

HB

382

ALASKA STATE LEGISLATURE



REPRESENTATIVE GRETCHEN GUESS

Sponsor Statement HB 382

" An Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored."

Purpose

Currently Alaska has no standards or requirements for the clean up of illegal drug labs. HB 382 sets standards for cleanup of illegal drug manufacturing sites to ensure the safety of future residents.

Background

Illegal drug manufacturing labs, such as "meth labs," are rising in Alaska with seizures doubling in number from 2000 to 2001. Often these labs are in homes, apartments, and hotels where chemical contamination can pose a serious health hazard to future residents.

Currently Alaska has no standards or requirements for the clean up of illegal drug labs. Once law enforcement discovers an illegal lab it falls to the property owner to properly clean up the hazardous material. If this clean up is not done properly it could pose a serious health risk to future occupants of the property, especially children.

Solution

- HB 382 creates a simple system whereby law enforcement, once they have discovered a lab, will notify the property owner. Either law enforcement or the Department of Environmental Conservation (DEC) will provide the owner with materials developed by DEC. These materials will outline testing procedures and guideline limits for a number of dangerous chemicals that commonly contaminate illegal drug lab sites. In order to demonstrate the property is fit for habitation, the owner must provide test results showing the levels of contamination are below DEC set limits.
- HB 382 offers safeguards for future occupants of the property. Under this bill, the property owner may not allow the reoccupation or rental of the property until it has been tested and shown to be below DEC set limits.
- HB 382 requires full disclosure to any purchaser of the property if it was an illegal drug manufacturing site and has not been properly cleaned.

SPONSOR

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

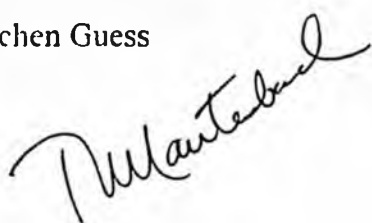
MEMORANDUM

February 25, 2002

SUBJECT: Illegal Drug Sites (HB 382)

TO: Representative Gretchen Guess
Attn: Maridon

FROM: Terri Lauterbach
Legislative Counsel



You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

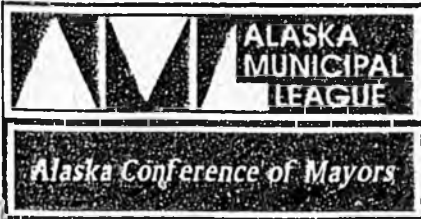
Section 1. Describes the purpose of the bill.

Section 2. Requires testing of property before continued use if a law enforcement officer has determined that the property was an illegal drug manufacturing or storage site. Declares that the property is unfit for use if it doesn't meet the limits set by the Department of Environmental Conservation for lead, mercury, methamphetamines, or volatile organic compounds. Requires decontamination, if done, to be done according to guidelines set by DEC. Specifies miscellaneous other duties for DEC and for the property owner.

TML:med
02-207.med

SECTIONAL

THE
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217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907)586-1325, Fax (907)-463-5480

26 February 2002

The Honorable Gretchen Guess
Alaska House of Representatives
State Capitol, Room 112
Juneau, AK 99801-1182

Dear Representative Guess:

Thank you for the opportunity to support HB 382, relating to the evaluation and cleanup of illegal drug manufacturing sites. The Alaska Municipal League and the Alaska Conference of Mayors encourage all efforts to address the growing problem of illegal drug use, including the manufacture of controlled substances. We are enclosing Alaska Municipal League/Alaska Conference of Mayors Resolution 2002-08, "A resolution to support efforts to combat the use of illegal drugs in Alaskan communities."

As you know, there are currently no regulations in place to address the process of decontamination at these highly volatile sites. We applaud your effort in creating a more accountable cleanup procedure.

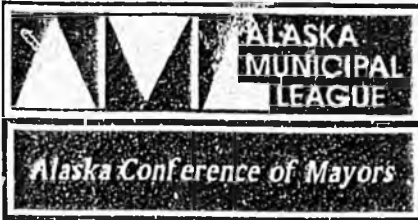
Thank you for your continued interest in Alaska's municipalities. If you have any questions about this or any other municipal issue, please let me know.

Sincerely,

Kevin Ritchie
Executive Director

Enclosure

cc: Representative Beverly Masek, Co-Chair
Representative Drew Scalzi, Co-Chair
House Resources Committee



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907)586-1325, Fax (907)-463-5480

RESOLUTION 2002-8

A RESOLUTION TO SUPPORT EFFORTS TO COMBAT THE USE OF ILLEGAL DRUGS IN ALASKAN COMMUNITIES

WHEREAS, the Alaska Municipal League recognizes the destructive nature of illegal drugs on the citizens of Alaska; and

WHEREAS, the illegal use, manufacturing, and sales of illegal drugs is a growing and serious societal ailment, especially the most recent trend in illegal methamphetamine drug use, as well as other illegal clandestinely produced substances; and

WHEREAS, the Alaska Municipal League recognizes not only the human destruction, but also the economic devastation, property damage, and environmental disasters that can be brought to a community by illegal clandestine laboratory facilities; and

WHEREAS, the law enforcement agencies of Alaska, including local, state, and federal entities, all recognize the seriousness of the situation and hope to gain support in combating the potential devastation that could be visited upon Alaska; and

WHEREAS, the support of the Alaska Municipal League and the individual Mayors is vital to gain widespread support for law enforcement efforts to combat the growing methamphetamine problem and support within communities to educate citizens through organized community programs, school programs, and local media; and

WHEREAS, it is recognized that the success of any meaningful program related to illegal drugs, whether education or enforcement, lies in a multi-disciplined approach towards addressing the problem; and

WHEREAS, the Alaska State Legislature needs to be aggressive in addressing the seriousness of the illegal clandestine laboratory activities through adopting statutes specific to these types of crimes, enhanced sentencing guidelines, and funding.

NOW, THEREFORE BE IT RESOLVED, by the Alaska Municipal League that, members, as a group and as individuals will support the entities involved with investigating and prosecuting individuals involved in the illegal manufacturing, sales, and use of controlled substances produced in clandestine laboratory facilities, and will support the entities involved in providing education and training to the citizens of the State of Alaska to help combat the problem.

BE IT FURTHER RESOLVED, that the Alaska Municipal League supports any efforts to substantially increase penalties for those who operate clandestine illegal substance laboratories particularly in cases where minor children could be impacted.



George P. Wuerch.
Mayor

ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500

<http://www.ci.anchorage.ak.us>



Walt Monegan
Chief

February 27, 2002

Dear Representative Guess,

The Anchorage Police Department Metropolitan Drug Unit strongly supports House Bill Number 382, an Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored.

This Bill addresses the very serious problem law enforcement has encountered of unwilling or unknowing landlords, home and motel owners who after, a toxic clandestine drug laboratory is seized from their property, do not care or don't know the proper guidelines to ensure that their particular location is safe for occupation.

This Legislation will no doubt protect the health and enrich the life of the citizens of the State of Alaska.

Lieutenant Dave Hoffman
Anchorage Police Department
Commander, Metropolitan Drug Unit

Endorsements:

Sergeant Marc Woodward
Anchorage Police Department
Supervisor Metropolitan Drug Unit

Detective Kurt Kornchuk
Anchorage Police Department
DEA Task Force/Clandestine Laboratory Coordinator

Cc: Resources Committee Co-Chair Beverly Masek

ALASKA STATE LEGISLATURE



REPRESENTATIVE GRETCHEN GUESS

General Information About Illegal Drug Manufacturing Labs and Their Health Effects

No Requirements to Clean Up Illegal Labs

Illegal drug manufacturing labs, such as "meth labs," are rising in Alaska with seizures doubling in number from 2000 to 2001. Often these labs are in homes, apartments, and hotels where chemical contamination can pose a serious health hazard to future residents.

Currently Alaska has no standards or requirements for the clean up of illegal drug labs. Once law enforcement discovers an illegal lab it falls to the property owner to clean up the hazardous material. If this clean up is not done properly it could pose a serious health risk to future occupants of the property, especially children.

Chemicals Used in the Manufacture of Illegal Drugs

Illegal drugs such as methamphetamines can be made using many different chemical processes. Most of these include the use of metals (such as mercury and lead), explosives, acids, chemical salts and volatile organic compounds (VOCs). Exposure to metals and salts can cause respiratory irritation, decreased mental function, anemia, kidney damage and birth defects. Lead and mercury are particularly hazardous. Exposure to VOCs may cause nose and throat irritation, headaches, dizziness, nausea, vomiting, confusion and breathing difficulties.

Many of the chemical agents used in the production of (meth) are caustic, corrosive, or create noxious and harmful fumes. The cooking of these chemicals produces vapors which permeate the interior materials of buildings, including sheet rock, carpets, and other porous surfaces. These chemical residues continue to volatilize from these reservoirs long after the laboratory is dismantled. This creates a potential for long-term exposure resulting in adverse health effects if a building is reoccupied without decontamination. Many of the chemicals in illegal drug manufacture are known to be carcinogenic (cancer causing), mutagenic (an agent that can induce or increase the frequency of mutation in an organism), and teratogenic (causing malformations of an embryo or fetus) in animal and human studies.

General Impacts

Many of the contaminants present during meth's cooking process can be harmful if someone is exposed to them. These contaminants can cause health problems including respiratory (breathing) problems, skin and eye irritation, headaches, nausea and dizziness. Acute (short-term) exposures to high concentrations of some of these chemicals can cause severe health problems including lung damage and burns to different parts of the body. In extreme cases a child's entire respiratory system could shut down with acute exposure to meth fumes.

Impacts on Children

Children are more susceptible to chemical hazards than adults because they grow rapidly, have higher metabolic rates, and have greater intake of food and water. They are also more likely to be exposed to contaminants on surfaces. Crawling or toddling children touch many surfaces and then put their dirty hands in their mouths.

Exposure to methamphetamine, heavy metals, and other ingredients used in methamphetamine manufacture, and their residues, put children at risk for damage to the nervous system. Exposure of a developing nervous system to neurotoxins can be insidiously amplified as a child grows. Cells killed leave a gap in the total number of cells that make up the mature brain. Damaged cells that survive can pass on the deficit as they multiply. Damage to the developing brain can have greater effect than the same exposure once development is complete (as in adults).

Jennifer-

So far these are the folks who would like to be on-line to answer questions on HB 382 during tomorrow's House Resources committee meeting.

Lt. Julia Grimes - Alaska State Troopers (907) 269-4532

Detective Kurt Kornchuck - Anchorage Pooice Department, DEA Task Force/Clandestine Laboratory Coordinator (907) 529-9726

Janice Adair - DEC, Director, Div. Of Environmental Health (907) 269-7644

Nathan Johnson - Legislative Aide to Rep. Guess (907) 269-0120

Lt. Grimes may want to offer testimony, but I haven't heard back from her on this yet.



SARAH H. PALIN
MAYOR

CITY OF WASILLA
290 E. Herning Ave.
Wasilla, Alaska 99654-7091
Phone: (907) 373-9055
Fax: (907) 373-9096

March 1, 2002

The Honorable Gretchen Guess
Alaska House of Representatives
State Capitol, Room 112
Juneau, AK 99801-1182

Dear Representative Guess:

Thank you for the opportunity to comment in support of House Bill 382, relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored.

There has been an alarming increase in methamphetamine use and production in the Mat-Su Valley, as well as all over the State, and there are currently no guidelines in place to assist property owners and the general public in cleaning up former meth lab sites. Exposure to the chemicals and contaminants left behind when a meth lab is shut down can cause serious health problems to future occupants.

We need to find a way to ensure the safety of future residents and provide guidelines for property owners and landlords to properly clean up the hazardous material resulting from illegal drug manufacturing. As President of the Alaska Conference of Mayors, I also assisted in passing of Resolution 2002-08, "A Resolution to Support Efforts to Combat the Use of Illegal Drugs in Alaskan Communities" (attached). I wholeheartedly support HB 382.

Sincerely,

Sarah Palin
Mayor of Wasilla

cc: Rep. Beverly Masek, Co-Chair
Resources Committee

Enclosure

ALASKA STATE LEGISLATURE



REPRESENTATIVE GRETCHEN GUESS

Questions Relating To HB 382

"An Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored."

Questions:

1. **Why doesn't a property owner have to clean up the site regardless of whether or not they intend to rent or sell?**

We want to limit the role of government intrusion. What if the person doesn't have any money; the person has a debilitating disease and can't afford to clean it up? We're saying if you want to do something with it you must clean it. If not, then its not required at this point. Our concern is the threat to public safety – it's not dangerous if no one is allowed in it. If you don't clean it up, then you won't be allowed to have people in it.

2. **Is disclosure of chemicals already required?**

No. This is an issue that has not been addressed until now.

3. **Why DEC?**

DEC is the agency most capable of integrating it into their current program. They already have systems in place for testing and setting standards. If it were routed through HSS a whole new position would need to be created and most likely have a much higher cost associated.

4. **What do Oregon and Washington have in place?**

OR and WA both fund this program through HSS, but they have fully funded positions. It would cost a lot more to emulate their system. OR is operated on the state level – WA operated on the local level (although WA told us they wished they had it at the state level due to poor execution). In Alaska local governments don't have the expertise for testing.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 376
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title Management of fish and game in and on BRU Multiple
navigable waters and submerged lands Component _____
 Sponsor Representative Ogan
 Requester House Resources Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The fiscal effect of HB 376 is difficult to quantify. Section 3 could very negatively the ability of ADF&G and the board regulatory system to interact in a meaningful way with the federal subsistence program. Under dual federal/state subsistence management, the state works toward the goals of protecting and enhancing our fish and wildlife resources, asserting and protecting the state's management authority and prerogative, and maintaining opportunities for all users of fish and wildlife with subsistence use as a priority. To achieve these objectives, it is critical that the state communicate with federal parties, and that we work with them to protect the state's interests. If ADF&G participation in the development of federal management decisions is limited or curtailed, there will be accelerated erosion of fishing and hunting opportunity for state managed subsistence, sport, personal use, and commercial users, and a far greater likelihood of negative effects on our fish and game resources.

Prepared by: Rob Bosworth Phone 465-6140
 Division Commissioner's Office Date/Time 3/1/02 10:05 AM
 Approved by: Commissioner Frank Rue Date 3/1/2002
 Agency Fish and Game

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 382
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
 Title An Act Relating to Cleanup of Illegal Drug Sites BRU Environmental Health
 Component Laboratory Services
 Sponsor Representative Guess
 Requester House Resources Committee Component No. 2065

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	10.0	0.0	0.0	0.0	0.0	0.0
Supplies	2.0	2.0	2.0	2.0	2.0	2.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	12.0	2.0	2.0	2.0	2.0	2.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	12.0	2.0	2.0	2.0	2.0	2.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	12.0	2.0	2.0	2.0	2.0	2.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)
 The evaluation and cleanup process of illegal drug sites as proposed in this bill will require the Department to develop contaminated substance limits in regulation and guidelines for decontamination. In preparing this fiscal note, the Department has assumed that the expected number of contaminated sites requiring evaluation and clean up would be approximately 18 a year based on actual numbers of 13 sites last year and 25 the year before. Additionally, it is anticipated that Alaska can use standards and cleanup guidance documents from other states as templates.

 Contractual costs of 10.0 would be incurred the first year to pay for regulation development, public notices, and production of the required guidance document.
Continued on Page 2

Prepared by: Janice Adair, Director Phone (907) 269-7644
 Division Environmental Health Date/Time 2/25/02 2:49 PM
 Approved by: Kurt Fredriksson - Deputy Commissioner Date 2/25/2002
 Agency Department of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. HB 382

ANALYSIS CONTINUATION

Continuation from Page 1

A telephonic survey of the private labs in the state revealed that there are no labs currently capable of conducting some of the analyses required under this legislation. Therefore, this fiscal note assumes that the department's chemical laboratory will conduct the required tests. Laboratory supplies cost of 2.0 are included to cover the commodities required for this testing.

Line Item Description	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY2007
Personal Services	\$0	\$0	\$0	\$0	\$0	\$0
Travel	\$0	\$0	\$0	\$0	\$0	\$0
Contractual						
• Regulations and Public Notice	\$2,000	\$0	\$0	\$0	\$0	\$0
• Guidance Document preparation and copying	\$8,000	\$0	\$0	\$0	\$0	\$0
Subtotal:	\$10,000	\$0	\$0	\$0	\$0	\$0
Supplies						
• Laboratory commodities (72 Samples)	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Equipment	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$12,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 382
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act relating to the evaluation and BRU AST Detachments
cleanup of sites where controlled substances . . . Component AST Detachments
 Sponsor Representative Guess
 Requester House Resources Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on the Department of Public Safety.

Prepared by: Lt. Julia Grimes Phone 269-4532
 Division Division of Alaska State Troopers Date/Time 2/27/02 3:49 PM
 Approved by: Commissioner Glenn Godfrey Date 2/27/2002
 Agency Department of Public Safety