

HB

59

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 59(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title An Act Relating to Evaluation and BRU Spill Prevention and Response
Cleanup of Illegal Drug Sites Component Prevention and Emergency Response
Sponsor Rep. Holm
Requester House Judiciary Component No. 2064

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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	25.0	7.0	7.0	7.0	7.0	7.0
Supplies	5.0	5.0	5.0	5.0	5.0	5.0
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	30.0	12.0	12.0	12.0	12.0	12.0

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	0.0	0.0	0.0	0.0	0.0	0.0
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
1052 Oil and Haz. Sub. Response Fund	30.0	12.0	12.0	12.0	12.0	12.0
TOTAL	30.0	12.0	12.0	12.0	12.0	12.0

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 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 for illegal drug sites proposed in this bill will require the Department to develop health standards, sampling protocols, analytical methods, and decontamination guidelines for lead, mercury, volatile organic compounds, and methamphetamines. The Department may also determine whether additional substances pose a substantial risk and include such substances in the guidelines development. In the first year funds will be used for the initial guidelines development. In the out years funds will be used to review and update the standards and protocols, and provide for the development of additional standards for compounds that may be added to the list of substances covered under this legislation. An addition of one compound per year is assumed.

Prepared by: Larry Dietrick, Director
Division: Division of Spill Prevention and Response
Approved by: Kurt Fredriksson
Agency: Department of Environmental Conservation

Phone 465-5255
Date/Time 2/25/03 4:41 PM
Date 2/25/2003

FISCAL NOTE

**STATE OF ALASKA
2003 LEGISLATIVE SESSION**

BILL NO. CSHB 59(JUD)

ANALYSIS CONTINUATION

Continuation from Page 1

The Department will maintain a list of laboratories, a list of contaminated properties, and develop the proposed regulations using existing staff resources, and will contract for compound analysis and guidelines development. Once a property owner has certified to the Department that a site has been cleaned up in accordance with the Department's guidelines, the property will be removed from the list. It is assumed that the Department will not be undertaking any independent verification of laboratories or of the property owner's certification.

In preparing this fiscal note, the Department has assumed that the expected number of contaminated sites requiring evaluation and cleanup would be approximately 20 a year based on actual numbers of 13 sites last year and 25 the year before. Additionally, it is assumed that standards and cleanup guidance documents from other states can be used as templates.

Line Item Description	FY 2004	FY 2005	FY 2006	FY 2007	FY2008	FY2009
Personal Services	\$0	\$0	\$0	\$0	\$0	\$0
Travel	\$0	\$0	\$0	\$0	\$0	\$0
Contractual						
• Analytical Methods	\$4,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
• Health Standards	\$4,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
• Sampling protocols	\$7,000	\$1,750	\$1,750	\$1,750	\$1,750	\$1,750
• Decontamination guidelines	\$9,000	\$2,250	\$2,250	\$2,250	\$2,250	\$2,250
• Additional substance analysis	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Subtotal:	\$25,000	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000
Supplies						
• Copies of regulations and guidance	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Equipment	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$30,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB 59 (JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An act relating to the evaluation and BRU AST Detachment
cleanup of sites where ... Component AST Detachment
 Sponsor Representative Holm
 Requester House Judiciary Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
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 (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Lieutenant Matthew Leveque Phone 907 269-0390
 Division: Alaska State Troopers Date/Time 2/26/03 8:48 AM
 Approved by: William Tandeske, Commissioner Date 2/25/2003
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 59
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
 Title An Act Relating to Evaluation and BRU Spill Prevention and Response
Cleanup of Illegal Drug Sites Component Prevention and Emergency Response
 Sponsor Rep. Holm
 Requester House Judiciary Component No. 2064

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	58.2	58.2	58.2	58.2	58.2	58.2
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	24.0	7.0	7.0	7.0	7.0	7.0
Supplies	5.0	5.0	5.0	5.0	5.0	5.0
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	87.2	70.2	70.2	70.2	70.2	70.2

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	0.0	0.0	0.0	0.0	0.0	0.0
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 (Oil and Haz. Sub. Response Fund)	87.2	70.2	70.2	70.2	70.2	70.2
TOTAL	87.2	70.2	70.2	70.2	70.2	70.2

Estimate of any current year (FY2003) cost: 00

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	0.5	0.5	0.5	0.5	0.5	0.5
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 health standards, sampling protocols, analytical methods, and decontamination guidelines for lead, mercury, volatile organic compounds and methamphetamines. In the first year funds will be required for regulations and guidelines development. In the out years funds will be used to review and update the standards and protocols, and provide for the development of additional standards for compounds that may be added to the list of substances covered under this legislation.

The evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored will require the Department to employ one Environmental Specialist III (Range 18) half-time.

Prepared by: Larry Dietrick, Director
 Division Division of Spill Prevention and Response
 Approved by: Kurt Frødricksson
 Agency Department of Environmental Conservation

Phone 465-5255
 Date/Time 2/19/03 9:41 AM
 Date 2/19/2003

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. HB 59

ANALYSIS CONTINUATION

Continuation from Page 1

The Environmental Specialist will review approximately 20 plans annually, maintain laboratory lists, maintain a list of contaminated properties, manage contracts, and hold public meetings for proposed regulations.

In preparing this fiscal note, the Department has assumed that the expected number of contaminated sites requiring evaluation and cleanup would be approximately 20 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.

Line Item Description	FY 2004	FY 2005	FY 2006	FY 2007	FY2008	FY2009
Personal Services	\$58,200	\$58,200	\$58,200	\$58,200	\$58,200	\$58,200
• 0.5 FTE ES III						
Travel	\$0	\$0	\$0	\$0	\$0	\$0
Contractual						
• Analytical Methods	\$4,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
• Health Standards	\$4,000	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500
• Sampling protocols	\$7,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
• Decontamination guidelines	\$9,000	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500
Subtotal:	\$24,000	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000
Supplies						
• Copies of regulations and guidance	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Equipment	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$87,200	\$70,200	\$70,200	\$70,200	\$70,200	\$70,200

Personal Services New Position Detail

Department of Environmental Conservation

HB 59 Fiscal Note

Scenario: All Fiscal Notes - DEC FY2004 (3085)

Component: Prevention and Emergency Response (2064)

BRU Name: Spill Prevention and Response (208)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Annual Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#001	Environmental Spec III	PT	A	GG	Anchorage	1A	18A	12.0		46,080	0	0	12,095	58,175

Justification:

Implementation of HB 59.

Funding Detail:

1052	Oil/Hazardous Response Fund	100.00%	58,175
Total Funding:		100.00%	58,175

Component Summary:

Total New Positions: 1

Fund Description	Fund Percent	Fund Amount
1052 Oil/Hazardous Response Fund	100.00%	58,175
Total Funding:	100.00%	58,175

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.

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Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title An act relating to the evaluation and BRU AST Detachment
cleanup of sites where certain... Component AST Detachment
Sponsor Representative Holm
Requester House Judiciary Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
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 (FY2003) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
No fiscal impact.

Prepared by: Lieutenant Matthew Leveque Phone 907 269-0390
Division: Alaska State Troopers Date/Time 2/19/03 10:20 AM
Approved by: William Tandeska, Commissioner Date 2/14/2003
Agency: Department of Public Safety

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 20, 2003

SUBJECT: Illegal Drug Sites (CSHB 59(JUD)); "H" version)

TO: Representative Lesil McGuire
Attn: Vanessa

FROM: Terri Lauterbach
Legislative Counsel

T. Lauterbach

Enclosed is the CS you requested.

As we discussed on the telephone, "Amendment #3" was an incomplete amendment. I have put the change in the CS at the end of Sec. 46.03.530(a), as requested. However, proper incorporation of the concept contained in "Amendment #3" would require conforming changes in several other parts of the bill, including the parts where references are made to substances either "listed" or "specified" in AS 46.03.530, and in Sec. 46.03.530(b).

If I can be of assistance in making these conforming amendments, please do not hesitate to let me know. If you are considering doing the conforming amendments, it would be best for the committee to provide a legislative standard for how the department should exercise its authority to add "other substances" to the list. Such a standard could be, "If the department determines that there are other substances associated with illegal drug manufacturing sites that may be harmful to public health or occupants of the property, the department may set limits for these other substances." Language like this should be added to Sec. 46.03.530(b). If the committee adopts some guiding language like this and makes the rest of Amendment #3 a "conceptual" amendment, then I could make the conforming amendments required in other parts of the bill.

TML:med
03-170.med

Enclosure

23-LS0341\H
Lauterbach
2/20/03

CS FOR HOUSE BILL NO. 59(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE HOLM

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the evaluation and cleanup of sites where certain controlled**
2 **substances may have been manufactured or stored; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **PURPOSE.** The purpose of this Act is to provide a just, equitable, and practicable
7 method, to be cumulative with and in addition to any other remedy provided by law, whereby
8 property that endangers the life, safety, or welfare of the general public or occupants of the
9 property because of toxic chemical contamination that may result from illegal drug
10 manufacturing may be required to be decontaminated or vacated and secured against use.

11 *** Sec. 2.** AS 46.03 is amended by adding new sections to read:

12 **Article 7A. Cleanup of Illegal Drug Sites.**

13 **Sec. 46.03.500. Notice of illegal drug manufacturing site.** (a) When a law
14 enforcement officer, qualified under federal regulations to investigate and dismantle

1 illegal drug manufacturing sites, determines that a site constitutes an illegal drug
2 manufacturing site, the law enforcement agency that employs the officer shall notify
3 the owner of the property, the occupants and users of the property, and the department
4 that the determination has been made. The owner of the property may appeal the
5 determination to the superior court for review of whether the determination was made
6 in compliance with this subsection. In the appeal, the burden of proving by a
7 preponderance of the evidence that the determination was made in compliance with
8 this subsection is on the law enforcement agency that employed the officer who made
9 the determination.

10 (b) The notice to the property owner required under (a) of this section shall be
11 given in a manner that is consistent with the Alaska Rules of Civil Procedure for the
12 service of process in a civil action in this state and must include the following
13 information:

14 (1) the parcel identification number and legal description of the
15 property where the site is located;

16 (2) a statement of the determination made by the law enforcement
17 officer that the site was an illegal drug manufacturing site and the findings that formed
18 the basis for the determination;

19 (3) a citation to, and short summary of, AS 46.03.510, which restricts
20 transfer and occupancy of the site until it is determined to be fit for use; and

21 (4) the following information, which shall be provided to the law
22 enforcement agency by the department:

23 (A) a copy of the standards contained in regulations adopted
24 under AS 46.03.530 that determine whether the property is fit for use;

25 (B) a copy of the testing procedures established under
26 AS 46.03.520(b) and a copy of the list of laboratories maintained under
27 AS 46.03.520(c) that must be used for determining whether the property is fit
28 for use; and

29 (C) a copy of the guidelines for decontamination established by
30 the department under AS 46.03.540(b).

31 (c) The notice to the department required under (a) of this section must

1 include

2 (1) the parcel identification number and legal description of the
3 property where the site is located;

4 (2) a statement of the determination made by the law enforcement
5 officer that the site was an illegal drug manufacturing site and the findings that formed
6 the basis for the determination; and

7 (3) the name and mailing address of the person who owns the property
8 where the site is located.

9 (d) The notice required under (a) of this section for the occupants and users of
10 the property shall be accomplished by immediate posting of the entryway of the
11 property with a notice that includes the location of the property, the information
12 described in (b)(2) and (3) of this section, and a statement that the property may pose a
13 substantial risk of physical harm to persons or animals that enter or occupy the
14 property.

15 (e) If a person other than the owner, such as a property manager or rental
16 agency, is authorized to let others use or occupy property for which an owner has
17 received a notice under (a) of this section or is authorized to transfer, sell, lease, or
18 rent the property to others, the owner of the property shall communicate the substance
19 of the notice to that person within four days after receiving the notice.

20 **Sec. 46.03.510. Restrictions on property.** (a) Until determined to be fit for
21 use under AS 46.03.550, the property for which a notice has been issued under
22 AS 46.03.500(a) may not be transferred, sold, leased, or rented to another person
23 except as provided in (b) of this section, and a person may not use or occupy the
24 property at any time after the fourth day following the day on which the property was
25 posted with the notice required under AS 46.03.500(d), except as necessary for testing
26 or decontamination under AS 46.03.520 and 46.03.540. An oral or written contract
27 that would transfer, sell, lease, rent, or otherwise allow the use of the property in
28 violation of this subsection is voidable between the parties at the option of the
29 purchaser, transferee, user, lessee, or renter. However, this subsection does not

30 (1) make voidable a promissory note or other evidence of indebtedness
31 or a mortgage, trust deed, or other security interest securing the promissory note or

1 evidence of indebtedness, if the note or evidence of indebtedness, mortgage, trust
2 deed, or other security interest was given to a person other than the person
3 transferring, selling, using, leasing, or renting the property to induce the person to
4 finance the transfer, sale, use, leasing, or rental of the property;

5 (2) make voidable a lease or rental agreement between the property
6 owner and the person who caused the property to be contaminated and determined
7 unfit for use; or

8 (3) impair obligations or duties required to be performed on
9 termination of a contract, as required by the contract, such as payment of damages or
10 return of refundable deposits.

11 (b) Notwithstanding (a) of this section, property covered by (a) of this section
12 may be transferred or sold if full written disclosure is made to the prospective
13 transferee or purchaser that the property has been determined to be an illegal drug
14 manufacturing site and the property has not been determined to be fit for use. The
15 disclosure shall be attached to the earnest money receipt, if any, and shall accompany
16 the transfer or sale document. The disclosure is not considered to be part of the
17 transfer or sale document, however, and may not be recorded. The property shall
18 continue to be subject to the restrictions in (a) of this section after transfer or sale
19 under this subsection.

20 (c) A person who knowingly transfers, sells, leases, or rents property to
21 another, knowingly allows another to use or occupy property, or, being the owner of
22 property, knowingly occupies or uses the property, in violation of this section is guilty
23 of a class A misdemeanor. In this subsection, "knowingly" has the meaning given in
24 AS 11.81.900(a).

25 (d) It is an affirmative defense to a prosecution under (c) of this section for
26 allowing another to use or occupy the property that the defendant or an agent of the
27 defendant, within four days after receiving a notice under AS 46.03.500, filed an
28 appropriate civil action to remove the user or occupier from the property for which the
29 notice was received.

30 **Sec. 46.03.520. Testing procedures.** (a) If the owner of the property for
31 which notice was received under AS 46.03.500(b) desires to determine if the property

1 is fit for use, the owner shall cause the site to be tested for the substances specified in
2 AS 46.03.530, using the procedures and laboratory services specified under (b) and (c)
3 of this section. The property owner shall inform the laboratory used for a test under
4 this subsection that the test is related to property that has been determined to be an
5 illegal drug manufacturing site.

6 (b) The department shall establish procedures for testing property that may
7 have been an illegal drug manufacturing site.

8 (c) The department shall establish and maintain a list of laboratories in the
9 state that have notified the department that they have the capacity to perform the
10 testing procedures and that they wish to be on the list maintained under this
11 subsection. A laboratory may not be included on the list unless the laboratory agrees
12 to send the department a copy of test results related to properties whose owners have
13 informed the laboratory that the test results are for property that has been determined
14 to be an illegal drug manufacturing site.

15 **Sec. 46.03.530. Standards for determining fitness.** (a) Property for which a
16 notice was received under AS 46.03.500(b) is not fit for use if a test of the property
17 shows the presence of one of the following substances above the limit set by the
18 department for that substance: lead, mercury, methamphetamines, volatile organic
19 compounds, and other substances for which the department has set a limit under (b) of
20 this section.

21 (b) The department shall adopt regulations that set the limit for each substance
22 listed in (a) of this section for purposes of determining whether the property for which
23 a notice was received under AS 46.03.500 is fit for use.

24 **Sec. 46.03.540. Decontamination requirements.** (a) If the owner desires to
25 decontaminate the property for which a notice has been issued under AS 46.03.500,
26 the owner shall follow the guidelines established by the department under (b) of this
27 section.

28 (b) The department shall establish guidelines, including guidelines to protect
29 the safety of those removing the controlled substances, for decontamination of sites
30 that are determined to be unfit for use under AS 46.03.530. The department shall
31 provide a copy of the guidelines to any person who requests a copy.

1 **Sec. 46.03.550. Fitness for use.** (a) Property for which a notice has been
2 issued under AS 46.03.500 shall be determined by the department to be fit for use if
3 the owner certifies to the department under penalty of unsworn falsification that

4 (1) based on testing procedures established by the department under
5 AS 46.03.520(b) and performed by laboratories that are on the list maintained by the
6 department under AS 46.03.520(c), the limits on substances specified in AS 46.03.530
7 are not exceeded on the property;

8 (2) if the property was ever tested under AS 46.03.520 and the test
9 results showed the property to be unfit for use under AS 46.03.530, decontamination
10 procedures were performed in accordance with the guidelines established under
11 AS 46.03.540(b) and the requirements of (1) of this subsection have been met; or

12 (3) a court has held that the determination that the property was an
13 illegal drug manufacturing site was not made in compliance with AS 46.03.500(a).

14 (b) The department shall maintain a list of properties for which the department
15 has received notice under AS 46.03.500(c). When the department determines under
16 (a) of this section that a property on the list is fit for use, the department shall remove
17 the property from the list and notify the owner of the property that the property is fit
18 for use. On request, the department shall give a copy of the list maintained under this
19 section to any person who requests the list.

20 **Sec. 46.03.560. Securing the property.** The owner of property for which a
21 notice was received under AS 46.03.500(b) shall ensure that the property is vacated
22 and secured against use

23 (1) within four days after receiving the notice if the owner does not test
24 the property under AS 46.03.520 within four days after receiving the notice; or

25 (2) within four days after receiving the test results if the owner tests
26 the property within four days after receiving the notice, the test shows the presence of
27 a substance that exceeds the limits set in regulations adopted under AS 46.03.530, and
28 the owner does not begin decontamination procedures under AS 46.03.540 within four
29 days after receiving the test results.

30 **Sec. 46.03.570. Duties of the department; regulations.** (a) The department
31 shall adopt regulations implementing AS 46.03.500 - 46.03.599.

1 (b) The department shall periodically review information related to
2 decontamination of illegal drug manufacturing sites to determine whether substances
3 should be added to or deleted from AS 46.03.530. The department shall report written
4 findings to the governor if the department determines that a change should be made to
5 the list of substances in AS 46.03.530. The governor shall notify the legislature when
6 written findings have been made under this subsection and provide a copy of the
7 findings to a legislator on request.

8 **Sec. 46.03.599. Definitions.** In AS 46.03.500 - 46.03.599,

9 (1) "illegal drug manufacturing site" means property on which there is
10 reasonable cause to suspect contamination with chemicals associated with the
11 manufacturing of a controlled substance and where

12 (A) activity involving the unauthorized manufacture of a
13 controlled substance listed on schedule I or II in AS 11.71 or a precursor
14 chemical for the substances has occurred; or

15 (B) there are kept, stored, or located any of the devices,
16 equipment, things, or substances used for the unauthorized manufacture of a
17 controlled substance listed on schedule I or II in AS 11.71;

18 (2) "site" means an illegal drug manufacturing site.

19 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 **REGULATIONS.** The Department of Environmental Conservation may immediately
22 begin to develop and adopt regulations to implement this Act. The regulations take effect
23 under AS 44.62 (Administrative Procedure Act).

24 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 **CERTIFICATION OF EFFECTIVE DATE OF REGULATIONS.** The lieutenant
27 governor shall certify to the revisor of statutes the effective date of the initial regulations
28 adopted by the Department of Environmental Conservation under sec. 3 of this Act.

29 * **Sec. 5.** Sections 1 and 2 of this Act take effect on the effective date of the initial
30 regulations adopted by the Department of Environmental Conservation under sec. 3 of this
31 Act.

1

* Sec. 6. Sections 3 and 4 of this Act take effect immediately under AS 01.10.070(c).

AMENDMENT #1

OFFERED IN THE HOUSE

REPRESENTATIVE HOLM

TO: CSHB 59(JUD), Draft Version "H"

& GRUENBERG

1 Page 5, line 1:

2 Delete "specified in"

3 Insert "covered in regulations adopted under"

4

5 Page 5, line 22, before "listed":

6 Insert "specifically"

7

8 Page 5, line 23, following "use.":

9 Insert "The department ^{may} ~~shall~~ also determine whether there are other substances
10 associated with illegal drug manufacturing sites that may pose a substantial risk of harm to
11 persons who occupy the site or to public health and ^{may} ~~shall~~ adopt regulations that set limits for
12 those substances for the purposes of determining whether the property for which notice was
13 received under AS 46.03.500 is fit for use."

14

15 Page 6, line 6, following "in":

16 Insert "regulations adopted under"

17

18 Page 7, line 3:

19 Delete "AS 46.03.530"

20 Insert "the list of substances specifically named in AS 46.03.530(a)"

21

22 Page 7, line 5:

23 Following "of":

- 1 Insert "specific"
- 2 Delete "AS 46.03.530"
- 3 Insert "AS 46.03.530(a)"

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. John Coghill
Rep. Jim Holm
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: February 21, 2003
Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS0341\H,
CS HB 59; Cleanup of Illegal Drug Sites, incorporating the attached amendment. The bill was
(LTD) passed out of committee today.

If you have any questions, please call me at 4990. Thank you!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. John Coghill
Rep. Jim Holm
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal

From: Vanessa Tondini, Committee Aide
House Judiciary Committee

Date: February 19, 2003

Re: CS Request

Please disregard the last CS request I just faxed to you regarding this bill.

Please create a work draft House Judiciary Committee Substitute for work order # 23-LS0341\D, CSHB 59: Cleanup of Illegal Drug Sites, incorporating the attached **three** amendments.

If you have any questions, please call me at 4990. Thank you!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

AMENDMENT #1

OFFERED IN THE HOUSE
TO: CSHB 59 (JUD)

- 1 Page 5, line 9:
- 2 Between "that" and "they"
- 3 Insert "they have the capacity to perform the testing ^{procedures} ~~requirement~~ and
- 4 that"

AMENDMENT #2

Page 5, line 26:

After "guidelines," add:

"including guidelines to protect the safety of those removing the controlled substances,"

AMENDMENT #3

Page 5, line 17:

After "methamphetamines," delete "and"

Page 5, line 18:

After "compounds," add:

"and other substances for which the department has set a limit under (b) of this section."

Alaska State Legislature

Representative Jim Holm

District 9

Session

Capitol Building, Room 110

Juneau, AK 99801

Phone: (907) 465-3466

Fax: (907) 465-2937



Interim

119 N. Cushman St.

Fairbanks, AK 99701

Phone: (907) 456-7423

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Changes in House Bill 59 Version A

"CLEANUP OF ILLEGAL DRUG SITES"

Page 5 line 9: "have the capacity to perform the testing procedures and" has been stricken.

This phrase was taken out by the request of the Department of Environmental Conservation.

Page 6 line 1: "the owner submits satisfactory evidence to the department that" has been stricken and replaced with "the owner certifies to the department under penalty of unsworn falsification that."

This phrase was replaced by request for the Department of Environmental Conservation. The penalty of unsworn falsification was added so the owner's certification that the structure is habitable to the best of their knowledge is correct.

Sec. 11.56.210. Unsworn falsification.

(a) A person commits the crime of unsworn falsification if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written or recorded statement which the person does not believe to be true

(1) in an application for a benefit; or

(2) on a form bearing notice, authorized by law, that false statements made in it are punishable.

(b) Unsworn falsification is a class A misdemeanor.

23-LS0341VD
Lauterbach
2/18/03

CS FOR HOUSE BILL NO. 59()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE HOLM

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the evaluation and cleanup of sites where certain controlled**
2 **substances may have been manufactured or stored; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **PURPOSE.** The purpose of this Act is to provide a just, equitable, and practicable
7 method, to be cumulative with and in addition to any other remedy provided by law, whereby
8 property that endangers the life, safety, or welfare of the general public or occupants of the
9 property because of toxic chemical contamination that may result from illegal drug
10 manufacturing may be required to be decontaminated or vacated and secured against use.

11 *** Sec. 2.** AS 46.03 is amended by adding new sections to read:

12 **Article 7A. Cleanup of Illegal Drug Sites.**

13 **Sec. 46.03.500. Notice of illegal drug manufacturing site.** (a) When a law
14 enforcement officer, qualified under federal regulations to investigate and dismantle

1 illegal drug manufacturing sites, determines that a site constitutes an illegal drug
2 manufacturing site, the law enforcement agency that employs the officer shall notify
3 the owner of the property, the occupants and users of the property, and the department
4 that the determination has been made. The owner of the property may appeal the
5 determination to the superior court for review of whether the determination was made
6 in compliance with this subsection. In the appeal, the burden of proving by a
7 preponderance of the evidence that the determination was made in compliance with
8 this subsection is on the law enforcement agency that employed the officer who made
9 the determination.

10 (b) The notice to the property owner required under (a) of this section shall be
11 given in a manner that is consistent with the Alaska Rules of Civil Procedure for the
12 service of process in a civil action in this state and must include the following
13 information:

14 (1) the parcel identification number and legal description of the
15 property where the site is located;

16 (2) a statement of the determination made by the law enforcement
17 officer that the site was an illegal drug manufacturing site and the findings that formed
18 the basis for the determination;

19 (3) a citation to, and short summary of, AS 46.03.510, which restricts
20 transfer and occupancy of the site until it is determined to be fit for use; and

21 (4) the following information, which shall be provided to the law
22 enforcement agency by the department:

23 (A) a copy of the standards contained in regulations adopted
24 under AS 46.03.530 that determine whether the property is fit for use;

25 (B) a copy of the testing procedures established under
26 AS 46.03.520(b) and a copy of the list of laboratories maintained under
27 AS 46.03.520(c) that must be used for determining whether the property is fit
28 for use; and

29 (C) a copy of the guidelines for decontamination established by
30 the department under AS 46.03.540(b).

31 (c) The notice to the department required under (a) of this section must

1 include

2 (1) the parcel identification number and legal description of the
3 property where the site is located;

4 (2) a statement of the determination made by the law enforcement
5 officer that the site was an illegal drug manufacturing site and the findings that formed
6 the basis for the determination; and

7 (3) the name and mailing address of the person who owns the property
8 where the site is located.

9 (d) The notice required under (a) of this section for the occupants and users of
10 the property shall be accomplished by immediate posting of the entryway of the
11 property with a notice that includes the location of the property, the information
12 described in (b)(2) and (3) of this section, and a statement that the property may pose a
13 substantial risk of physical harm to persons or animals that enter or occupy the
14 property.

15 (e) If a person other than the owner, such as a property manager or rental
16 agency, is authorized to let others use or occupy property for which an owner has
17 received a notice under (a) of this section or is authorized to transfer, sell, lease, or
18 rent the property to others, the owner of the property shall communicate the substance
19 of the notice to that person within four days after receiving the notice.

20 **Sec. 46.03.510. Restrictions on property.** (a) Until determined to be fit for
21 use under AS 46.03.550, the property for which a notice has been issued under
22 AS 46.03.500(a) may not be transferred, sold, leased, or rented to another person
23 except as provided in (b) of this section, and a person may not use or occupy the
24 property at any time after the fourth day following the day on which the property was
25 posted with the notice required under AS 46.03.500(d), except as necessary for testing
26 or decontamination under AS 46.03.520 and 46.03.540. An oral or written contract
27 that would transfer, sell, lease, rent, or otherwise allow the use of the property in
28 violation of this subsection is voidable between the parties at the option of the
29 purchaser, transferee, user, lessee, or renter. However, this subsection does not

30 (1) make voidable a promissory note or other evidence of indebtedness
31 or a mortgage, trust deed, or other security interest securing the promissory note or

1 evidence of indebtedness, if the note or evidence of indebtedness, mortgage, trust
2 deed, or other security interest was given to a person other than the person
3 transferring, selling, using, leasing, or renting the property to induce the person to
4 finance the transfer, sale, use, leasing, or rental of the property;

5 (2) make voidable a lease or rental agreement between the property
6 owner and the person who caused the property to be contaminated and determined
7 unfit for use; or

8 (3) impair obligations or duties required to be performed on
9 termination of a contract, as required by the contract, such as payment of damages or
10 return of refundable deposits.

11 (b) Notwithstanding (a) of this section, property covered by (a) of this section
12 may be transferred or sold if full written disclosure is made to the prospective
13 transferee or purchaser that the property has been determined to be an illegal drug
14 manufacturing site and the property has not been determined to be fit for use. The
15 disclosure shall be attached to the earnest money receipt, if any, and shall accompany
16 the transfer or sale document. The disclosure is not considered to be part of the
17 transfer or sale document, however, and may not be recorded. The property shall
18 continue to be subject to the restrictions in (a) of this section after transfer or sale
19 under this subsection.

20 (c) A person who knowingly transfers, sells, leases, or rents property to
21 another, knowingly allows another to use or occupy property, or, being the owner of
22 property, knowingly occupies or uses the property, in violation of this section is guilty
23 of a class A misdemeanor. In this subsection, "knowingly" has the meaning given in
24 AS 11.81.900(a).

25 (d) It is an affirmative defense to a prosecution under (c) of this section for
26 allowing another to use or occupy the property that the defendant or an agent of the
27 defendant, within four days after receiving a notice under AS 46.03.500, filed an
28 appropriate civil action to remove the user or occupier from the property for which the
29 notice was received.

30 **Sec. 46.03.520. Testing procedures.** (a) If the owner of the property for
31 which notice was received under AS 46.03.500(b) desires to determine if the property

1 is fit for use, the owner shall cause the site to be tested for the substances specified in
2 AS 46.03.530, using the procedures and laboratory services specified under (b) and (c)
3 of this section. The property owner shall inform the laboratory used for a test under
4 this subsection that the test is related to property that has been determined to be an
5 illegal drug manufacturing site.

6 (b) The department shall establish procedures for testing property that may
7 have been an illegal drug manufacturing site.

8 (c) The department shall establish and maintain a list of laboratories in the
9 state that have notified the department that they wish to be on the list maintained under
10 this subsection. A laboratory may not be included on the list unless the laboratory
11 agrees to send the department a copy of test results related to properties whose owners
12 have informed the laboratory that the test results are for property that has been
13 determined to be an illegal drug manufacturing site.

14 **Sec. 46.03.530. Standards for determining fitness.** (a) Property for which a
15 notice was received under AS 46.03.500(b) is not fit for use if a test of the property
16 shows the presence of one of the following substances above the limit set by the
17 department for that substance: lead, mercury, methamphetamines, and volatile organic
18 compounds.

19 (b) The department shall adopt regulations that set the limit for each substance
20 listed in (a) of this section for purposes of determining whether the property for which
21 a notice was received under AS 46.03.500 is fit for use.

22 **Sec. 46.03.540. Decontamination requirements.** (a) If the owner desires to
23 decontaminate the property for which a notice has been issued under AS 46.03.500,
24 the owner shall follow the guidelines established by the department under (b) of this
25 section.

26 (b) The department shall establish guidelines for decontamination of sites that
27 are determined to be unfit for use under AS 46.03.530. The department shall provide
28 a copy of the guidelines to any person who requests a copy.

29 **Sec. 46.03.550. Fitness for use.** (a) Property for which a notice has been
30 issued under AS 46.03.500 shall be determined by the department to be fit for use if
31 the owner certifies to the department under penalty of unsworn falsification that

1 (1) based on testing procedures established by the department under
2 AS 46.03.520(b) and performed by laboratories that are on the list maintained by the
3 department under AS 46.03.520(c), the limits on substances specified in AS 46.03.530
4 are not exceeded on the property;

5 (2) if the property was ever tested under AS 46.03.520 and the test
6 results showed the property to be unfit for use under AS 46.03.530, decontamination
7 procedures were performed in accordance with the guidelines established under
8 AS 46.03.540(b) and the requirements of (1) of this subsection have been met; or

9 (3) a court has held that the determination that the property was an
10 illegal drug manufacturing site was not made in compliance with AS 46.03.500(a).

11 (b) The department shall maintain a list of properties for which the department
12 has received notice under AS 46.03.500(c). When the department determines under
13 (a) of this section that a property on the list is fit for use, the department shall remove
14 the property from the list and notify the owner of the property that the property is fit
15 for use. On request, the department shall give a copy of the list maintained under this
16 section to any person who requests the list.

17 **Sec. 46.03.560. Securing the property.** The owner of property for which a
18 notice was received under AS 46.03.500(b) shall ensure that the property is vacated
19 and secured against use

20 (1) within four days after receiving the notice if the owner does not test
21 the property under AS 46.03.520 within four days after receiving the notice; or

22 (2) within four days after receiving the test results if the owner tests
23 the property within four days after receiving the notice, the test shows the presence of
24 a substance that exceeds the limits set in regulations adopted under AS 46.03.530, and
25 the owner does not begin decontamination procedures under AS 46.03.540 within four
26 days after receiving the test results.

27 **Sec. 46.03.570. Duties of the department; regulations.** (a) The department
28 shall adopt regulations implementing AS 46.03.500 - 46.03.599.

29 (b) The department shall periodically review information related to
30 decontamination of illegal drug manufacturing sites to determine whether substances
31 should be added to or deleted from AS 46.03.530. The department shall report written

1 findings to the governor if the department determines that a change should be made to
2 the list of substances in AS 46.03.530. The governor shall notify the legislature when
3 written findings have been made under this subsection and provide a copy of the
4 findings to a legislator on request.

5 **Sec. 46.03.599. Definitions.** In AS 46.03.500 - 46.03.599,

6 (1) "illegal drug manufacturing site" means property on which there is
7 reasonable cause to suspect contamination with chemicals associated with the
8 manufacturing of a controlled substance and where

9 (A) activity involving the unauthorized manufacture of a
10 controlled substance listed on schedule I or II in AS 11.71 or a precursor
11 chemical for the substances has occurred; or

12 (B) there are kept, stored, or located any of the devices,
13 equipment, things, or substances used for the unauthorized manufacture of a
14 controlled substance listed on schedule I or II in AS 11.71;

15 (2) "site" means an illegal drug manufacturing site.

16 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **REGULATIONS.** The Department of Environmental Conservation may immediately
19 begin to develop and adopt regulations to implement this Act. The regulations take effect
20 under AS 44.62 (Administrative Procedure Act).

21 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 **CERTIFICATION OF EFFECTIVE DATE OF REGULATIONS.** The lieutenant
24 governor shall certify to the revisor of statutes the effective date of the initial regulations
25 adopted by the Department of Environmental Conservation under sec. 3 of this Act.

26 * **Sec. 5.** Sections 1 and 2 of this Act take effect on the effective date of the initial
27 regulations adopted by the Department of Environmental Conservation under sec. 3 of this
28 Act.

29 * **Sec. 6.** Sections 3 and 4 of this Act take effect immediately under AS 01.10.070(c).

Alaska State Legislature

Representative Jim Holm
District 9

Session
Capitol Building, Room 110
Juneau, AK 99801
Phone: (907) 465-3466
Fax: (907) 465-2937



Interim
119 N. Cushman St.
Fairbanks, AK 99701
Phone: (907) 456-7423
Fax: (907) 451-9293

Date: January 31, 2003

To: Representative Lesil McGuire,
Chair House Judiciary Committee

From: Representative Jim Holm

Re: House Bill 59 "Cleanup of Illegal Drug Sites"

I hereby request a hearing of House Bill 59 "Cleanup of Illegal Drug Sites," in the House Judiciary Committee at your earliest convenience.

JH/jg

Alaska State Legislature

Representative Jim Holm

District 9

Session

Capitol Building, Room 110
Juneau, AK 99801
Phone: (907) 465-3466
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Interim

119 N. Cushman St.
Fairbanks, AK 99701
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Sponsor Statement House Bill 59

"An act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored, and providing for an effective date"

Alaska currently does not have basic standards for the cleanup of illegal drug labs. House Bill 59 will set standards and basic requirements for the cleanup of those sites to guarantee the safety of future residents.

Over the past four years, over ninety methamphetamine labs were discovered in Alaska. These labs were found in apartments, hotels, cabins, mobile homes, and even on boats. If left untreated, chemicals from "cooking meth" can be extremely hazardous and pose a serious threat for future residents, particularly children.

House Bill 59 will require that once law enforcement agencies discover an illegal lab, the property owner will be responsible to clean up the hazardous materials. A complete cleanup of the site will be needed before the structure can again be utilized. In order to demonstrate the property fit for habitation, the owner must provide test results showing the levels of contamination below Department of Environmental Conservation (DEC) limits.

House Bill 59 stipulates that the DEC or a law enforcement entity will provide information to the owner on required testing procedures and guidelines for cleanup. Additionally, a list of laboratories that may be used for determining whether the property is fit for use will be provided to the property owner.

House Bill 59 also stipulates full disclosure to future buyers if the property was used as an illegal drug site and was not properly cleaned to DEC standards.

LEGAL SERVICES

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

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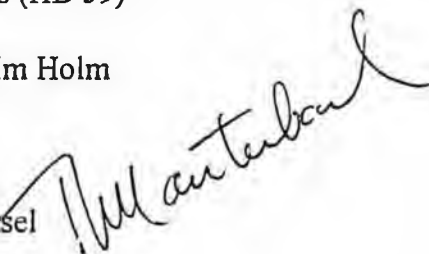
MEMORANDUM

January 21, 2003

SUBJECT: Illegal Drug Sites (HB 59)

TO: Representative Jim Holm
Attn: Jos

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
03-040.med

http://www.kci.org/meth_info/meth_cleanup.htm

What are possible health effects from exposure to meth lab contaminants?

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, such as those law enforcement officers face when they first enter a lab, can cause severe health problems including lung damage and burns to different parts of the body.

There is little known about the health effects from chronic (long-term) exposure to contaminants left behind after a meth lab is dismantled. Until the contaminants have been identified, their quantities measured, and their health effects known, MDOH advises property owners to exercise caution and use the safest possible cleaning practices in dealing with a former meth lab property and any possible remaining contamination.

The potential health effects depend on

- the specific chemicals to which a person is exposed
- how much of each chemical to which a person is exposed,
- how long a person is exposed, and
- the health condition of the person being exposed.

Exposure to meth residues may cause symptoms similar to those experienced by meth users.

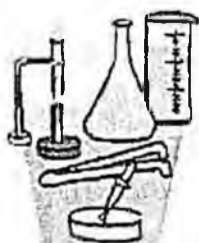
Exposure to volatile organic compounds (VOCs) may cause symptoms such as nose and throat irritation, headaches, dizziness, nausea, vomiting, confusion and breathing difficulties. Benzene is a VOC known to cause cancer.

Acids or bases will cause a burning sensation on the skin and in mucous membranes, and can cause severe eye damage. Exposure to metals and salts can cause a wide range of health effects including respiratory irritation, decreased mental function, anemia, kidney damage and birth defects



http://www.kci.org/meth_info/neighborhood_lab.htm

IS THERE A METH LAB COOKIN' IN YOUR NEIGHBORHOOD?



Many people may be unaware that they're living near a meth lab. Here are some things to look for:

- Unusual, strong odors (like cat urine, ether, ammonia, acetone or other chemicals).
- Residences with windows blacked out.
- Renters who pay their landlords in cash. (Most drug dealers trade exclusively in cash.)
- Lots of traffic - people coming and going at unusual times. There may be little traffic during the day, but at night the activity increases dramatically.
- Excessive trash including large amounts of items such as: antifreeze containers, lantern fuel cans, red chemically stained coffee filters, drain cleaner and duct tape.
- Unusual amounts of clear glass containers being brought into the home.

Presence of the following items could indicate the existence of a meth lab:

Alcohol
Ether
Benzene
Toluene/Paint Thinner
Freon
Acetone
Chloroform
Camp Stove Fuel/Coleman Fuel
Starting Fluid
Anhydrous Ammonia
"Heet"
White Gasoline
Phenyl-2-Propane
Phenylacetone
Phenylpropanolamine
Iodine Crystals
Red Phosphorous
Black Iodine
Lye (Red Devil Lye)
Drano
Muriatic/Hydrochloric Acid
Battery Acid/Sulfuric Acid
Epsom Salts
Batteries/Lithium
Sodium Metal
Wooden Matches
Propane Cylinders
Hot Plates
Ephedrine (over-the-counter)
Cold Tablets
Bronchodilators
Energy Boosters
Rock Salt
Diet Aids

If you suspect a meth lab in your neighborhood call
the police

Fairbanks Daily News-Miner

Drug lab raided

By KYLE HOPKINS
Staff Writer

Friday, January 31, 2003 - Authorities arrested two men Thursday night at a Van Horn Road residence in a suspected methamphetamine operation linked to a pair of arrests earlier this week.

"Fairbanks has got a problem with meth labs," said Alaska State Trooper Teague Widmier, case supervisor for the two recent busts. Widmier is a member of the Fairbanks statewide drug unit, which with enough time could find multiple labs every week in the city and nearby communities, he said.

The unit served a warrant just before 5 p.m. at 3330 Van Horn Road, a trailer and addition that troopers have long suspected housed a meth lab. Jeff Lees, 39, was arrested outside the residence, said Sgt. Ron Wall, unit supervisor.

Lees is charged with a probation violation.

The team arrested Bruce H. Gillam, 40, inside the home and found an active, medium-sized lab, Wall said. Gillam, who lives at the residence according to borough records, is accused of possession of methamphetamine. Both men could face additional charges.

"Charges regarding the manufacture of methamphetamines will be referred to the D.A.'s office," Wall said.

On Tuesday, troopers found a small-scale lab in the Gold Rush Estates trailer park and charged Cinda J. Ingles, 44, and Harold T. Griffin, 79, on charges of possessing finished methamphetamines.

Statements by Griffin, a cab driver, led investigators to the Van Horn residence, where Ingles would travel by taxi and deliver methamphetamine ingredients, Widmier said.

"This is all manufactured for sale and there was a large quantity of processed meth that was on Mr. Gillam at the time the warrant was served," Widmier said.

Troopers suspected illegal activity was under way at the Gold Rush Estates residence for about a year, but in recent weeks enough evidence surfaced to serve a warrant.

The Fairbanks North Star Borough's hazardous materials team responded Tuesday night to handle the active chemicals. The drug unit team includes members of the Alaska State Troopers, Fairbanks Police Department, UAF Police Department and the Drug Enforcement Agency.

Inside the residence, authorities found an open safe containing assault rifles. Although dusty, the weapons appeared to have been handled recently, Widmier said.

In 2001, police reported finding Gillam with a small amount of methamphetamines after his vehicle caught fire on the Richardson Highway.

Contact Kyle Hopkins at 459-7593 or khopkins@newsminer.com

Fairbanks Daily News-Miner

Two face charges after suspected drug lab raided

Wednesday, January 29, 2003 - Staff report

Alaska State Troopers discovered a small-scale methamphetamine lab in a residence in the Gold Rush Estates trailer park Tuesday and arrested two occupants on a charge of possessing finished methamphetamine.

Cinda J. Ingles, 44, and Harold T. Griffin, 79, were both arrested on a charge of fourth-degree misconduct involving a controlled substance.

However, more charges could be filed after the materials found in the trailer are tested at the troopers crime lab, Sgt. Ron Wall said.

Troopers had been investigating the possibility of a meth lab at the trailer for about a year before entering with a search warrant on Tuesday, he said. Wall classified the operation as "relatively small."

Louise Chikigak, a neighbor who lives in the park behind the College Corner shopping center, said she was surprised to learn of the meth lab across the street.

"I never saw any strange people over there or anything," she said.

Troopers said Griffin had been living in the residence since about 1994 and that he and Ingles were boyfriend and girlfriend.

Fairbanks Daily News-Miner

Investigators surprise suspected meth chefs

By BETH IPSEN
Staff Writer

Friday, January 10, 2003 - Drug investigators kicked in the door and interrupted two men in the middle of cooking what is suspected to be methamphetamine at the Ranch Motel Thursday morning.

A relative of someone who had been partying at the room the night before tipped off authorities, saying a meth lab in the room was about to be torn down. Three drug investigators went to the hotel and knocked on room No. 218, said Alaska State Trooper Teague Widmier, an investigator for the statewide drug enforcement unit in Fairbanks.

They didn't get an answer, but "all of the a sudden we heard jars clinking," Widmier said. He kicked in the door and interrupted the two men inside as they were trying to flush chemicals down the toilet and bathtub drain, Widmier said.

A man who was staying in the room next door said he heard the loud knocking on the door followed by shouting from both inside and outside. He then heard foot steps of the two men running back and forth, and glass breaking.

"Finally, the toilet flushed," followed by a strong smell emitting from the plumbing in his own room, said the man, who asked to remain anonymous. The witness then heard troopers yelling at the suspects to get on the floor.

"The hot plates were still hot and the odor was very strong," said Widmier, indicating authorities likely caught the two men in the middle of cooking meth.

"The Mason jars were just empty, laying on the bathroom floor and bath tub and they had water running in the tub," he said. "There wasn't a lot of sampling to be done because prior to our arrival they were dumping it."

Jeffrey Franks, 41, was arrested on a warrant and a charge of probation violation for a prior meth bust. Bruce Barcus, 41, was charged with fourth-degree misconduct involving a controlled substance after investigators found traces of meth inside his pockets, Widmier said.

Investigators also found traces of methamphetamines scattered throughout the room, he said.

Widmier suspects the suspects had been using meth all night long because the pair wouldn't stop twitching, a trait associated with methamphetamine use. Widmier called the suspected lab a medium-sized operation.

"I'd say they were manufacturing for themselves and their friends, just because of the crowd that's been running around," he said.

Investigators also want to question Fortune Kurzendoerfer, 31, who has been placed at the room the night before.

Hotel employee Robert Garcia said he was walking outside the South Cushman Street hotel when three men with guns began banging on the doors.

"I saw some guns and I split," Garcia said. "They weren't dressed like cops."

Hotel owner Donna Gilbert said the room was registered under a North Pole woman's name three days ago and staff hadn't received any complaints from people in the neighboring room. There weren't a large amount of calls going to the hotel room, which can be an indication that something is going on, Gilbert said.

"They didn't request any service so the girls never went in the room," she said. "But that happens here all the time. That isn't a sign that something's going on."

Meanwhile the man staying next door said he thought the number of people going in and out of the room over the past few days seemed suspicious.

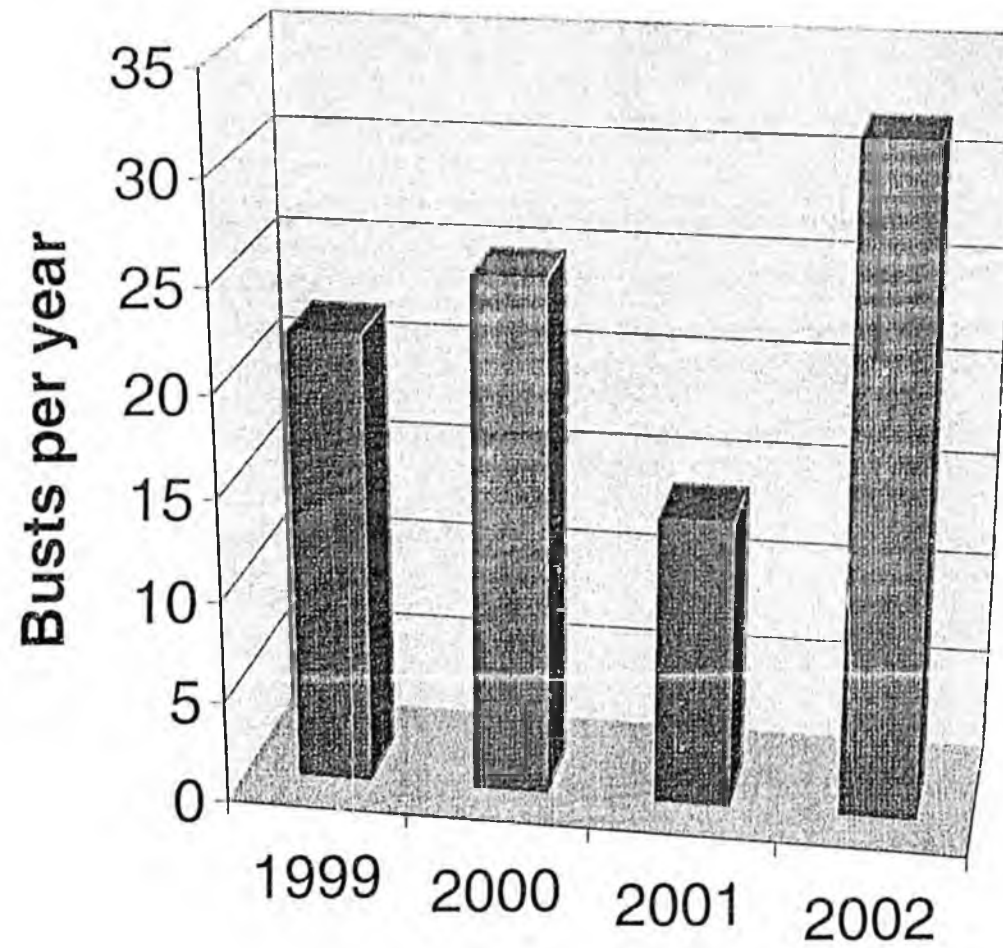
An agent from the Drug Enforcement Administration and investigators from the Fairbanks University of Alaska police departments helped collect samples from inside the hotel room. These samples will be sent to the state crime lab and, pending test results, Barcus and Franks could face more charges.

Widmier said they found toluene, acetone, matches for red phosphorus and iodine, all highly flammable and toxic ingredients used in cooking meth.

Because the toxic chemicals used in making meth can seep into the carpet, draperies and furniture, Gilbert said the apartment won't be livable until it's stripped clean of the lingering chemicals.

Reporter Beth Ipsen can be reached at bipsen@newsminer.com or 459-7545.

Alaska Methamphetamine Lab Seizures



Methamphetamine

Methamphetamine is an addictive stimulant drug that strongly activates certain systems in the brain. Methamphetamine is closely related chemically to amphetamine, but the central nervous system effects of methamphetamine are greater. Both drugs have some medical uses, primarily in the treatment of obesity, but their therapeutic use is limited.

Street methamphetamine is referred to by many names, such as "speed," "meth," and "chalk." Methamphetamine hydrochloride, clear chunky crystals resembling ice, which can be inhaled by smoking, is referred to as "ice," "crystal," and "glass."

Health Hazards

Neurological hazards. Methamphetamine releases high levels of the neurotransmitter dopamine, which stimulates brain cells, enhancing mood and body movement. It also appears to have a neurotoxic effect, damaging brain cells that contain dopamine and serotonin, another neurotransmitter. Over time, methamphetamine appears to cause reduced levels of dopamine, which can result in symptoms like those of Parkinson's disease, a severe movement disorder.

Addiction. Methamphetamine is taken orally or intranasally (snorting the powder), by intravenous injection, and by smoking. Immediately after smoking or intravenous injection, the methamphetamine user experiences an intense sensation, called a "rush" or "flash," that lasts only a few minutes and is described as extremely pleasurable. Oral or intranasal use produces euphoria - a high, but not a rush. Users may become addicted quickly, and use it with increasing frequency and in increasing doses.

Short-term effects. The central nervous system (CNS) actions that result from taking even small amounts of methamphetamine include increased wakefulness, increased physical activity, decreased appetite, increased respiration, hyperthermia, and euphoria. Other CNS effects include irritability, insomnia, confusion, tremors, convulsions, anxiety, paranoia, and aggressiveness. Hyperthermia and convulsions can result in death.

Long-term effects. Methamphetamine causes increased heart rate and blood pressure and can cause irreversible damage to blood vessels in the brain, producing strokes. Other effects of methamphetamine include respiratory problems, irregular heartbeat, and extreme anorexia. Its use can result in cardiovascular collapse and death.

Information provided by the National Institute on Drug Abuse.

Making Methamphetamine at home:

To make meth you need ephedrine. The cottons in todays vicks nase inhalers dont contain efed or pfed (ephedrin or pseudoephedrin) but there are still lots of easy ways to get good ephed or pfed, pure ephedrin can be extracted out of it's plant matter, and a plant that can be bought at most garden stores. or you can get pfed from decongestive pills like sudafed. Most people prefer to work with pfed from pills rather than ephed from the plant. The important thing is that you must have pure pfed/ephed as any contaminants will fuck up the molar ratio leaving you with over reduced shit or under reduced shit. or contaminants will jelly during baseifying and gunk up your product which will then be very hard to clean. so you want to find a pill that is relatively pure pfed hcl, or as close to pure as you can get. also check the label on your pills and see what inactive ingredients they contain. inactive ingredients are things like binders and flavors these you dont want and will remove when cleaning your pills. but certain inactive ingredients are harder to remove than others. you dont want pills with a red coating you dont want pills with a lot of cellulose in them and you dont want pills with much wax. you also dont want pills that contain povidone. as a rule if you have two pills that contain the same amount of pfed hcl then take the smaller sized pill because it obviously has less binders and inactive ingredients, time released pills are usually harder to work with they have more binders and tend to gel up during the a/b stage also only buy pills that have pfed hcl as the only active ingredient. This information was brought to you by thehive You first have to make ephedrine (which is sometimes sold as meth by itself): If you are selling it... I would just make ephedrine and say it's meth.

List of chemicals and materials: Dilute HCl - also called Muriatic acid - can be obtained from hardware stores, in the pool section. NaOH - also called lye - can be obtained from supermarkets in the "drain cleaner" section. "Red Devil Lye" recommended. Ethyl Ether - aka Diethyl Ether - Et-O-Et - can be obtained from engine starting fluid, usually from a large supermarket. Look for one that says "high ethyl ether content", such as Prestone. Desoxyephedrine - can be obtained from "VICKS" nasal inhalers. These are found at any drug store or grocery, etc. They contain 50mg of l-desoxyephedrine per container. Six containers will give 300mg of l-desoxyephedrine. Distilled water - it's really cheap, so you have no reason to use the nasty stuff from the tap. Do things right.

List of equipment :

a glass eyedropper
three small glass bottles with lids (approx. 3 oz., but not important) one should be marked at 1.5oz, use tape on the outside to mark it (you might want to label it as ether) one should be clear (and it can't be the marked one)
a Pyrex dish (the meatloaf one is suggested)
a glass quart jar
sharp scissors
clean rubber gloves
coffee filters
a measuring cup
measuring spoons

Preparing your Lab:

Preparing Ethyl Ether:

WARNING: Ethyl Ether is very flammable and is heavier than air. Do not use ethyl ether near flame or non-sparkless motors. It is also an anaesthetic and can cause respiratory collapse if you inhale too much.

Take the unmarked small bottle and spray starter fluid in it until it looks half-full. Then fill the rest of the way with water, cap the bottle and shake for 5

minutes. Let it sit for a minute or two, and tap the side to try and separate the clear upper layer. Then, draw off the top (ether) layer with the eyedropper, and throw away the lower (water) and cloudy layer. Place the ether in the marked container. Repeat this until you have about 1.5 oz. of ether. Put the cap on it, and put it in the freezer if you can. Rinse the other bottle and let it stand.

Ethyl ether is very pungent. Even a small evaporated amount is quite noticeable.

Extracting l-desoxyephedrine:

1. Break open the inhalers, a pair of real sharp scissors does this well. Place the cottons that were inside in a bottle (the unmarked one) and close the lid. I use 6 cottons.

2. In the Pyrex dish, combine 2/3 oz. water and 1/3 oz. muriatic acid. Shred cottons in this solution, and knead for 5 minutes with your gloves on. Squeeze all juice out of the cottons after you knead, and discard them. This step bonds the HCl to the l-desoxyephedrine, forming the HCl salt (what you want). The salt is soluble in water, and thus dissolves.

3. Filter the remaining liquid into the quart jar. It will be necessary to do this several times to get the awful smelling oils (check the packaging if you are interested in which ones). The chemicals in the inhalers have been bonded to the HCl, and the oils have been filtered off. Discard the filters and clean the Pyrex dish. Remember to wet the filters with distilled water before you pour, otherwise you'll lose some product.

4. Pour enough of the solution into the clear bottle to fill it 1/3 full. Save any leftover juice for the second batch.

5. Pour 1/8 teaspoon of the lye crystals into the bottle and agitate. Do this carefully, as the mixture will become hot, and give off hydrogen gas and/or steam. H₂ gas is explosive and lighter than air, avoid any flames as usual. Repeat this step until the mixture remains cloudy. This step neutralizes the HCl in the salt, leaving the insoluble free base (l-desoxyephedrine) again. Why do we do this? So that we can get rid of any water-soluble impurities. For 3 oz. bottles, this should take only 3 repetitions or so.

6. Fill the bottle from step 5 up the rest of the way with ethyl ether. Cap the bottle, and agitate for about 8 minutes. It is very important to expose every molecule of the free-base to the ether for as long as possible. This will cause the free base to dissolve into the ether (it -is- soluble in ether).

7. Let the mixture settle. There will be a middle layer that is very thick. Tap the side of the bottle to get this layer as thin as possible. This is why this bottle should be clear.

8. Remove the top (ether) layer with the eyedropper, being careful not to get any of the middle layer in it. Place the removed ether layer into a third bottle.

9. Add to the third bottle enough water to fill it half-way and about 5 drops of muriatic acid. Cap it. Shake the bottle for 2 minutes. When it settles, remove the top layer and throw it away. The free base has now been bonded to the HCl again, forming a water soluble salt. This time, we're getting rid of ether-soluble impurities. Make sure to get rid of all the ether before going to step 11!

10. If there is anything left from step 3, repeat the procedure with it.

11. Evaporate the solution in the Pyrex dish on low heat. You can do this on

the stove or nuke it in the microwave (be careful of splashing), but I have found that if you leave it on top of a hot-water heater (like the one that supplies hot water to your house) for about 2-3 days, the remaining crystals will be ephedrine HCl.

If you microwave it, I suggest no more than 5-10s at one time. If it starts "popping", that means you have too little liquid left to microwave. You can put it under a bright (100W) lamp instead. Microwaving can result in uneven heating, anyway.

First Batch: 120mg ephedrine HCl Estimated: 300mg (100% of theoretical, disregarding HCl)

Now, Making Methamphetamine out of ephedrine by reducing it with Hydroiodic Acid and Red Phosphorus.

Items needed:

1. A lot of matchbooks (the kind with the striking pad)
2. Coffee filters (or filter paper)
3. Something that measures ml and grams
4. A flask (a small pot with a lid can be used)
5. iodine (found at any drug store)
6. Hydroiodic Acid (I will tell you how to make this)
7. Red Phosphorus (I will tell you how to make this)
8. Lye (can be obtained from supermarkets in the "drain cleaner" section. "Red Devil Lye" recommended)
- *9. Optional (toluene and HCl gas)

Making Red Phosphorus:

The striking pad on books of matches is about 50% red phosphorus. The determined experimenter could obtain a pile of red phosphorus by scraping off the striking pads of matchbooks with a sharp knife. A typical composition of the striking pad is about 50% red phosphorus, along with about 30% antimony sulfide, and lesser amounts of glue, iron oxide, MnO₂, and glass powder. I don't think these contaminants will seriously interfere with the reaction. Naturally, it is a tedious process to get large amounts of red phosphorus by scraping the striking pads off matchbooks, but who cares?

Making Hydroiodic Acid:

This is made by mixing iodine and red phosphorus. When making hydroiodic acid from iodine and red phosphorus, the acid is prepared first, and allowed to come to complete reaction for 20 minutes before adding the ephedrine to it. The way around the roadblock here is to just boil off some more of the water from the ephedrine extract, and make the acid mixture in fresh pure water. Since the production of HI from iodine and red phosphorus gives off a good deal of heat, it is wise to chill the mixture in ice, and slowly add the iodine crystals to the red phosphorus-water mixture.

Now, Making Methamphetamine:

To do the reaction, a 1000 ml round bottom flask is filled with 150 grams of ephedrine. Also added to the flask are 40 grams of red phosphorus and 340 ml of 47% hydroiodic acid. This same acid and red phosphorus mixture can be prepared from adding 150 grams of iodine crystals to 150 grams of red phosphorus in 300 ml of water. This should produce the strong hydroiodic acid solution needed. Exactly how strong the acid needs to be, I can't say. With the ingredients mixed together in the flask, a condenser is attached to the flask, and the mixture is boiled for one day. This length of time is needed for best yields and highest octane numbers on the product. While it is cooking, the mixture is quite red and messy looking from the red phosphorus floating around in it. When one day of boiling under reflux is up, the flask is allowed to cool, then it is diluted with an equal volume of water. Next, the red

phosphorus is filtered out. A series of doubled up coffee filters will work to get out all the red phosphorus, but real filter paper is better. The filtered solution should look a golden color. A red color may indicate that all the red phosphorus is not yet out. If so, it is filtered again. The filtered-out phosphorus can be saved for use in the next batch. If filtering does not remove the red color, there may be iodine floating around the solution. It can be removed by adding a few dashes of sodium bisulfate or sodium thiosulfate. The next step in processing the batch is to neutralize the acid. A strong lye solution is mixed up and added to the batch while shaking until the batch is strongly basic. This brings the meth out as liquid free base floating on top of the water. The strongly basic solution is shaken vigorously to ensure that all the meth has been converted to the free base. You now can sell or use the free base for injection use or with free base meth now obtained, the next step you can do is to form the crystalline hydrochloride salt of meth. To do this, a few hundred mls of toluene is added to the batch, and the meth free base extracted out as usual. If the chemist's cooking has been careful, the color of the toluene extract will be clear to pale yellow. If this is the case, the product is sufficiently pure to make nice white crystals just by bubbling dry HCl gas through the toluene extract. If the toluene extract is darker colored, a distillation is called for to get pure meth free base. The yield of pure methamphetamine hydrochloride should be from 100 to 110 grams.