaning up low-hazard sites, and charged at least \$100 per hour for high-hazard site cleanup.

²⁵ See Oregon Dep't of Human Services, at www.dhs.state.or.us/publichealth/druglab/index.cfm (DHS). Notably, even if the initial site assessment determines that no cleanup is necessary, DHS charges the property owner \$500 to review the assessment and issue a Certificate of Fitness.

needs of the property. If decontamination is deemed necessary, it is prudent for an owner to contact their insurer at this stage. Some insurance policies will cover these cleanup costs; however, this type of damage is often excluded from typical insurance coverage.

While several states require meth decontamination to be performed by a licensed or otherwise certified professional, many states allow unlicensed contractors or even individual owners to conduct the cleanup. Nevertheless, it is strongly recommended that any remediation be performed by an experienced professional. If an owner decides to undertake a decontamination personally, it is important to observe all necessary personal health and safety practices. For example, appropriate personal protective equipment (goggles, gloves, respirators) should always be used. However, the level of necessary protective measures is largely unknown, due to the lack of scientific and medical information about residual meth contamination.

A proper remediation involves a series of procedures. Additionally, there are several building systems that require special attention during the decontamination process. It is important for a property owner to be aware of the typical cleanup elements, in order to better evaluate a proposed remediation plan and select an appropriate decontamination contractor. The following illustrates typical remediation techniques and procedures. However, these are general guidelines and should not be substituted for professional advice or any state regulatory requirements.

The Colorado Cleanup of Clandestine Methamphetamine Labs Guidance Document Recommends:²⁶

Identification

The first step in the cleanup process involves identification of the areas of contamination; some of which are less obvious than others. Potential areas of contamination include:²⁷

- The primary processing or “cooking” areas, which may have been exposed to chemical spills, boil-overs, or toxic fumes. Affected areas may include flooring, walls, working surfaces, furniture, draperies, plumbing fixtures, and heating, ventilation and air-conditioning (HVAC) systems.
- Disposal areas such as sinks, toilets, bathtubs, plumbing traps and floor drains, vents, chimney flues. Outdoor disposal can result in contamination to surrounding soil, surface water, groundwater, dumpsters, sewer and storm drains, septic tanks, and cesspools.
- Storage areas.
- Places where contamination could have migrated, like hallways and high-traffic areas.
- Common areas in multi-housing communities and adjacent apartments.
- Common ventilation or plumbing systems.

Airing Out

“Venting should be conducted for several days before cleanup begins to allow volatile compounds to be dispersed.”²⁸ Moreover, proper venting should be maintained throughout the cleanup, taking care that contaminants are exhausted outdoors and away from the air intakes of the HVAC systems of adjacent structures.

²⁶ Colo. Dep’t of Pub. Health and Env’t, *supra* note 1, at 4-6.

²⁷ *Id.* at 3-4.

²⁸ *Id.* at 4.

The Colorado Cleanup Guidance (Continued)

Gross Cleanup and Removal

All residual chemicals, powders, liquids, etc. should be tested; then, neutralized and removed according to their individual chemical characteristics. If lab equipment or any suspicious containers are discovered on the property, local law enforcement authorities or hazardous waste officials should be contacted immediately. Any item that is visibly stained or can not be effectively cleaned should be disposed of in accordance with local hazardous waste codes.

Detergent-Water Washing

Thorough washing with a detergent solution, or steam cleaning, can effectively decontaminate some nonporous and semi-porous surfaces, like floors, tile, walls, and counters. Any waste water produced by cleaning should be tested and disposed of in accordance with applicable hazardous waste regulations.

Ventilation Systems

Since it is common for ventilation systems to collect and redistribute contaminants, all vents, ductwork, filters, and areas near system ducts should be tested for contamination. Decontamination of the ventilation system can involve: replacement of all air filters; removal and cleaning of all vents; cleaning of all ductwork; and cleaning of all surfaces near system duct openings. Since shared ventilation systems can spread contamination throughout the complex, initial cleanup plans should involve the testing of adjacent units or common areas.

Encapsulation or Sealing

Some contaminants can be controlled by imposing a physical barrier between the chemical residue and any surface exposed to human contact. For instance, contaminated interior surfaces like walls, wood flooring, and ceilings can be painted with an oil-based paint, epoxy, or other suitable material to effectively contain contamination.

Plumbing

Meth-related waste products are often disposed of via sinks, toilets, bath drains, etc. If staining or strong chemical odors are associated with the property's plumbing system, contact the local water and sewage treatment authorities. Do not pour any cleaning products or deodorizing chemicals down the drains, or use these products near plumbing that may be releasing fumes. Flushing the plumbing with large amounts of water can reduce the contamination level, but fixtures and piping may ultimately need to be replaced.

Outdoor Concerns

Outdoor contamination may typically be dealt with by using one or more of the following: (1) waste removal; (2) drainage control; (3) removal or treatment of contaminated soils or water; (4) provision for alternate water supplies when water sources are contaminated; or (5) site controls such as fencing or signs.

POST-CLEANUP TESTING

The most practical and reasonable strategy for measuring the effectiveness of decontamination is to test for residues of methamphetamine on surfaces after the completion of removal and cleaning.²⁹ If post-cleanup tests reveal unacceptable levels of meth and other associated contaminants, the cleaning process must either be repeated or altered to provide greater effectiveness. Note: it is prudent to retain all testing documentation and decontamination records.

Further, post-cleanup testing should be conducted by a party independent from the initial cleanup contractor, if possible. This will ensure the integrity of the tests and provide an owner with disinterested advice about the effectiveness and shortcomings of the remediation.

In addition to the testing conducted by professional remediation contractors, meth residue detection kits are publicly available through mail-order and Internet vendors. These test kits allow an owner to quickly and easily test a property for meth contamination and the effectiveness of cleanup efforts. However, there has been no federal validation of, or quality assurance standards set for, rapid detection test devices. Test kits contain sample collection pads, which either instantly provide the user with test results, or require the pads to be sent to a lab for analysis. The cost of these test kits ranges from \$29 to \$200. And while individual states have certified specific test providers and laboratories, there is limited public information about the accuracy or quality control protections of these on-site tests.

LEGISLATIVE TRENDS

Notice and Disclosure

Due to perceived health and safety hazards, several states have enacted laws requiring full disclosure of a property's use as a clandestine methamphetamine lab to all prospective buyers or renters.³⁰ Similarly, cleanup and disclosure statutes often contain notice provisions, which require the posting of conspicuous notices declaring a contaminated property "unfit for use", "hazardous", "quarantined", etc., and require its listing in some form of publicly maintained database for contaminated properties. However, most states limit this notice and disclosure obligation to the period when the property is in fact contaminated. This means that once an owner has properly "cleaned up" the property, all postings are removed, no disclosure is required, and the property is removed from public records identifying it as a place of meth production.

However, a growing number of states mandate that disclosure be given to buyers and renters even after decontamination has been completed, and the property meets applicable guidelines. These stricter disclosure statutes are controversial and problematic, because they unnecessarily stigmatize a property and perhaps an innocent owner, while providing no public health or safety benefit. Even the Oregon Department of Human Services, in a state that pioneered clandestine lab cleanup legislation, recognizes that "[b]ased on the known physical properties of the

²⁹ Ark. Dep't of Health, *supra* note 10, at 8.

³⁰ "Within five days after a buyer signs a contract to purchase the real property, the owner shall notify the buyer in writing that methamphetamine, ecstasy or LSD was manufactured on the real property..." "The landlord shall notify a prospective tenant for a dwelling unit that was the subject of the notice in writing that methamphetamine, ecstasy or LSD was manufactured on the real property . . . The notice shall be attached to the rental agreement. If the landlord does not comply with this paragraph, the tenant may void the rental agreement." Ariz. Rev. Stat. § 12-1000(F)(1-2)(2004).

chemicals associated with methamphetamine production, there is no current scientific evidence to suggest a continuing human health risk after a thorough decontamination.”³¹

Restricted Drug Sales

Some states are attacking the problem of illicit meth production by imposing restrictions on the public access and sale of meth precursor drugs like pseudoephedrine (commonly found in over-the-counter cold medicines). This is a proactive approach to curbing meth contamination, which typically provides that pseudoephedrine must be dispensed by a pharmacist, every purchaser must show photo identification and sign a tracking log and purchases are limited to a specified amount within any 30-day period.

Federal Guidance

To date, the federal government has not produced any mandatory or definitive guidance on how an apartment owner should clean a unit that once housed a meth lab. Several governmental agencies have published guidelines for law enforcement agents, public officials, and first responders, however.³²

State Guidance

States handle clandestine lab remediation in different ways. A sampling of how some states handle the issue follows. For additional and updated guidance, owners and decontamination professionals should consult their states’ department of public health, environment, or public safety.

³¹ Oregon Dep’t of Human Services, *supra* note 9, at 7.

³² For example, in 1990, DEA, EPA and the U.S. Coast Guard put out *Guidelines for the Cleanup of Clandestine Drug Laboratories*. In 1999, DOJ published *Clandestine Drug Labs* to detail how police can reduce the harm caused by specific crime and disorder problems.

State	Cleanup Statues	Use of Certified Contractors	Disclosure Statute ³³	Strict Disclosure
Alaska			✓	
Arizona	A.R.S § 12-1000. And, a proposed amendment (2005 AZ H.B. 2689) would allow an owner 12 months to remediate a property, then the state will have the property remediated; passing the cost to the owner through a title lien. The guidelines are now available.	✓	✓	
Arkansas	A.C.A. § 20-7-123, cleanup is not required, but the statute mandated the development of cleanup guidelines by the State Dep't of Health.			
California			✓	
Colorado	7 C.R.S.A. § 25-18.5-102. Requires mandatory cleanup or demolition, but owners are given immunity from future liability. Has operational cleanup guidelines.	✓		
Hawaii	HI Legis 40 (2004). Statute appropriates money to study the environmental effects of meth labs.			
Idaho	Mandatory cleanup bill introduced Feb. 2005.			
Kansas	Voluntary cleanup guidelines available.			
Minnesota	No state law specifically addressing meth cleanup, but may be covered by MS § 145A, "Abatement of Public Nuisances". Most counties have mandatory cleanup laws. The state has established voluntary guidelines.		✓	
Missouri	Has voluntary cleanup guidelines.			✓
Nebraska				Proposed
Nevada			✓	
North Carolina	NCGSA § 130A-284. Requires mandatory cleanup according to state decontamination standards (to be promulgated).			
Oklahoma	Voluntary guidelines available.			✓
Oregon	ORS 453.855-453.912 Cleanup or demolition required.	✓	✓	
South Dakota				✓
Tennessee	T.C.A. § 68-212-501 Cleanup is required. Rules have not been promulgated, but interim guidelines are available.	✓	✓	
Utah			✓	
Washington	West's RCWA 64.44.070. Established state cleanup guidelines that are now publicly available.	✓	✓	
Wisconsin			✓	

³³ This list illustrates the states having disclosure statutes that specifically refer to meth manufacture sites. However, many other states nonetheless require the disclosure of meth contamination or manufacture on a property through general laws mandating the disclosure of any known hazards on the property.

NMHC/NAA Recommended Actions

(1) Increase on-site awareness

Make staff aware of the following warning signs of possible clandestine lab activity:³⁴

- Blackened windows, drawn curtains, reinforced doors.
- Unusual traffic or activities, such as little to no traffic during the day, but excessive activity at night.
- Paranoid, odd behavior on the part of residents.
- Increased or extensive security measures.
- Strong chemical odors. Smell may resemble urine, ether, ammonia, or acetone.
- Excessive garbage specific to meth manufacturing (including, but not limited to: packaging from over-the-counter ephedrine or pseudoephedrine cold pills; empty containers from antifreeze, white gas, ether, starting fluids; compressed gas cylinders; packaging from rock salt or epsom salts; Pyrex or glass containers; respiratory masks and filters; rubber gloves).
- No garbage disposal, buried trash, or burned trash.
- Dead or dying vegetation.
- Access denied to property owners and managers, neighbors, and other visitors.
- Health-related complaints from adjacent tenants.

Educate staff about the following indicators of prior use as a meth lab.³⁵

- Pink or reddish stains in sinks, tubs, and drains.
- Unusual stains on walls and ceilings that can't be removed.
- Scorch marks on walls, counters, ceilings, etc.
- Lingering chemical odors.
- Unexplained skin irritation, itchy or burning eyes, breathing difficulty, or other physical discomfort.

(2) Isolate the area immediately involved.

(3) **Do not approach a suspected meth lab.** Property employees who inadvertently enter a lab should back out immediately without disturbing the cooking process, chemicals, or equipment. Many of these laboratories include booby traps.

(4) **Immediately contact law enforcement authorities to ensure an efficient and effective response.**

(5) **Contact your general liability insurance carrier.** Policies commonly include a provision that permits the carrier to disclaim coverage if the claimant fails to promptly notify the carrier.

For the purposes of remediating an apartment property that was once used as a meth lab, NMHC/NAA has provided the following tip sheet for choosing a remediation professional.

³⁴ See *Meth Awareness and Prevention Project*, www.mapps.org; see also *Minnesota Department of Health*, www.health.state.mn.us.

³⁵ *Id.*

Cleaning Up a Meth Lab Site

How to Hire a Clandestine Drug Lab Decontamination Contractor

Suppose an illegal methamphetamine lab has been found on your apartment property. You have contacted law enforcement and your insurance provider. Your local health department requires or advises you to hire a clandestine drug lab decontamination contractor. How do you know which company is right for you? To assist you in making a decision, NMHC/NAA provide the following guidelines.³⁶

INFORMATION

1. Contact the state or local health department for decontamination requirements specific to your property.

PROCEDURE

1. Use only contractors certified by your state or local health departments (if they in fact have a certification practice).
2. Interview multiple companies.
3. Discuss insurance coverage: General Liability Insurance & Contractor's Pollution Insurance.

EXPERIENCE

Ask:

1. The contractor for a list of previous clandestine lab decontamination jobs, including references.
2. The local health departments about past performances and verify references.
3. The contractor to explain their decontamination procedure:
 - a. How does this compare to other clandestine drug lab contractors' procedures?
 - b. Does it appropriately address local health department requirements?
 - c. What is the timeline and date the job will be completed?

COST

Require the contractor to:

1. Contact the state or local health department for your property's decontamination requirements.
2. Visit the site.
3. Provide an itemized bid that covers requirements necessary to re-lease the property.
4. Clarify additional costs not included in the bid, such as re-cleaning.

³⁶ See Tacoma Pierce County Health Dep't, *Clandestine Drug Lab Guideline to Hiring a Contractor (July 2003)*, available at www.tpchd.org/files/library/1be35d2642567973.pdf.