

**SB**

**70**

# SENATE COMMITTEE REPORT

DATE: 2/28/05

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered

SENATE BILL NO. 70

## SB 70 CRIMES INVOLVING CONTROLLED SUBSTANCES

"An Act relating to controlled substances regarding the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- Same Title
- New Title

**House Bill:**

- Same Title
- Technical Title Change
- New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

- APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>W. D. ...</i>			X	
<i>George ...</i>	✓			
<i>Dutch ...</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>				
CHAIR: <i>[Signature]</i>	✓			

# LEGAL SERVICES

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

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
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State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

April 4, 2005

**SUBJECT:** CSSB 70(JUD) - Amendment Relating to "Includes"  
(Work Order No. 24-GS1049\F)

**TO:** Senator Ralph Seekins  
Attn: Brian Hove

**FROM:** Gerald P. Luckhaupt  
Legislative Counsel 

Enclosed is the CS(JUD) you requested. The Judiciary Committee adopted an amendment that inserted "but not limited to" following "includes" on page 3, line 26 of the CS(JUD). There are several problems with the inclusion of this language. First, the legislature has a definition of "includes" in AS 01.10.040(b). That subsection provides:

When the words 'includes' or 'including' are used in a law, they shall be construed as though followed by the phrase 'but not limited to.'

The amendment is not necessary. But the amendment is not just superfluous, it potentially could affect a court's decision to apply AS 01.10.040(b) in other areas of the statutes. A court or a litigant could ask: If the legislature actually intended for AS 01.10.040(b) to apply in all cases, why did the legislature use "but is not limited to" in this provision? A court could conclude that the legislature (1) no longer recognizes that AS 01.10.040(b) still applies universally in the Alaska Statutes, (2) never intended for that statute to apply throughout the Alaska Statutes, or (3) intends to provide what "includes" includes prospectively. To effectuate the legislature's power as the law-making authority of the state, the legislature should minimize the potential for the courts to construe the statutes in a manner that is inconsistent with what the legislature intended. Since the adoption of AS 01.10.040(b), the legislature has relied upon "includes" having the construction and meaning supplied in AS 01.10.040(b). Adding "but is not limited to" muddies the waters and potentially affects the construction of literally hundreds of statutes that use "includes."

GPL:jad  
05-190.jad

Enclosure

#2

Amendment to CSSB 70(HES)

Page 2, line 10, through page 3, line 13:  
Delete sections 3, 4 and 5 entirely, and replace with

\*Sec. 3. AS 12.55.125(c), as amended by section CCS SB 56, is amended to read:

(c) Except as provided in (i) of this section, a defendant convicted of a class A felony may be sentenced to a definite term of imprisonment of not more than 20 years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 – 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, five to eight years;

(2) if the offense is a first felony conviction

(A) and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury or death during the commission of the offense, or knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, fire fighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the offense, seven to 11 years;

(B) and the conviction is for manufacturing related to methamphetamine under AS 11.171.020(a)(2)(A) or (B), seven to 11 years, if

(i) the manufacturing occurred in a building with reckless disregard that the building was used as a permanent or temporary home or place of lodging for one or more children under 18; or

(ii) in the course of manufacturing or in preparation for manufacturing the defendant obtained the assistance of one or more children under 18;

(3) if the offense is a second felony conviction, 10 to 14 years;

(4) if the offense is a third felony conviction and the defendant is not subject to sentencing under (1) of this section, 15 to 20 years.

\*Sec. 4. AS 12.55.125(d), as amended by section CCS SB 56, is amended to read:

(d) Except as provided in (i) of this section, a defendant convicted of a class B felony may be sentenced to a definite term of imprisonment of not more than 10 years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 – 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, one to three years; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085 if, as a condition of probation under AS 12.55.086, the defendant is required to serve an active term of imprisonment within the range specified in this paragraph, unless the court finds that a factor in mitigation under AS 12.55.155 applies;

(2) if the offense is a first felony conviction,

(A) the defendant violated AS 11.41.130, and the victim was a child under 16 years of age, two to four years;

(B) two to four years if the conviction is for an attempt, solicitation or conspiracy to manufacture related to methamphetamine under AS 11.31 and AS 11.171.020(a)(2)(A) or (B), and

(i) the attempted manufacturing occurred, or the solicited or conspired offense was to have occurred, in a building with reckless disregard that the building was used as a permanent or temporary home or place of lodging for one or more children under 18; or

(ii) in the course of an attempt to manufacture the defendant obtained the assistance of one or more children under 18;

(3) if the offense is a second felony conviction, four to seven years;

(4) if the offense is a third felony conviction, six to ten years.

\*Sec. 5. AS 12.55.185 is amended to add a new definition, to read:

(18) "building," in addition to its usual meaning, includes any propelled vehicle or structure adopted for overnight accommodation of persons or for carrying on business; when a building consists of separate units, including apartment units, offices, or rented rooms, each unit is considered a part of the same building.

Senate Judiciary Committee

March 23, 2005

Amendment to CSSB 70(HES)

Page 1, line 13:

Delete "ingestion of"

Insert in its place "ingesting"

#1  
Passed w/o objection

Page 2, line 1: After the period following the word "state" add:

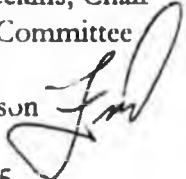
"As used in this paragraph, "ingesting" means voluntarily or involuntarily taking a substance into the body in any manner. "



## SENATOR FRED DYSON

### MEMORANDUM

To: Senator Ralph Seekins, Chair  
Senate Judiciary Committee

From: Senator Fred Dyson 

Date: February 25, 2005

Re: SB 70—An Act relating to controlled substances regarding the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; relating to listing certain anabolic steroids as controlled substances; and providing for an effective date.

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SB 70 recently passed from the Health, Education, and Social Services Committee and will be next referred to the Judiciary Committee. Three issues were identified by HESS Committee members that require additional legal scrutiny.

Section 1 of the bill may blur the distinction between manslaughter and criminally negligent homicide. If a third party is involved in the illegal distribution of methamphetamine, for example, and is removed from the manufacturer or the consumer, they will be guilty of manslaughter if the consumer dies. Obviously, protecting criminals is a complicated idea, but the level of responsibility involved in manslaughter versus criminally negligent homicide should be examined.

As a result of the above issue, the HESS Committee adopted an amendment to include Section 2. Please examine this section in the same light.

The HESS Committee discussed, and decided against, an amendment to add a provision allowing prosecution for assault in the same manner as this new provision for manslaughter. In other words, should a person be prosecuted for assault if he/she illegally manufactures or delivers methamphetamine and another person is seriously injured from its ingestion?

Thank you for your expertise and your attention to these issues.

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Frank H. Murkowski, Governor

P.O. BOX 110300  
DIMOND COURT HOUSE, 6<sup>TH</sup> FLOOR  
JUNEAU, ALASKA 99811-0300  
PHONE: (907)465-3600  
FAX: (907)465-6735

March 1, 2005

The Honorable Ralph Seekins  
Chair, Senate Judiciary Committee  
State Capitol, Room 125  
Juneau, AK 99801-1182

Dear Chairman Seekins:

The Department of Law respectfully requests that CS for SB 70 (HES) ("An Act relating to controlled substances regarding the crime of manslaughter; endangering the welfare of a child; misconduct involving a controlled substance; relating to listing certain anabolic steroids as controlled substances; and providing for an effective date") be scheduled for a hearing in the Senate Judiciary Committee. A copy of the bill and fiscal notes are attached.

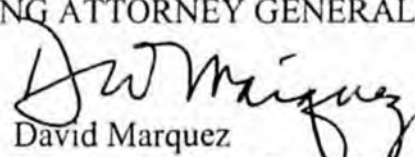
Also attached to this letter are several documents related to the health and safety hazards presented by chemicals commonly used to manufacture methamphetamine and methamphetamine itself. You may find the House Judiciary Committee minutes summarizing testimony of Dr. Bradley-Johnson and Detective Ed Bryant useful in understanding the dangers methamphetamine presents to children.

Annie Carpeneti, AAG with the Department of Law in Juneau will present the bill. We anticipate telephonic testimony from Detective Ed Bryant, Anchorage Police Department and James Steele, DHSS-Office of Children's Services. Sgt. Tim Birt with the Alaska State Troopers is expected to testify live.

Sincerely,

SCOTT J. NORDSTRAND  
ACTING ATTORNEY GENERAL

By:

  
David Marquez  
Deputy Attorney General

Cc: w/attachments  
Leg.Office



1 state.

2 \* Sec. 2. AS 11.41.120 is amended by adding a new subsection to read:

3 (c) It is an affirmative defense to a prosecution under (a)(3) of this section that

4 (1) the defendant manufactured the controlled substance for the  
5 defendant's own personal use;

6 (2) the controlled substance was stolen from a locked area designed for  
7 securing valuable items or dangerous materials; and

8 (3) the defendant did not know or have reason to believe that the  
9 controlled substance would be taken from the locked area.

10 \* Sec. 3. AS 11.51.100(c) is amended to read:

11 (c) In this section,

12 (1) "building," in addition to its usual meaning, includes a  
13 propelled vehicle or structure adopted for overnight accommodation of persons  
14 or for conducting business; when a building consists of separate units, including  
15 apartment units, offices, or rented rooms, each unit is considered a part of the  
16 same building;

17 (2) "physically mistreated" means

18 (A) [(1)] having committed an act punishable under  
19 AS 11.41.100 - 11.41.250; or

20 (B) [(2)] having applied force to a child that, under the  
21 circumstances in which it was applied, or considering the age or physical  
22 condition of the child, constitutes a gross deviation from the standard of  
23 conduct that a reasonable person would observe in the situation because of the  
24 substantial and unjustifiable risk of

25 (i) [(A)] death;

26 (ii) [(B)] serious or protracted disfigurement;

27 (iii) [(C)] protracted impairment of health;

28 (iv) [(D)] loss or impairment of the function of a body  
29 member or organ;

30 (v) [(E)] substantial skin bruising, burning, or other skin  
31 injury;

1                                    (vi) [(F)] internal bleeding or subdural hematoma;

2                                    (vii) [(G)] bone fracture; or

3                                    (viii) [(H)] prolonged or extreme pain, swelling, or  
4                                    injury to soft tissue.

5 \* Sec. 4. AS 11.51.100(f) is amended to read:

6                                    (f) Endangering the welfare of a child in the first degree ~~under (a)(1), (a)(2),~~  
7                                    or (g) [OR (2)] of this section is a class C felony.

8 \* Sec. 5. AS 11.51.100 is amended by adding a new subsection to read:

9                                    (g) Notwithstanding AS 11.51.130, a person commits the crime of  
10                                    endangering the welfare of a child in the first degree if the person knowingly  
11                                    manufactures or attempts to manufacture methamphetamine in violation of AS 11.71  
12                                    in a building, with reckless disregard that the building is a dwelling for one or more  
13                                    children under 18 years of age.

14 \* Sec. 6. AS 11.71.020(a) is amended to read:

15                                    (a) Except as authorized in AS 17.30, a person commits the crime of  
16                                    misconduct involving a controlled substance in the second degree if the person

17                                    (1) manufactures or delivers any amount of a schedule IA controlled  
18                                    substance or possesses any amount of a schedule IA controlled substance with intent  
19                                    to manufacture or deliver;

20                                    (2) manufactures any material, compound, mixture, or preparation that  
21                                    contains

22                                    (A) methamphetamine, or its salts, isomers, or salts of isomers;

23                                    or

24                                    (B) an immediate precursor of methamphetamine, or its salts,  
25                                    isomers, or salts of isomers;

26                                    (3) possesses an immediate precursor of methamphetamine, or the  
27                                    salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,  
28                                    with the intent to manufacture any material compound, mixture, or preparation that  
29                                    contains methamphetamine, or its salts, isomers, or salts of isomers; [OR]

30                                    (4) possesses a listed chemical with intent to manufacture any material,  
31                                    compound, mixture, or preparation that contains

1 (A) methamphetamine, or its salts, isomers, or salts of isomers;

2 or

3 (B) an immediate precursor of methamphetamine, or its salts,  
4 isomers, or salts of isomers; or

5 (5) possesses methamphetamine in an organic solution with intent  
6 to extract from the solution methamphetamine salts, isomers, or salts of isomers  
7 [ISOMER].

8 \* Sec. 7. AS 11.71.180 is amended by adding a new subsection to read:

9 (f) Schedule VA includes, unless specifically excepted or unless listed in  
10 another schedule, any material, compound, mixture, or preparation that contains any  
11 quantity of the following substances, including their salts, esters, isomers, and salts of  
12 esters and isomers if those salts, esters, or isomers promote muscle growth, whenever  
13 the existence of these salts, esters, and isomers is possible within the specific chemical  
14 designation: anabolic steroids. In this subsection, "anabolic steroids" means any drug  
15 or hormonal substance that is chemically and pharmacologically related to testosterone  
16 (other than estrogens, progestins, and corticosteroids) and that promotes muscle  
17 growth; "anabolic steroids" does not include an anabolic steroid that is expressly  
18 intended for administration through implants to cattle or other nonhuman species and  
19 that has been approved by the United States Secretary of Health and Human Services  
20 for that administration, unless a person prescribes, dispenses, or distributes that type of  
21 anabolic steroid for human use; "anabolic steroids" includes the following:

- 22 (1) boldenone;
- 23 (2) chlorotestosterone (4-chlorotestosterone);
- 24 (3) clostebol;
- 25 (4) dehydrochlormethyltestosterone;
- 26 (5) dihydrotestosterone (4-dihydrotestosterone);
- 27 (6) drostanolone;
- 28 (7) ethylestrenol;
- 29 (8) fluoxymesterone;
- 30 (9) formebulone (formebolone);
- 31 (10) mesterolone;

*but is not limited to*

- 1 (11) methandienone;
- 2 (12) methandranone;
- 3 (13) methandioli;
- 4 (14) methandrostenolone;
- 5 (15) methenolone;
- 6 (16) methyltestosterone;
- 7 (17) mibolerone;
- 8 (18) nandrolone;
- 9 (19) norethandrolone;
- 10 (20) oxandrolone;
- 11 (21) oxymesterone;
- 12 (22) oxymetholone;
- 13 (23) stanolone;
- 14 (24) stanozolol;
- 15 (25) testolactone;
- 16 (26) testosterone;
- 17 (27) trenbolone.

18 \* Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to  
19 read:

20 APPLICABILITY. This Act applies to offenses committed on or after the effective  
21 date of this Act.

22 \* Sec. 9. This Act takes effect July 1, 2005.

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 70  
 (S) Publish Date: 1/21/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title Act relating to controlled substance; crimes of RDU Alaska State Troopers  
manslaughter and endangering welfare of a child Component AST Detachments  
 Sponsor Rules Committee  
 Requester Governor Component No. 2325

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Passage of this Act will have no fiscal impact on the Department of Public Safety. This Act addresses issues relating to the extreme dangers that surround the unlawful manufacture of methamphetamine. It makes it a crime of manslaughter for a person to manufacture or deliver a controlled substance in violation of Alaska law if a person dies as a result of ingesting the substance. It will make it a class C felony to manufacture or attempt to manufacture methamphetamine in a building where one or more children are present, and will increase penalties for processing methamphetamine in solution with the intent to extract.

Prepared by: Lieutenant Todd Sharp  
 Division: Alaska State Troopers  
 Approved by: Commissioner William Tandeske  
 Agency: Department of Public Safety

Phone 907-269-4532  
 Date/Time 1/20/05 2:01 PM  
 Date 1/20/2005

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: SB 70  
 (S) Publish Date: 1/21/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An Act relating to controlled substances RDU Legal and Advocacy Services  
 Component Public Defender Agency  
 Sponsor Rules Committee  
 Requester Governor Component No. 1631

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This proposed bill amends the crime of manslaughter to include deaths that are the direct result of ingesting drugs knowingly manufactured or delivered illegally. It also amends the crime of child endangerment to include a C felony for manufacturing methamphetamine in a building where children reside. It also raises to an A felony possession of methamphetamine in an organic solution. While the agency has seen a recent increase in appointments concerning methamphetamine cases, this proposed legislation is not expected to have a noticeable fiscal impact on the operations of the Agency.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)334-4416  
 Division Public Defender Agency Date/Time 1/20/05 1:18 PM  
 Approved by: Michael Tibbles, Deputy Commissioner Date 1/20/2005  
 Agency Department of Administration

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: SB 70  
 (S) Publish Date: 1/21/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title Methamphetamine / Drug Crimes Bill RDU CRIMINAL  
 Component CDCO  
 Sponsor Possible Governor  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill would make it manslaughter for a person to manufacture or deliver a controlled substance in violation of Alaska's drug laws if a person dies from ingesting the substance. The bill also would make it a class C felony to manufacture or attempt to manufacture methamphetamine in a building where children reside. It also would raise the penalty for possessing methamphetamine in solution with intent to extract methamphetamine salts from it. The Department of Law does not anticipate a significant fiscal impact from passage of this legislation.

Prepared by: Robert Meiners, Dep. Director Phone 465-5427  
 Division Administrative Services Date/Time 12/22/04 2:55 PM  
 Approved by: Robert Meiners for Gregg D. Renkes, Attorney General Date 12/22/2004  
 Agency Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 4  
 Bill Version: CSSB 70(HES)  
 (S) Publish Date: 2/28/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Corrections  
 Title "Act relating to controlled substance, crimes of RDU Institutional Facilities  
manslaughter and endangering welfare of a child....." Component Institution Director's Office  
 Sponsor Rules Committee  
 Requester Governor Component No. 524

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	.	.	.	.	.	.
Travel	.	.	.	.	.	.
Contractual	.	.	.	.	.	.
Supplies	.	.	.	.	.	.
Equipment	.	.	.	.	.	.
Land & Structures	.	.	.	.	.	.
Grants & Claims	.	.	.	.	.	.
Miscellaneous	.	.	.	.	.	.
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)	.	.	.	.	.	.
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time	.	.	.	.	.	.
Part-time	.	.	.	.	.	.
Temporary	.	.	.	.	.	.

**ANALYSIS:** (Attach a separate page if necessary)

This bill addresses issues relating to the extreme dangers that surround the unlawful manufacture and distribution of methamphetamine. It makes it a crime of manslaughter for a person to manufacture or deliver a controlled substance in violation of Alaska law if a person dies as a result of ingesting the substance. The bill makes it a class C felony to manufacture or attempt to manufacture methamphetamine in a building where children reside. And makes it a class A felony to possess methamphetamine in an organic solution. The Alaska State Troopers (AST) report that there is no data readily available regarding the number of individuals who have died as a direct result of ingesting methamphetamine. In addition, there is no centrally recorded data available regarding the quantity of methamphetamine in an organic solution seized by law enforcement from around the state. (continued)

Prepared by: Sharleen Griffin, Acting Director Phone 465-4641  
 Division: Administrative Services Date/Time 2/15/05 10:49 AM  
 Approved by: Portia Parker, Deputy Commissioner Date 2/15/2005  
 Agency: Department of Corrections

FISCAL NOTE # 4

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

BILL NO.                       
                     CSSB 70(HES)

**ANALYSIS CONTINUATION**

The AST estimates that children were present in a building where the manufacture of methamphetamine was occurring about 30% to 40% of the time. The AST recorded 55 manufacture of methamphetamine arrests and 62 methamphetamine labs in 2004; these statistics do not include local or municipal law enforcement seizures and arrests, or the potential for enhanced law enforcement efforts in this area. The department believes that the bill will have the effect of lengthening sentences for offenders convicted of unlawful activity covered by this legislation, but without better data, the direct fiscal impact to corrections is difficult to project. Thus, the fiscal impact to the Department of Corrections is indeterminate.

# STATE OF ALASKA

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## Sectional Analysis of CSSB 70(HES) (Controlled Substances Regarding The Crimes Of Manslaughter, Endangering The Welfare Of A Child, And Misconduct Involving A Controlled Substance, and Listing Certain Anabolic Steroids as Controlled Substances)

*(Prepared by the Department of Law, March 2, 2005)*

CSSB 70(HES) would make it manslaughter for a person to manufacture or deliver a controlled substance in violation of Alaska's drug laws if a person dies from ingesting the substance. The bill also would make it a class C felony to manufacture or attempt to manufacture methamphetamine in building where one or more children reside. It also would raise the penalty for possessing methamphetamine in solution with intent to extract methamphetamine salts from it.

**Sec. 1: *Manslaughter:*** This section adds elements to the crime of manslaughter under AS 11.41.120(a), to provide that a person commits manslaughter if the person knowingly manufactures or delivers a controlled substance in violation of AS 11.71, and a person dies as direct result of ingestion of the controlled substance. It also provides that the death of the person who ingests the controlled substance is a result that does not require an additional culpable mental state.

**Sec. 2: *Affirmative defense:*** This section adds a new subsection to AS 11.41.120, creating an affirmative defense to a charge of manslaughter, as proposed in sec. 1 of CSSB 70(HES), if the defendant manufactured the controlled substance for the defendant's own use, the controlled substance was stolen from a locked area designed for securing valuable items or dangerous materials, and the defendant did not know or have reason to believe that the controlled substance would be taken from the locked area.

**Sec. 3: *Special definition of "building":*** This section adds a definition of "building" to AS 11.51.100(c) (Endangering the Welfare of a Child in the First Degree), to reflect the use of that term as proposed in CSSB 70(HES). This special definition differs from the definition of "building" set out in AS 11.81.900(b) for the rest of the Criminal Code: The general definition provides that "when a building consists of separate units, including apartment units, offices, or rented rooms, each unit is considered a separate building"; by contrast, the special definition proposed for AS 11.51.100(c) provides that "when a building consists of separate units, including apartment units, offices, or rented rooms, each unit is considered *a part of the same building*" [emphasis added].

A technical change was made to put the section-specific definitions in AS 11.51.100(c) in alphabetical order.

**Sec. 4: *Conforming provision:*** This section amends AS 11.51.100(f) (Endangering the Welfare of a Child in the First Degree), to include AS 11.51.100(g) as a class C felony under AS 11.51.100. This section also makes a technical change to a cross-reference proposed in the previous bill.

**Sec. 5: *Manufacture of methamphetamine in a building that houses children:*** This section adds a new subsection (g) to AS 11.51.100 (Endangering the Welfare of a Child in the First Degree), to make it a class C felony to knowingly manufacture or attempt to manufacture methamphetamine in violation of AS 11.71 in a building, with reckless disregard that the building is a dwelling for one or more children under 18 years of age. The word "dwelling" is defined in AS 11.81.900 as "a building that is designed for use or is used as a person's permanent or temporary home or place of lodging."

**Sec. 6: *Misconduct involving a controlled substance:*** This section adds a new paragraph (5) to AS 11.71.020(a) (Misconduct Involving a Controlled Substance to the Second Degree), a class A felony, to raise the level of the crime of possessing methamphetamine in an organic solution with intent to extract from it methamphetamine salts, isomers, or salts of isomers. The section also makes conforming and technical changes to AS 11.71.020(a).

**Sec. 7: *Inclusion of anabolic steroids as controlled substances:*** This section adds a new subsection (f) to AS 11.71.180 ("Schedule VA" Controlled Substances), to make anabolic steroids a controlled substance under the Alaska criminal code, and to provide a definition for anabolic steroids.

**Sec. 8: *Applicability:*** This section makes the Act applicable to offenses committed on or after the effective date of the Act.

**Sec. 9: *Effective date:*** This section establishes an effective date of July 1, 2005.

# **Chemical Exposures Associated with Clandestine Methamphetamine Laboratories**

By

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### Introduction:

The State of Colorado as well as the nation face an unprecedented epidemic of clandestine methamphetamine drug manufacturing. Seizures of methamphetamine drug laboratories continue to rise putting police and fire first responders at risk for a variety of hazards. The number of seizures in Colorado has risen dramatically from 31 laboratories in 1998 to 455 laboratories in 2001. First responders and susceptible third parties, such as children, are at risk for exposures to the chemical hazards and the fire, explosion, and safety hazards inherent with clandestine manufacture of methamphetamine.

Unfortunately, very little is known regarding the specific exposure hazards faced by first responders and bystanders associated with illegal methamphetamine manufacture and lab seizure. As a result there is very poor information on which to establish appropriate medical treatment plans and healthcare providers are forced to provide generic, often expensive, and probably to some extent unnecessary medical testing.

The use of personal protective equipment (PPE) by emergency services and law enforcement personnel also vary widely by jurisdiction due to the lack of information regarding chemical exposures at the sites and the necessity for protection. Some jurisdictions use self-contained breathing apparatus and chemical-protective suits while other neighboring jurisdictions use no respiratory protection or chemical-protective suits at all. Other agencies switch from self-contained breathing apparatus to air-purifying respirators after the initial assessment while other agencies remain in the highest levels of protection. These variations are due to a lack of information from scientifically-based studies, relating to exposure risks while conducting these operations.

Even though many agencies use some form of PPE, there are increasing reports of emergency service and law enforcement personnel being injured while conducting investigations at clandestine methamphetamine laboratories. The Centers for Disease Control reported 59 events associated with methamphetamine labs where emergency services personnel were injured during the investigation between 1996 and 1999. The number of injured responders was 155 with most reporting respiratory irritation.<sup>(1)</sup>

Studies conducted by Dr. Jefferey Burgess<sup>(2,3)</sup> at the University of Washington investigated the symptoms reported by emergency responders during illegal methamphetamine laboratory seizures. Responders predominately reported general irritant symptoms, but least one case of phosphine gas exposure was reported. In a questionnaire study of emergency responders, 53.8% reported at least one illness while conducting laboratory seizures with most symptoms appearing to be related to chemical exposure at the laboratory site. The primary symptoms reported were headache and mucous membrane irritation.

Although the predominant symptoms were irritant symptoms, a number of responders were found to have an accelerated drop in one second forced expiratory volume (FEV<sub>1</sub>) that may have been related to work in drug laboratories. The majority of symptoms reported by officers occurred during the processing phase of the laboratory seizures but

this phase was also the phase in which the most time was spent in the laboratory area. The use of respiratory protection did seem to reduce the incidence of symptoms while investigating these laboratories. There has also been anecdotal evidence of exposure to methamphetamine causing permanent lung damage but the actual cases have not been reported in the literature.

This increase in illegal laboratory seizures and reported health effects has resulted in health concerns by the emergency services and law enforcement personnel responding to these incidents. Typical concerns expressed by first responders regarding exposures at clandestine methamphetamine laboratory seizures include:

- Was I exposed to something that can harm me?
- Could my exposures cause me health concerns?
- What personal protective equipment should I have been wearing during the lab seizure?
- When was it safe for me to remove my personal protective equipment?

Although the chemicals used in the production of methamphetamine are well known, first responders do not know which of these chemicals by themselves or in combination may be harmful and what routes of exposure present the most severe risks. Industrial hygienists commonly approach such problems by quantifying the actual exposures using air sampling, modeling, and in some cases teamed with occupational environmental medical specialists using biological markers (chemical traces in urine or blood, for example) to determine what the exposure has been. Major exposure assessment issues include individual chemical characteristics as well as potentially complex interactions of chemicals that might result in unusual and potentially very toxic mixtures.

This project was designed to determine the potential chemical exposures to law enforcement and emergency services personnel responding to clandestine methamphetamine laboratory seizures. The results of the project would be utilized to inform decisions regarding PPE, containment, and medical treatment of individuals involved with these responses.

The six goals of the study were to:

- Determine the primary chemical exposures of concern at clandestine drug laboratory seizures for both the responders and the children present at the laboratory site.
- Determine which phase of the response poses the highest risk for responders, what chemicals responders are exposed to, and to what concentrations they are exposed.
- Investigate the relationship between symptoms reported by the responders and the actual exposures measured at the site.

- Investigate how symptoms observed or reported in children that are present in clandestine drug laboratories, relate to the chemical exposures within the laboratory.
- Determine the appropriate types of personal protective equipment required for the various phases of drug lab seizures based on exposure assessments.
- Determine the appropriate components of a medical monitoring program for first responders based on exposure assessments at illegal drug lab sites.

Project Methodology:

**Laboratory Methods**

To perform the exposure-monitoring component of this project, it was necessary to:

1. Obtain the samples quickly since there would be a limited time for sampling.
2. Hold samples without losing information until they could be shipped to the laboratory for analysis.
3. Obtain enough sample so that the laboratory limit of detection for the chemicals of interest were lower than the levels of concern for that chemical.
4. Collect the samples with a minimum of personnel effort.

Based on these criteria, air samples were collected for general hydrocarbons, phosphine, inorganic acids, iodine, and metals. In addition, surface samples were collected for methamphetamine and its precursors. The samples for general hydrocarbons were collected using two different approaches. The first approach involved the use of a summa canister, which is a stainless steel evacuated cylinder that can be used to obtain a volume of air immediately from the area in question. The canister was taken into the clandestine lab area and the valve opened, allowing the tank to fill with the air present within the suspected laboratory. After the tank had filled, the valve was shut and the canister sent to Data Chem Laboratories in Salt Lake City for analysis. The samples were analyzed using a gas chromatograph combined with a mass spectrometer (GC/MS) by the United States Environmental Protection Agency (EPA) Method T0-15.

The second general hydrocarbon sampling method was conducted using a carbotrap tubes supplied by Data Chem Laboratories. Thermal desorption tubes consist of multi-layer charcoal sorbents through which a known volume of air is drawn using a flow-calibrated personal sampling pump. These samples were collected at a rate of approximately 50 cubic centimeters (cc) per minute. After sampling, the tubes were packaged in air-tight containers and shipped to Data Chem Laboratories for analysis. At Data Chem, the samples were thermally desorbed and analyzed using a GC/MS according to the EPA method T0-17.

Initial phosphine samples were collected on specially treated silica gel tubes using a personal sampling pump that had been calibrated to an approximate flow rate of 100 cc

per minute. The sample tubes were capped and sent to Data Chem Laboratories for analysis using the NIOSH Manual of Analytical Methods (NMAM) 6002. This analysis method uses a manual visible spectrophotometry method of analysis. Phosphine samples obtained during the hotel cook were collected using a 37 mm filter cassette containing a glass fiber filter and a mercuric chloride-treated filter. These samples were capped and sent to Data Chem Laboratories for analysis using OSHA Method 1003 which uses an ICP-AES analysis method.

Samples were collected for airborne iodine using standard charcoal tubes combined with a personal sampling pump calibrated to a flow rate of approximately 1.0 liters per minute (lpm). After sampling, these tubes were capped and sent to Data Chem Laboratories where they were analyzed by ion chromatography using NMAM 6005.

The inorganic acids samples were collected using a silica gel tube and a personal sampling pump calibrated to an approximate flow rate of 200 cc per minute. After sampling, the tubes were capped and sent to Data Chem Laboratories for ion chromatography analysis using NMAN 7903.

Samples for metals were collected using a 0.8 um, cellulose ester membrane filter and a personal sampling pump calibrated to a flow of approximately 2.0 lpm. After sampling, the filters were packaged and sent to Data Chem Laboratories where they were analyzed by inductively coupled argon plasma using NMAM 7300.

Wipe samples for methamphetamine were collected by wiping a specific area with a sterile four inch by four inch (4x4) gauze wipe. Prior to entering the suspected laboratory, the 4x4 wipes were individually placed into plastic centrifuge tubes. After entering the laboratory, the wipes were taken out of the tubes and wetted with several milliliters of isopropanol prior to sampling. An attempt was made to minimize cross contamination by using separate pairs of gloves or by wiping the gloves with isopropanol between sampling efforts. After sampling, the wipes were put back into the centrifuge tubes and sent to Data Chem Laboratories for analysis. The samples were analyzed using a NIOSH method under development at the laboratory, which enabled the analysis of the samples using GC/MS.

### ***Sampling Scenarios***

Four sampling scenarios were conducted during the investigation. An initial sampling scenario was conducted at the Colorado Springs Police Laboratory in order to determine the potential levels of chemicals that might be encountered in the field and to determine the effectiveness of the sampling methodology. In this instance, three different methods of methamphetamine manufacture were conducted using the facilities and laboratory hoods present in the police laboratory. Two variations of the red phosphorous method and one hypo-phosphorous cook were conducted. In each case, the sampling devices were installed into the hood where the cook was taking place and positioned so that the highest concentrations of chemicals would be collected.

For each type of cook, samples were taken for inorganic acids, phosphine, metals, and iodine. Summa canisters and thermal desorption tubes for organics were taken in one hood at the end of the cook when the methamphetamine was being dissolved in solvent. Wipe samples for methamphetamine were taken in all of the hoods prior to performing the cooks and after conducting the cooks in order to see if methamphetamine was released during the cook. It was expected that prior contamination did exist since methamphetamine had been manufactured in the laboratory prior to this event.

The second sampling scenario occurred during the investigation of individual clandestine methamphetamine laboratories by law enforcement officers. In these situations sample collection devices were brought into the suspected laboratory immediately after entry by law enforcement officials. Initially samples were taken for organics using both the summa canisters and the thermal desorption tubes. After the first several labs, the use of the summa canister was eliminated since the thermal desorption tubes provided adequate information. Initially samples for airborne iodine, phosphine, inorganic acids, and metals were collected at all of the sites. As the investigation progressed, sampling for elements (metals) was discontinued because sampling results were consistently below the limits of detection for the method. Later, sampling focused on acids, iodine, and phosphine in those laboratories that appeared to have been in operation in the recent past. Because environmental surface samples consistently showed positive results, wipe samples were always collected in each suspected laboratory.

The third sampling scenario involved controlled methamphetamine manufacture conducted in an abandoned house scheduled to be burned by the local fire department. This scenario was intended to simulate exposures during illegal methamphetamine manufacture in a residence. Two areas of the house were designated in which to conduct cooks. In one area, a red phosphorous method was utilized and in the other a hypophosphorous method was utilized. Samples were collected both in the area of the cook and at a distance from the cook in order to determine the movement of chemical exposures. Samples for phosphine, inorganic acids, iodine, and organics were taken at all sampling locations. In addition, real-time data for hydrochloric acid and phosphine were also obtained using an ITX Multi-Gas Monitor (Industrial Scientific Corporation.) This meter provides real-time monitoring and data logging that can be used to determine chemical concentrations during the cook. Methamphetamine wipe samples were collected from specific locations that were measured to be 100 square centimeters. The samples were taken at three intervals; prior to starting the cooks, after the cooks, and after the salting out process.

The fourth scenario was conducted in a three-story hotel that was being demolished. This scenario was again intended to simulate exposures during an illegal methamphetamine cook using the red phosphorous method of manufacture. The cook was conducted in one room of the hotel and samples were collected in that room, in the bathroom, in the hallway, and in an adjacent room. The sampling methodologies utilized were the same as those used in the house during the third scenario with the exception of the phosphine sampling and the use of a real-time methamphetamine sampler called a Cozart RapiScan (manufactured by Dominion Diagnostics) that was employed during the cook.

### **Questionnaires**

We initially planned to give questionnaires to all of the individuals present at each of the clandestine laboratory investigations as well as at training classes put on by the North Metro Task Force. The two questionnaires were developed and submitted to the National Jewish Institutional Review Board for approval. This approval was obtained but not until a large number of the clandestine laboratories had already been investigated. For this reason, the questionnaires were only given to participants at North Metro Task Force training sessions. They were handed out by North Metro staff and self-administered by participants in the training class. The questionnaires were collected at the end of the class and returned to National Jewish Staff.

### **Data Collection**

All of the data collected during the study was put into Microsoft Excel Spread Sheets. The spread sheets and the raw data were kept on the computer of the Principal Investigator.

### **Project Results:**

This study was initiated on January 1, 2003 and the research team was ready to respond to any methamphetamine labs by the second week of January, 2003. We purchased all necessary respiratory protection, personal protective equipment, sampling equipment, and established the necessary sampling protocols. The team collected samples at the Colorado Springs Police Laboratory where methamphetamine was manufactured under controlled conditions (laboratory hoods) to evaluate potential exposures. The team responded to a total of 16 suspected clandestine methamphetamine laboratories between January 14, 2003 and May 17, 2003. Samples were also collected at two controlled methamphetamine cooks conducted in an abandoned house prior to being destroyed by the Fire Department and at a hotel prior to demolition.

### **Current Occupational Health Criteria for Sampled Substances**

The concentration results for the three primary chemicals for which we sampled were compared to the following standards for occupational exposures:

Compound	OSHA PEL	ACGIH TLV	NIOSH REL
Iodine	Ceiling 1.0 mg/m <sup>3</sup>	Ceiling 1.0 mg/m <sup>3</sup>	Ceiling 1.0 mg/m <sup>3</sup>
Phosphine	0.4 mg/m <sup>3</sup>	0.4 mg/m <sup>3</sup>	0.4 mg/m <sup>3</sup>
Hydrogen Chloride	Ceiling 7.0 mg/m <sup>3</sup>	STEL Ceiling 3.0 mg/m <sup>3</sup>	Ceiling 7.0 mg/m <sup>3</sup>

OSHA PEL – Occupational Safety and Health Admin. Permissible Exposure Level

ACGIH TLV – American Conference of Governmental Industrial Hygienists Threshold Limit Value

NIOSH REL – National Institute of Safety and Occupational Health Recommended Exposure Level  
STEL – Short Term Exposure Level

### ***Clandestine Laboratories Sampled***

The first sampling effort at a clandestine laboratory was conducted on January 14, 2003 at a local hotel in Westminster, CO. This laboratory was in a hotel room that had likely been used for several days. Chemicals were present but no cook was in progress during our sampling. The drug manufacturers were out of the room at the time of law enforcement entry.

The second sampling effort was conducted on January 15, 2003 in a private residence. According to law enforcement officers, this home had been used as a drug lab until December 2002. The Health Department had ordered the home vacated and the residence had been closed for some time.

A third sampling effort was conducted on January 16, 2003 in an apartment. This apartment had been identified, by law enforcement officers, as a methamphetamine laboratory and was reportedly remediated.

The fourth sampling effort was conducted on January 17, 2003 in a mobile home. This facility also had some chemicals but the laboratory was not in operation at the time of law enforcement entry.

The fifth sampling effort was conducted at a residence where the methamphetamine laboratory was in a bedroom on the 2<sup>nd</sup> floor. An area in the bedroom had been used for cooking as evidenced by glassware and stains in the area.

The sixth and seventh sampling efforts were conducted at a trailer park and a motel room. The two laboratories were related since a cook had apparently been conducted at the motel room and then the chemicals moved to the trailer park. The cooking area at the motel had significant iodine staining and it was reported, by law enforcement officers, that there had been an associated explosion.

The eighth sampling effort was conducted in another trailer park. The laboratory was located in the kitchen where a number of chemicals were found as well as significant iodine staining. It was reported that the cook had occurred on the Friday before the Monday raid.

The ninth sampling effort was conducted in a house. There was no evidence of cooking at this house but chemicals and glassware were present. It appeared that the house may have been entered prior to the cook actually occurring.

The tenth site that was sampled was a home. It appeared that a cook had occurred in this home since there were many coffee filters with residues that appeared to be related to

methamphetamine manufacture at the location. Upon entry, there was a smoky haze inside of the house but no iodine stains were observed.

Suspected laboratory number twelve was located in at home. Iodine stains and burns were evident in the basement bedroom of the home. Iodine staining was not visible on the walls or ceiling, making it difficult to determine if the home was used to cook methamphetamine. This home may have been used as a small day care facility for family members.

The thirteenth laboratory sampling effort was located in a trailer. Glassware and chemicals to manufacture methamphetamine, and drug paraphernalia were discovered on scene, but no signs of iodine stains or a cook were visible.

The fourteenth site was a trailer. Although no visible smoke or discernable smell was present, officers reported having headaches after removing the suspects from the home. Additionally, officers did not wear any personal protective equipment while in the trailer. Although chemicals to manufacture methamphetamine and drug paraphernalia were present, it is unclear if methamphetamine was manufactured in this residence.

Laboratory number fifteen was located in a residence. This laboratory was unique in this study because the lab was discovered after firefighters extinguished a fire in the residence. Chemicals and glassware used to manufacture methamphetamine were discovered throughout the home.

The sixteenth laboratory was a vehicle that was acquired by the Trinidad Police Department. Officers frequently reported headaches and rashes on the arms and forehead after riding in the vehicle.

In general, none of the suspected clandestine methamphetamine laboratories sampled were active laboratories at the time of sampling. In no case did we enter a structure where chemical agents used for the illegal manufacture of methamphetamine were actually being used at the time of entry. In fact, in most cases there was no evidence that a cook had taken place within the last few hours. This was not totally unexpected since some effort is made by North Metro Task Force officials to conduct law enforcement operations at a time where exposure to chemicals is minimized. However, due to the status of the suspected laboratories during our sampling effort, the chemical exposure results that we have obtained from these laboratories should be considered to be the minimum exposures expected during these operations. Chemical exposures at an operational laboratory would be expected to be much higher as our results from the Colorado Springs Police Department and the controlled cooks have shown.

### **Colorado Springs Police Department Results:**

The sampling scenario conducted at the Colorado Springs Police Department was designed to test the sampling methodologies that had been developed and to determine the order of magnitude of the maximum exposures expected at an operating methamphetamine laboratory. Samples were taken for phosphine, metals, inorganic acids, iodine, organic compounds and methamphetamine.

This sampling was conducted on January 10, 2003 in the criminology laboratory located at the police station. Three methamphetamine cooks were conducted at the facility using a street variation of the Red "P" Method, a DEA laboratory variation of the Red "P" Method, and a hypophosphorous acid method. All of these cooks were conducted in laboratory hoods and samples were taken so as to obtain worst-case samples. Since the hoods were in operation for much of the time during sampling, the results may not be actual worst-case for the process but, rather worst-case under those conditions.

#### Inorganic Acid Results

The acid scan that was conducted determined the presence of hydrofluoric acid, hydrochloric acid, hydrobromic acid, phosphoric acid, nitric acid, and sulfuric acid. One concern regarding the methodology used was that the blanks submitted with the actual samples were found to contain low levels of nitric and sulfuric acids. In addition, all of the acids, except hydrobromic, for which we tested were found to be present at the Colorado Springs cooks, even though these acids were not utilized in the cooking process and even though they would not be expected to be present. This may not be a surprise since these tests were conducted in laboratory hoods that have likely been used to contain acids in past experiments. During this cook hydrofluoric acid was found in high concentrations in the laboratory variation of the Red "P" Method but so was phosphoric, nitric, and sulfuric. That particular sample appears to have been contaminated either by acids in the hood or as a background artifact in the silica gel tube. In addition, no phosphoric acid was found in the hypophosphorous acid method, which was somewhat of a surprise.

The primary acid concentrations found at the Colorado Springs Police Department were as follows:

<b><i>Inorganic Acid Results from the Colorado Springs Police Dept. Methamphetamine Cook</i></b>			
<b>Manufacturing Process</b>	<b>Sulfuric (mg/m<sup>3</sup>)</b>	<b>Hydrochloric (mg/m<sup>3</sup>)</b>	<b>Phosphoric (mg/m<sup>3</sup>)</b>
Street method hood cook	0.02	16.9	ND
Street method hood extraction	ND	ND	ND
Lab Method	0.07	4.5	ND
Hypophosphorous method	0.04	0.12	ND
Street Method salting out	0.04	2.36	ND
Blank	ND	ND	ND
Blank	0.021	ND	ND

The highest acid levels were found during the Street Red "P" Cook. The primary acid found was hydrochloric acid. This is no surprise since hydrochloric acid is used during the salting out portion of the process. It was somewhat of a surprise that hydrochloric acid was found during the cooking phase of both the red phosphorous cook and the hypophosphorous cook. It is believed that the production of hydrochloric acid was likely due to the use of ephedrine chloride for the cook.

The salting out phase was found to generate high levels of hydrogen chloride even though the use of the hydrogen chloride was much more controlled than it would have been in a home laboratory. The current American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Level Value (TLV) for hydrochloric acid is approximately  $3.0 \text{ mg/m}^3$  and is a ceiling value meaning that it can't be exceeded for any amount of time. Levels measured at the controlled cooks ranged from slightly below the current allowable level to approximately five times the allowable level. During an actual cook in a house where poor ventilation is present and generation methods are not as controlled, it is likely that acid levels will be significantly higher than those observed in this experiment.

#### Phosphine Sampling Results

The results of the samples taken for phosphine were as follows:

<i>Phosphine Samples Collected at the Colorado Springs Police Dept. Cooks</i>	
<b>Manufacturing Process</b>	<b>Phosphine (<math>\text{ug/m}^3</math>)</b>
Street Cook	433.6
Street Extraction	489.4
Lab Cook	4842
Hypophosphorous Cook	ND
Blank	170

The phosphine concentrations ranged from a non-detect in the hypophosphorous cook to  $4842 \text{ ug/m}^3$  during the laboratory red phosphorous cook. However, the blank for the laboratory samples was found to contain  $170 \text{ ug/m}^3$  suggesting that actual phosphine levels were approximately  $200 \text{ ug/m}^3$  lower than the levels reported by the laboratory. The ACGIH TLV for phosphine is approximately  $420 \text{ ug/m}^3$  which is approximately what the laboratory is reporting in the samples, however the samples may have been at  $\frac{1}{2}$  of that concentration.

### Iodine Sampling Results

The results of the iodine samples taken at the Colorado Springs Police Department were as follows:

<i>Iodine Sampling Results at the Colorado Springs P.D. Laboratory</i>	
Sample Location	Iodine (mg/m <sup>3</sup> )
Street method hood	2.3
Lab method hood	37

The levels of iodine found in the air ranged from 2.3 mg/m<sup>3</sup> to 37 mg/m<sup>3</sup> during the actual cooks. The current TLV for iodine is a ceiling value of 1 mg/m<sup>3</sup> indicating that the levels of iodine found in the controlled cook would have exceeded the current standards by almost an order of magnitude. This was not a surprise since the color of the gases coming off of the cook suggested that iodine was being released at high levels.

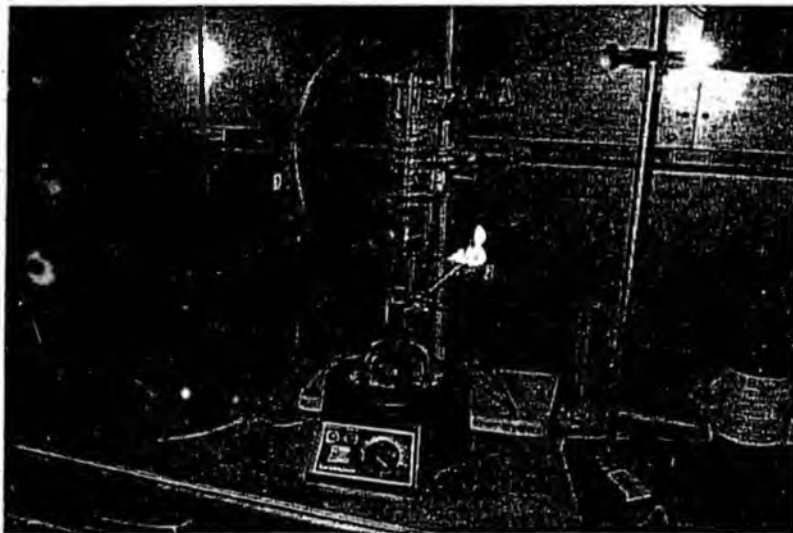


Figure 1: Iodine staining on condenser tube in laboratory hood.

### Total Hydrocarbon Results

It was expected that the GC/MS results from this sampling effort would be difficult to interpret due to the fact that the sampling was conducted in a laboratory where a large number of solvents were routinely utilized. Large peaks were found for methyl chloride, isopropanol, chloroform, heptane, methanol, pentane, and a number of aliphatic hydrocarbons. Ethanol, acetone, benzene, toluene, and perchloroethylene were also found to be present in moderate amounts. These compounds would be expected to be common in a chemistry laboratory and none were considered unique to the

methamphetamine manufacturing. Chloroform was the solvent that was used to collect the methamphetamine and it was found at high levels in the sampling effort.

#### Methamphetamine Wipe Sample Results

A number of methamphetamine wipe samples were taken at the Colorado Springs Police Department laboratory cooks. The samples were taken in the upper portion of the hoods and were intended to determine the amount of drug that was liberated during the cook. The levels were influenced by the flow rate of the hood and, in fact, may have been lower than the levels actually produced. All of the hoods had prior methamphetamine levels due to previous cooks in this laboratory. The levels of methamphetamine measured after the cook ranged from 0.78 ug/100 cm<sup>2</sup> to 16 ug/100cm<sup>2</sup>. These levels are well over the 0.5 or 0.1 ug/100 cm<sup>2</sup> levels that are currently being used as a standard by many states. The levels are lower, however, than we expected since the cook was confined to the hood. The lowest methamphetamine levels were found in the hood where the hypophosphorous method was utilized.

We also took wipes of the beaker used to manufacture the methamphetamine and the stirring rod for the cook. The stirring rod had 5200 ug of methamphetamine present and the beaker had 7900 ug of methamphetamine present. Both of these items would be expected to be high.

The results of the wipe samples were as follows:

<b>Methamphetamine Wipe Sample Results from Colorado Springs Police Dept. Cooks</b>				
	<b>Analytes in ug/wipe</b>			
<b>Sample Location</b>	<b>Amphetamine</b>	<b>Methamphetamine</b>	<b>Ephedrine</b>	<b>Pseudoephedrine</b>
Street Hood Pre Cook	ND	5.4	0.7	2.8
Street Hood Post Cook	3.2	16	0.5	2.4
Lab Method Pre Cook	ND	0.3	0.2	0.3
Lab Method Post Cook	ND	0.8	ND	ND
Hypophosphorous Pre	0.4	7	0.2	1.8
Hypophosphorous Post	0.5	15	0.4	2.6

#### ***Drug Lab Response Results:***

We responded to a total of 16 suspected clandestine methamphetamine drug laboratories. As previously mentioned, none of these clandestine drug laboratories were in operation at the time of our response. In fact, most of the labs to which we responded were small labs with limited amounts of chemicals present. In only one instance was it reported by law enforcement that a cook had occurred that day. Due to the type of laboratories sampled, it is expected that the levels of chemical exposure that were found would be at the minimum levels that would be expected. For this reason, the exposures that we documented during the laboratory response phase are not applicable to the exposures that should be expected at clandestine laboratories where cooks are in progress or have recently been conducted.

### Inorganic Acid Scan Results

Samples for acids were taken in six of the sixteen laboratories. After the first few laboratories were sampled, it was determined that we would not expect airborne acid to be present unless an actual cook was in progress or had recently been in progress. Initially samples were taken at all of the laboratories but when sample results were consistently below the level of detection, the collection of acid samples was discontinued unless an actual cook was encountered.

Hydrogen chloride was detected in only two of the clandestine labs sampled. In both cases, these were mobile homes. It is not clear that a laboratory had been recently in operation at either of these locations and the levels of acid found were very low ( $0.007 \text{ mg/m}^3$  and  $0.2 \text{ mg/m}^3$ ). These low levels may suggest that a cook had occurred recently within the suspected laboratory. These results may also represent the lower level of detection for this method. The current ACGIH TLV for hydrogen chloride is a ceiling value of  $3 \text{ mg/m}^3$  (2 ppm).

### Phosphine Sampling Results

Phosphine is a gas that is liberated during the cooking phase. It is an extremely reactive gas and would not be expected to be present unless a cook was actually occurring. We sampled for phosphine at three of the suspected laboratories and did obtain a positive sample from one lab. The sample result was  $358.6 \text{ ug/m}^3$  which we considered to be relatively high. Since a previous blank had come back with a result of  $170 \text{ ug/m}^3$ , it is possible that this method of measuring phosphine is not accurate and that this sample was, indeed, a false positive. It is also possible that somehow an accumulation of phosphine was present within the laboratory.

### Iodine Sampling Results

Samples for airborne iodine were taken at 10 of the suspected laboratories. In many of the laboratories, iodine stains were observed on carpeting and on the walls as illustrated below:



Figure 2: Iodine stains on carpet of suspected methamphetamine laboratory.

It was expected, therefore, that iodine exposures might be high in some of these facilities. The results of the sampling were as follows:

<i>Iodine Sample Results</i>	
Sample Location	Iodine (mg/m <sup>3</sup> )
Hotel room	ND
Upstairs closet	ND
Main room	ND
Upstairs Bedroom	0.015
Main room	ND
Blank	ND
Hotel room	ND
Main room	0.023
Main room	0.007
Upstairs	0.0079
Main room	ND
Downstairs	ND

Although iodine stains were readily apparent in many of the suspected laboratories, elevated levels of airborne iodine were not present in all of the locations. The levels of airborne iodine that were found were well below the current ACGIH TLV of 1.0 mg/m<sup>3</sup> (0.1 ppm) as a ceiling value.

#### Total Hydrocarbon Results

GC/MS samples taken at the suspected laboratories were difficult to interpret due to the fact that hydrocarbons are commonly utilized in most homes. Peaks were found for isopropanol, methanol, pentane, propene, toluene, heptane and a number of aliphatic hydrocarbons. These compounds are commonly used and would be expected to be found in many homes. Many of the common solvents utilized by clandestine methamphetamine cooks do contain the compounds that were found, however, none of these compounds can

be considered to be unique to the production of methamphetamine. In addition, we did not observe any peaks that were exceptionally high except for the isopropanol that we used for a solvent for our methamphetamine wipe samples.

### Methamphetamine Wipe Sample Results

Methamphetamine wipe samples were taken at all of the suspected clandestine laboratories. An attempt was made to take all samples in a 100 cm<sup>2</sup> area but in many cases that was not possible. For this reason, the wipe samples should be considered to be in ug/sample results. The results of the sampling efforts are as follows:

#### Wipe Samples Taken in Methamphetamine Labs

Sample Location	Analytes in ug/wipe			
	Amphetamine	Methamphetamine	Ephedrine	Pseudoephedrine
Blind in bedroom	1	120	ND	5.6
Closet Wall	0.36	180	ND	20
Blank	ND	0.2	ND	ND
Unknown	ND	5.9	ND	11
Unknown	2.9	370	ND	290
Unknown	0.14	12	ND	5.5
Counter top by sink	0.1	28	15	1300
Bathroom floor	0.2	9.2	ND	3.7
Floor by kitchen	0.2	39	0.84	150
Red box	0.2	9.1	ND	3.7
Wood table	1.3	920	ND	11
Window blinds	ND	2.1	ND	ND
Ceiling fan	2	94	0.22	0.47
Wall by sink	ND	1.1	ND	ND
Light above sink	0.41	49	15	26
Behind stove	ND	2	ND	0.96
Inside microwave	2	150	ND	0.86
Unknown	ND	0.95	ND	ND
Unknown	ND	3.7	ND	ND
Unknown	ND	ND	ND	ND
Unknown	ND	ND	ND	ND
Unknown	0.11	7.4	ND	ND
Unknown	ND	3.4	ND	ND
Table on floor by pumps	0.92	520	0.72	81
Table on floor with splashes	0.31	29	1.6	150
Table in bedroom	ND	1.6	ND	0.5
Post in bedroom	ND	1.1	ND	4
Chandelier in stairwell	0.55	32	0.86	39
TV screen	ND	2.9	ND	4
Sofa	ND	0.84	ND	0.9
Air return	ND	4.1	0.2	0.5
Range hood	0.2	16	ND	0.8
Microwave inside	ND	0.4	0.71	52
Ruined microwave	0.2	9.5	ND	1

Banister	ND	0.8	ND	1.1
Kitchen stove	ND	1.8	6.6	520
Bath exhaust grill	8.6	1600	75	390
Burner in bedroom	0.5	16000	65	670
Ceiling fan	7.1	2500	34	1400
Bedroom dresser	ND	71	2	99
Microwave oven	33	1700	54	4300
Ran hood	1	100	2	31
Ceiling fan	4.1	250	2	30
Return air grill	0.9	85	1	48
Night stand	ND	2800	9.3	37
TV table	ND	25	ND	12
Ceiling stain	ND	10000	37	20
Microwave oven	ND	2400	7.2	21
Night stand by bed	ND	62	ND	8
Blank	ND	ND	ND	ND
Bedroom desk	ND	13	5	390
Cold air return	0.5	37	ND	1
Glass pan in bedroom	ND	64	1200	51000
Microwave	ND	37	520	30000
Television screen	0.7	44	ND	4.4
Livingroom table	ND	85	ND	12
Bedroom blinds	ND	13	ND	2
Bedroom dresser	ND	17	ND	3.2
Stained kitchen ceiling	ND	14	ND	5.1
Kitchen counter top	ND	0.91	ND	2.1
Kitchen vent	1.2	24	2	8.4
Microwave	ND	33	7.3	690
Furnace return grill	2.7	320	22	38
Livingroom table	1.4	430	2	14
Inside refrigerator	ND	11	ND	2.8
kitchen stove	ND	12	ND	19
Sink counter	ND	180	120	5700
Return air vent	0.67	450	6.6	99
Recording studio table	ND	250	7.7	120
Kitchen stove	ND	780	280	4000
Livingroom table	ND	120	74	170
Microwave	ND	330	65	4000
Bedroom table	ND	64	2.9	130
Blank	ND	5.7	ND	45
Coffee table	2.4	14	ND	5.8
TV screen	34	300	96	170
Dresser top	ND	3.6	ND	ND
Heater	ND	1.2	NC	ND
Kitchen table	ND	ND	ND	ND
Inside Refrigerator	ND	ND	ND	ND
Kitchen counter	ND	ND	ND	ND
Floor stains	ND	ND	ND	ND
Shelf under window	23	94	17	73
Field Blank	ND	ND	ND	ND

N. Metro Car	ND	ND	ND	ND
Stove	ND	ND	ND	ND
Furnace return grill	ND	10	ND	ND
Bedroom Table	0.43	63	ND	ND
Field Blank	ND	ND	ND	ND
Stove	ND	4	ND	ND
Microwave	1.3	660	ND	8.2
Bedroom Table	ND	650	ND	ND
John's Car	ND	ND	ND	ND
Unknown	ND	14	ND	4.4
Unknown	0.96	78	ND	20
Unknown	ND	8.3	ND	23
Unknown	ND	ND	ND	ND
Drug Car	ND	ND	ND	ND
Drug Car	ND	ND	ND	ND
Drug Car	ND	ND	ND	ND
Drug Car	ND	ND	ND	ND
Drug Car	ND	ND	ND	ND
Drug Car	ND	ND	ND	ND

A total of 97 methamphetamine wipe samples were taken in the suspected methamphetamine laboratories. Six of the samples were blanks and only one of the blanks was positive (5.7 ug/wipe). Eighty three samples were positive with a range from 0.4 ug/sample to 16,000 ug/sample. The 16,000 ug/sample was taken in a hotel room where there had been an explosion that coated the ceiling with material. The wipe was of the material on the ceiling. It was apparent from the results that the drug car seized by the Trinidad Police Department had not been used as a methamphetamine laboratory and data from it was removed from analysis. The mean of the samples, assuming a non-detect to be 0.01 ug/sample, was 499 ug/sample. The median for all of the samples was 25 ug/sample. It should also be noted that in 10 out of the 14 labs tested, all of the samples taken in the suspected laboratory were positive.

Many of the locations where methamphetamine was found could not have been contaminated by material falling on a surface. Methamphetamine residue was found not only on tables, but also on air return grates and on ceiling fans. High levels of methamphetamine were also found in refrigerators, microwaves, and kitchen appliances, suggesting that food contamination is likely to occur. In general, all of the suspected clandestine methamphetamine laboratories had widespread, high levels of methamphetamine in many areas of the house or structure.

#### ***Results of the Controlled Methamphetamine Cook in a House:***

This controlled methamphetamine cook was conducted in order to determine the likely exposures present during the cook itself. These exposures represent the potential exposures to the cook and family residing in the building where the manufacturing was conducted as well as the potential exposures to law enforcement officers entering a suspected lab, during an actual cook. It was expected that these results would generally

fall between the worst-case exposures generated in the Colorado Springs Police Department Laboratory and the results found during our sampling of the suspected labs that were not in operation at the time of the investigation.

The building was set up to utilize cooking components that a clandestine cook would be expected to use. The amount of methamphetamine made was, however, less than the amount normally made by cooks, possibly resulting in lower exposure levels. A general cook set-up is shown below:

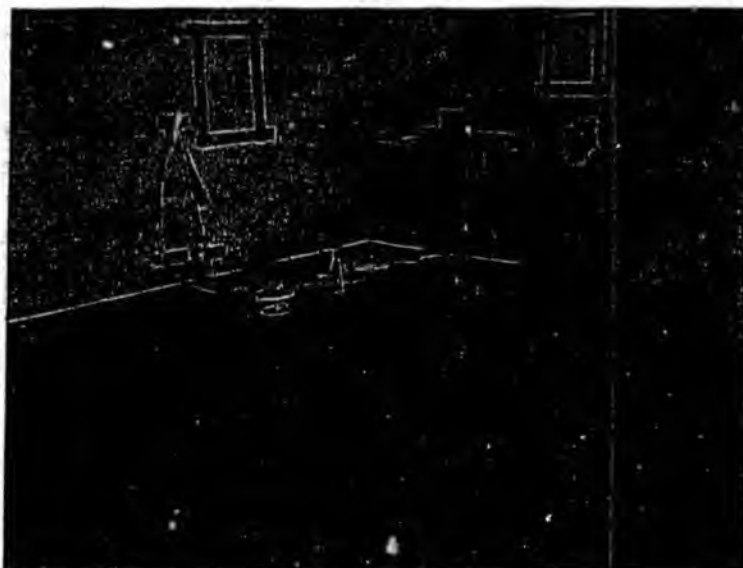


Figure 3: Methamphetamine lab setup in abandon house.

Three separate controlled cooks were conducted during this portion of the project. A cook using the red phosphorous method was conducted in the kitchen of the abandoned house and two hypophosphorous cooks were conducted in the bedroom. The salting out operations for all of the cooks were conducted in the kitchen. Samples were taken for phosphine, iodine, and hydrogen chloride for all of the operations. Samples were taken in close proximity to the cook (generally immediately above the cook), at a distance away from the cook (10 feet to 15 feet distant), and in the breathing zone of the individuals conducting the cook.

#### Red Phosphorous Method Results

The results of the chemical sampling during the red phosphorous cook were as follows:

Location	Phosphine (mg/m <sup>3</sup> )	Iodine (mg/m <sup>3</sup> )	Hydrogen Chloride (mg/m <sup>3</sup> )
Above Cook	> 1.32	1.6	14.6
Distant from Cook	0.37	0.29	0.17
Personal Sample	0.2	0.42	0.65

These results indicate that the red phosphorous method of cooking methamphetamine generated a significant amount of chemical contamination. The current ACGIH TLV for phosphine is  $0.4 \text{ mg/m}^3$  (with a short term exposure limit (STEL) of  $1 \text{ mg/m}^3$ ). The TLV for iodine is a ceiling value of  $1.0 \text{ mg/m}^3$  and the TLV for hydrogen chloride is a ceiling value of  $3.0 \text{ mg/m}^3$ . As the table above illustrates, the TLV was exceeded for all three chemical substances at the location of the cook and produced significant levels at some distance from the cook. Although the personal samples obtained from the cook were lower than the levels generated at the cook, it should be recognized that the cooks spent a minimal time in the cook area in order to limit exposure. This would not necessarily occur in an actual clandestine laboratory.

In addition, we believe that the hydrogen chloride exposure at this stage of the cooking process is the result of the use of ephedrine chloride in the cook. It is possible that if other substances were used, the hydrogen chloride content would be much less or missing.

The samples obtained using the above sampling methods resulted in a time-weighted average of the concentration of those chemicals during the entire time of the cook. The samples are therefore an average for a period of approximately two hours. The real-time equipment provided information on the peak exposures during that time. The results were as follows:

Location	Peak Phosphine ( $\text{mg/m}^3$ )	Peak Hydrogen Chloride ( $\text{mg/m}^3$ )
Close to Cook	4.6	56.2
Distant from Cook	0.67	1.52

In the vicinity of the cook, both the phosphine and the hydrogen chloride are above the current standards, with hydrogen chloride being significantly above the current ACGIH allowable ceiling value. Even at a distance from the cook, the levels measured were significant and approaching current occupational standards.

#### Hypophosphorous Method Results

The results of the chemical sampling conducted during the initial hypophosphorous cook were as follows:

Location	Phosphine ( $\text{mg/m}^3$ )	Iodine ( $\text{mg/m}^3$ )	Hydrogen Chloride ( $\text{mg/m}^3$ )
Above 1 <sup>st</sup> Cook	0.2	0.19	3.4
Distant from 1 <sup>st</sup> Cook	ND	NA	0.15
Personal Sample	0.28	ND	0.53
Above 2 <sup>nd</sup> Cook	0.5	0.04	Trace
Distant from 2 <sup>nd</sup> Cook	ND	0.03	0.27

ND = Not Detected  
NA = Not Available

During this sampling period, the levels of phosphine, iodine and hydrogen chloride were generally less than the levels measured during the red phosphorous cook. Detectable levels of phosphine, iodine, and hydrogen chloride were, however, measured for each of the trials using this method. The exposure levels were generally below the current ACGIH TLV's although the hydrogen chloride concentration was slightly above the proposed ceiling TLV ceiling of 2.8 mg/m<sup>3</sup>. This elevated hydrogen chloride level may also be due to the use of the ephedrine chloride during the process since no hydrogen chloride was present in the chemicals combined for the cook.

The peak levels of phosphine and hydrogen chloride were also as follows:

Location	Peak Phosphine (mg/m <sup>3</sup> )	Peak Hydrogen Chloride (mg/m <sup>3</sup> )
Close to Cook	1.19	9.9
Distant from Cook	0.56	5.3

These results again indicate that using the methods that we used, both phosphine and hydrogen chloride do exceed current occupational standards for a period of time. Since the hydrogen chloride is a ceiling PEL, this becomes very important to those exposed.

#### Hydrogen Chloride Results During Salting Out

During the salting out phase of the process, hydrogen chloride was found to be present at high levels. The time-weighted sample results from the laboratory samples revealed hydrogen chloride levels ranging from 1.2 mg/m<sup>3</sup> to 30.4 mg/m<sup>3</sup> in the areas of the process. The real-time monitor measured a peak hydrogen chloride level of 228 mg/m<sup>3</sup> which is orders of magnitude above the ACGIH ceiling TLV of 7.5 mg/m<sup>3</sup>. These levels, even if existing for only a short period of time, could result in significant medical concerns for the individuals exposed to these levels.

#### Methamphetamine Wipe Sample Results

In order to determine the amount of methamphetamine contamination due to cooking methamphetamine, we took a number of wipe samples for methamphetamine. These samples were taken on both vertical and horizontal surfaces within the house. Samples were taken before and after the cook in order to determine the contribution of the cooks. Samples were taken in the area of both cooks. The following results were obtained from our sampling:

Cook Type	Location	Pre-Cook (ug/100 cm <sup>2</sup> )	Post-Cook (ug/100 cm <sup>2</sup> )
Red-P	Vertical wall 113" from cook	ND	10
Red-P	Horiz. Counter 6" from cook	ND	87
Red-P	Horiz. Counter 72" from cook	ND	28
Red-P	Floor 40" from cook	ND	15
Red-P	Wall 63" from cook	ND	20
Red-P	Floor 106" from cook	ND	14
Red-P	Horiz. Cupboard 72" from cook	ND	8.8
Red-P	Cabinet door in bathroom 15 ft. from cook	ND	1.5
Red-P	Cabinet shelf in above	ND	1.7
Hypo	Wall 34" from cook	ND	ND
Hypo	Wall 58 " from cook	ND	ND
Hypo	Wall 44 " from cook	ND	ND
Hypo	Floor 104" from cook	ND	ND
Hypo	Wall 128" from cook	ND	ND
Hypo	Floor in next room 124" from cook	ND	0.05
Hypo	Wall 69" from cook	ND	ND

ND = Not Detectable

As this table indicates, methamphetamine was not detected in any of the samples taken prior to conducting any of the cooks. The area was cleaned and sampled before any of the cooks and a 100 cm<sup>2</sup> area marked off for each area. The areas were sampled before the cook and after the cook. Figure 4 shows a typical vertical surface marked for sampling.



Figure 4: Marked wipe locations taken during controlled cooks.

Based on the information obtained, no methamphetamine was released during the hypophosphorous cook but substantial amounts were released during the red phosphorous cook. Levels were dramatically increased at significant distances from the process. It should also be mentioned that these increases in detectable methamphetamine were also due to only one small cook. It is significant that the increases were observed not only on horizontal surfaces but also on vertical surfaces. These data suggest that the

methamphetamine is generated as an aerosol that quickly is dispersed throughout the area of the cook. We believe that this may be the reason for the high levels of methamphetamine that have been found throughout all of the suspected clandestine laboratories that were sampled during this project.

In addition to the area wipes, we also obtained methamphetamine wipe samples from a number of the participants in the project. Wipe samples were taken from the front and head region of the protective suits worn by the cooks and the samplers. The samples were taken in the morning after the cook itself and then in the afternoon after the salting out process. The results of the sampling were as follows:

Time of Sample	Job Description	Methamphetamine (ug/sample)
AM	Hypo Cook	0.04
AM	Red P Cook	0.14
AM	Sampler	ND
AM	Red P Cook (second time)	ND
PM	Sampler	16
PM	Sampler	8.1
PM	Salting Out Cook	18
PM	Blank	0.12

These results indicate that exposure to methamphetamine while sampling and cooking in a methamphetamine lab may result in significant methamphetamine contamination on clothes and skin. The samples were not taken on hands or feet and, therefore, the levels of contamination are not due to touching or walking on spilled product but rather are due to contamination generated during the cook and sampling.

#### ***Results of a Controlled Methamphetamine Cook in a Motel:***

This controlled methamphetamine cook was conducted in order to verify the data obtained in the previous controlled cook as well as to determine how the chemicals involved would spread in a hotel environment. This cook was conducted by chemists employed by the United States Drug Enforcement Agency who are well versed on the production of methamphetamine and conducted the cook in controlled manner. Therefore, the exposures during this cook were expected to be lower than the previous controlled cooks (Colorado Springs Police Department Laboratory and the controlled cook in the house).

Time weighted average sampling for airborne hydrochloric acid, phosphine, and iodine was conducted in four locations: the cook area, a nightstand across the room from the cook area, the bathroom, and outside the room in the hallway (Figure 5). Personal pumps were used to sample hydrochloric acid, phosphine, and iodine in the breathing zone of the 'cook'. The sampling was divided into two phases consisting of the 'cooking' phase, and the 'filtering/salting out' phase. New sampling media were provided at each location during each phase of the cook in order to better understand what concentrations of

compounds were present during each phase of the cook. Air sampling methods for hydrochloric acid and iodine were the same as used during the previous cooks. However, sampling for phosphine was conducted using the OSHA 1003 method, which was thought to provide both a lower detection limit and more accurate analytical results than the previously used NMAM 6005 method.

Airborne methamphetamine samples were also taken in the area of the cook and on the nightstand across the room using a sampling cassette containing a sulfuric acid treated glass fiber filter. Samples were taken in both locations during the 'cooking' phase and during the 'filtering/salting out' phases of the cook.

Real time sampling using the Industrial Scientific Corporation's ITX instruments was conducted in five locations including the cook area, a nightstand across the room from the cook area, the bathroom, the hallway by the door to the room of the cook, and approximately 10 feet down the hallway from the room where the cook occurred.

Wipe samples for methamphetamine were collected using 3 methods. The first method used to collect methamphetamine from surfaces by wiping a 4"x4" area with a sterile gauze wipe. Prior to entering the lab, the wipes were individually placed into plastic centrifuge tubes. After entering the laboratory, wipes were removed from the centrifuge tubes, wetted with a small amount of isopropanol alcohol and the area wiped. Samples were then placed back into the centrifuge tube. In order to minimize cross contamination, separate pairs of gloves were used between sample locations.

The second type of methamphetamine sampling was conducted using the Cozart RapiScan (manufactured by Dominion Diagnostics) immunoassay instrument. Although originally designed for detecting methamphetamine in saliva samples, this instrument provides a semi-quantitative screening analysis for the presence of methamphetamine in the field. The sampling pad was wetted with deionized water until the colorimetric indicator turned blue (an indication that the wipe has become saturated). Sampling was conducted by wiping the pad on a 1"x1" area adjacent to surface samples collected in the methamphetamine lab. Samples were then placed in the buffer solution tube and placed in a plastic bag for analysis at a later time.

The third methamphetamine wipe method was conducted using specially treated sampling paper to wipe 4"x4" areas of the surface (also adjacent to the other wipe locations) which were then analyzed with the Barringer Sabre 2000 Ion Mobility Scanner. This instrument provides semi-quantitative screening analysis for the presence of multiple drugs including methamphetamine, marijuana, cocaine, and opiates.

#### Chemical Results During Cooking Phase

The results of the chemical sampling conducted during the 'cooking' phase were as follows:

Location	Phosphine (mg/m <sup>3</sup> )	Iodine (mg/m <sup>3</sup> )	Hydrochloric Acid (mg/m <sup>3</sup> )
Close – On Cook Table	ND	0.008	0.43
Far Wall in Cook Room	ND	0.007	0.22
Bathroom	ND	0.011	0.36
Hallway	ND	ND	0.01
Personal Sample on Cook	ND	0.029	0.07

These results indicate that the concentrations of phosphine, iodine, and hydrochloric acid were well below the current ACGIH TLV levels. The results are presented as a time-weighted average of the concentration of those chemicals during the cooking phase of the meth cook. The sampling period was approximately 160 minutes. These levels were lower than the levels found during the previous methamphetamine cooks. The cook was also closely monitored by the DEA Cooks and more water was added to the reaction. These factors may have resulted in lower exposures.

#### Salting/Filtering Phase Chemical Results

The results of the chemical sampling during the salting/filtering phase of the cook were as follows:

Location	Phosphine (mg/m <sup>3</sup> )	Iodine (mg/m <sup>3</sup> )	Hydrochloric Acid (mg/m <sup>3</sup> )
Close – On cook Table	ND	0.025	1.8
Far Wall in Cook Room	ND	0.021	1.5
Bathroom	ND	0.025	7.2
Hallway	ND	0.001	0.22
Personal Sample on Cook	ND	Pump Failed	0.32

These time-weighted-average results (192 minutes average sampling time) indicate that the concentrations of phosphine and iodine were well below the ACGIH TLV levels. Hydrochloric acid was, for the most part, slightly below the TLV levels in all locations except in the bathroom where it was more than two times the STEL Ceiling of 3 mg/m<sup>3</sup>. This increase of concentration may be due to indoor currents moving air from the window towards the bathroom.

The peak levels of phosphine and hydrochloric acid as measured using the Industrial Scientific ITX real-time sampler occurred during the salting out phase of the cook. The following peak levels were found:

Location	Phosphine (ppm)	Hydrochloric Acid (ppm)
Close – On Cook Table	0.55	62.3
Far Wall in Cook Room	0.15	4.1
Bathroom	0.41	23.4
Table by Bathroom	0.38	38.0
Hallway	ND	0.4
Far Hallway Location	ND	0.2

These results indicate that phosphine concentrations can meet or exceed the ACGIH TLV of 0.3 ppm. Hydrochloric acid may also reach or significantly exceed the ACGIH Ceiling TLV of 2.0 ppm during the salting out phase of the cook. Additionally, the maximum concentration of hydrochloric acid can exceed the NIOSH IDLH (Immediately Dangerous to Life and Health) criteria of 50 ppm.



Figure 6: Hydrochloric acid fumes during the salting out phase of the cook

#### Methamphetamine Wipe Sample Results

Methamphetamine wipe samples were taken in 17 locations throughout the hotel room, the adjacent hallway, and in a separate room next door to the cook room. Samples were collected prior to conducting the meth cook, after the cooking phase, and again after filtering and salting out the methamphetamine. The following table summarizes the surface wipe sample results:

Location	Pre Cook (ug/100 cm <sup>2</sup> )	Post Cook (ug/100 cm <sup>2</sup> )	Post Salting Out (ug/100 cm <sup>2</sup> )
60	0.12	0.05	130
61	0.15	0.1	ND
62	ND	ND	14.2
63	0.15	0.11	34.2
64	0.12	ND	30
65	0.13	0.07	31.6
66	0.17	0.09	50.7
67	ND	ND	41.5
68	ND	0.06	11.6
69	0.09	ND	120
70	1.36	0.27	7.97
71	ND	0.07	860
72	0.23	0.18	4.5
73	ND	0.11	180
74	ND	ND	16.6
75	ND	ND	16.2
76	ND	ND	1.94

These results indicate that methamphetamine was not present prior to the cook or, to any great extent, after the cooking phase. Significant amounts of methamphetamine were found after the salting-out phase of the cook in the room where the cook occurred – especially in the immediate area surrounding the cook.

Methamphetamine Wipe Sample Results Using Cozart Rapiscan and Sabre 2000 Instrumentation

Methamphetamine wipe samples were also taken using the Cozart and Sabre 2000 analyzers in most sampling locations in the meth lab, the adjacent hallway, and a wall opposite the cook in a separate room. We compared the results obtained from these instruments with those obtained using GC/MS analysis. The results were as follows:

Location	Post Cook GC/MS ug/100 cm <sup>2</sup>	Post Cook Cozart Rapiscan Units	Post Cook Sabre 2000 (Bars)
60	130		6
61	ND	84	9
62	14	89	10
63	34		10
64	30	89	10
65	32		ND
66	51	85	7
67	42		6
68	12	88	7
69	120		ND
70	8	83	2
71	860	72	1
72	5	83	1
73	180	65	1
74	17		ND
75	16		ND
76	2	91	1

Blank data fields indicate that no sample was taken

These data show very little correlation between the three methods of measurement. Both the Cozart Rapiscan and the Sabre 2000 are direct reading instruments that are used primarily to determine the presence or absence of methamphetamine. There was not good agreement between the three methods which may be due to different concentrations at the exact location tested (each of the three methods were taken at different sites a few inches away from each other) or to inaccuracy problems with the direct -reading methods.

#### Methamphetamine Wipe Samples on PPE

In addition to sampling hard surfaces in the meth lab, we also sampled various locations on the personal protective equipment worn by DEA, law enforcement, and other personnel during each phase of the cook. The following table presents results of this testing:

***Cooking Phase***

Sample ID	Location	Result (ug/sample)
Person A	Upper torso (front)	ND
Person B	Upper torso (front)	ND
	Head	ND
Person C	Upper torso (front)	ND
	Head	ND
Person D	Upper torso (front)	ND
	Head	ND
Person E	Upper torso (front)	ND
	Head	ND
Person F	Upper torso (front)	ND
	Head	ND
Person G	Upper torso (front)	ND
	Head	ND
Person H	Hands	19.3
Person I	Hands	ND

***Filtering Phase***

Sample ID	Location	Result (ug/sample)
Person A	Upper torso (front)	43.6
	Hands	580
Person C	Upper torso (front)	16.7
Person D	Upper torso (front)	10.3
Person E	Upper torso (front)	6.43
Person I	Upper torso (front)	ND

***Filtering Phase (After Decontamination)***

Sample ID	Location	Result (ug/sample)
Person J	Upper torso (front)	10.2
	Hands	0.48
Person H	Upper torso (front)	0.81

***Salting Out Phase***

Sample ID	Location	Result (ug/sample)
Person A	Upper torso (front)	8.13
Person I	Upper torso (back)	4.91
	Arm (Post Decon)	ND
Person J	Upper torso (front)	14.5
	Upper torso (back)	2.54
Person K	Upper torso (front)	10.3
	Upper torso (back)	6
Person L	Upper torso (front)	9.01

These results suggest that methamphetamine is not aerosolized during the cooking phase of the process but becomes airborne during the filtering phase of the manufacturing process. Most of the samples taken after filtering were positive for methamphetamine. This may be due to the volatility of the methamphetamine in its base form. We also found that the wet decontamination procedure may move contamination onto the individual's body. Samples taken after the personnel were decontaminated revealed that levels of methamphetamine were still present on the personal protective equipment and on their hands.

#### Methamphetamine Results of Carpet Samples

Prior to the cook, a 20 foot long (2 foot wide) carpet was placed along the hallway from the meth lab door towards the exit of the building. After the meth cook, 4"x 4" carpet samples were cut from the carpeting and sent to Data Chem Laboratories for methamphetamine analysis. The amount of methamphetamine contained in the carpeting samples was as follows:

Distance from meth lab door	Result (ug/100cm <sup>2</sup> )
0 feet	6.49
5 feet	12.4
10 feet	13
15 feet	3.93
20 feet	6.02

These results indicate that methamphetamine may be tracked out of the methamphetamine laboratory and down the hallway. This suggests that persons coming into a meth lab can spread methamphetamine contamination outside of the cooking area for a significant distance.

#### Airborne Methamphetamine Results

Four samples were taken to determine the amount of airborne methamphetamine released during the cook. These samples were taken at two locations in the hotel room. The results of this sampling effort were as follows:

<u>Location</u>	<u>During Cook (ug/m<sup>3</sup>)</u>	<u>Filtering/Salting (ug/m<sup>3</sup>)</u>
Close to cook	ND	5500
Far wall	ND	4200

These results indicate that the methamphetamine is not aerosolized during the cook itself but rather during the filtering and salting out phases. The amount of methamphetamine

reported is an average concentration for the period of 200 minutes during the last portion of the cook. It is possible that peak levels were substantially higher for specific periods during the cook.

#### Miscellaneous Clothing Sample Results for Methamphetamine

We also placed a stuffed bear approximately 12 inches from the cook area. After the cook was completed, the bear was sealed in a plastic bag and returned to the National Jewish laboratory. The pH of the bear was taken by pressing a piece of pH paper on the torso of the bear and then compared to the colorimetric chart. Results indicate that the bear had an extremely acid pH of 1.



Figure 2: A teddy bear was placed in the methamphetamine lab

Additionally, 100 cm<sup>2</sup> of the bear's front sweater and underlying 'fur' were removed and sent to Data Chem Laboratories for methamphetamine analysis. Results from the lab indicate that the sweater contained 3,100 ug/100cm<sup>2</sup> and the underlying fur had 2,100 ug/100cm<sup>2</sup> of methamphetamine. Children playing with such toys may be exposed to strong acids contained within the toy, causing severe burns to the skin and mucus membranes (such as the mouth or eyes), and also be exposed to significant concentrations of methamphetamine – particularly if the toy is placed in the mouth.

#### **Questionnaire Results:**

A total of 62 questionnaires were returned from participants in North Metro Task Force Training sessions. Forty-nine (79%) of the questionnaires were completed by law enforcement personnel, 8 (13%) by fire fighters, and the rest by public health, social services, and other groups. Fifty (81%) of the respondents were male and 19% were female. The average employee had worked in the current job description for 9.5 years and had been involved with an average of 11 clandestine laboratory investigations.

Sixty-six percent of the respondents had smelled odors they associated with the methamphetamine laboratory on at least one occasion, suggesting that there had been a potential for exposure at those laboratory investigations. Although a great number of personnel had smelled odors, only 26% of the respondents reported wearing respirators at laboratory investigations. Since not all of the respondents went into the laboratory areas,

it was expected that those that went into the laboratories would have a higher percentage of respirator users. Since 2 respondents did not say if they went into that actual laboratory areas, the total number of respondents for whom we have data was actually 60. Of those, 34 (57%) said that they entered the laboratory area and only 12 (35%) reported wearing respirators. Of the 26 (43%) individuals that stated that they did not enter the laboratory area, only 4 (15%) wore respirators.

Based on the information that we have regarding the possibility of becoming contaminated at a clandestine methamphetamine site, we might expect all individuals to be decontaminated at the site. Of the respondents that entered the laboratories, only 13 (38%) reported being decontaminated at the scene of the investigation. This would suggest that a number of individuals probably leave the site with some contamination.

Thirty-two (52%) of the 62 respondents reported at least one symptom associated with the investigation of clandestine methamphetamine laboratories. Thirty-eight percent (6) of the individuals wearing respirators reported at least one symptom and 59% (27) of the individuals not wearing respirators reported some symptoms. Of the 34 individuals that reported that they entered the laboratories, 20 (59%) reported at least one symptom. Eleven (42%) of the 26 individuals that reported that they did not enter the laboratory areas also reported at least one symptom. The primary symptoms were eye irritation, sore throat, cough, dizziness, and headache. These symptoms are suggestive of the irritational properties of the chemicals involved.

#### Project Discussion

This project was conducted with the objective of answering the following questions:

- What are the primary chemical exposures of concern at clandestine drug laboratory seizures for both the responders and the children present at the laboratory site?
- During which phase of the emergency services intervention are the responders exposed to the most chemicals and what are the levels of chemicals to which they are exposed?
- How do the symptoms reported by the responders relate to the exposures measured at the site?
- How do the symptoms observed in children present at clandestine drug laboratories relate to the chemical exposures within the laboratory?
- Based on the potential exposures at clandestine drug laboratory seizures, what personal protective equipment should be worn and during what phases should it be worn?

- How do the symptoms observed in children present at clandestine drug laboratories relate to the chemical exposures within the laboratory?
- Based on the potential exposures at clandestine drug laboratory seizures, what personal protective equipment should be worn and during what phases should it be worn?
- Based upon the potential exposures at the laboratory sites, what components should the medical screening program for responding personnel contain?

Although not all of these questions have been completely answered by this report, we do have a significant start on answering many of the questions. We have obtained valuable information on the types and magnitude of chemical exposures associated with cooks involving the red phosphorous method of methamphetamine manufacturing. We have also begun to determine how widespread the contamination during these cooks can become and how it may effect the persons conducting the cook, bystanders (including children and spouses) in the same building, and law enforcement personnel responding to the clandestine laboratory. Based on the information that has been gained from this project, we can shed light on a number of areas such as chemical exposures, expected symptoms, suggested personal protective equipment, and concerns regarding children exposed to these environments.

#### ***Chemical Exposures Associated with Clandestine Methamphetamine Laboratories:***

Based on our sampling results, the chemical exposures of greatest concern produced during the manufacture of methamphetamine (especially using the red phosphorous method) consist of phosphine, iodine, hydrogen chloride, solvents, and the drug or its precursors. During the cooking phase, exposure levels of all of these compounds may meet or exceed current occupational exposure guidelines. This is especially true of exposures to phosphine, iodine, and hydrogen chloride. Each of these compounds may exceed the occupational exposure guidelines as set by the Occupational Safety and Health Administration (OSHA) and by the American Conference of Governmental Industrial Hygienists (ACGIH).

#### **Phosphine:**

During our sampling efforts at the Colorado Springs Police Department and at our own controlled cook, phosphine was generated during the red phosphorous methamphetamine cooks. Phosphine was produced at levels ranging from less than  $0.17 \text{ mg/m}^3$  to  $4.84 \text{ mg/m}^3$  during the cooking phase of the process. It was produced on all occasions during the cook and not just during an overheating event, as has been suggested in the past. No detectable levels ( $<0.17 \text{ mg/m}^3$ ) of phosphine were produced during the hotel cook suggesting that phosphine may be contained by sealing the cooking vessel and providing more water in the cook. The current ACGIH TLV for phosphine is  $0.42 \text{ mg/m}^3$  on an

eight-hour time weighted basis with a STEL of  $1.4 \text{ mg/m}^3$ . The highest level observed was four times the STEL, suggesting that overexposure to phosphine is highly likely.

Phosphine is a severe pulmonary irritant that may cause dyspnea, headache, paresthesia, diplopia, tremor, jaundice, and pulmonary edema. Death from exposure to phosphine has occurred to persons exposed as it was being used as an insecticide.<sup>(4)</sup> Fatalities thought to be due to phosphine exposure were also linked to a methamphetamine laboratory in Los Angeles, CA where three persons were found dead in a motel room.<sup>(5)</sup> A laboratory investigator was also reported by Burgess<sup>(6)</sup> to have developed dizziness, dry cough, headache, and diarrhea, with a delayed onset of cough and dyspnea, after investigating a clandestine laboratory. The exposure was measured at 2.7 ppm phosphine and the duration of exposure was approximately 20 – 30 minutes. These levels are in the same range as the levels measured during our investigation. In workers, phosphine exposure has been shown to cause gastrointestinal, respiratory, and central nervous symptoms at concentrations that are less than 10 ppm.<sup>(7)</sup>

There are a number of reasons why phosphine intoxication may be more common than reported. Phosphine does have a detectable odor but it may be less readily identified with the presence of the more odorous hydrocarbons present during the cook. In addition, the pulmonary toxicity of phosphine may occur shortly after exposure or it may be delayed for 18 hours or more. These factors may result in fewer reported symptoms, although pulmonary irritation is a common complaint after a clandestine laboratory investigation.

Children and adults that are especially susceptible to pulmonary problems, such as asthmatics, individuals with chronic obstructive pulmonary disease, emphysema, etc, may show significantly greater effects to exposure levels of phosphine that are well below the concentrations allowed in the occupational environment. Unfortunately, at this time, there are no published data regarding acceptable levels of exposure for the general population to phosphine. The effects to these sensitive individuals are, therefore, not known at this time.

#### Iodine:

Airborne iodine concentrations during the Colorado Springs Police Department cooks were found to be very high, ranging from  $2.3$  to  $37 \text{ mg/m}^3$ . The levels produced during the controlled cooks ranged from  $0.07 \text{ mg/m}^3$  to  $1.6 \text{ mg/m}^3$ . These levels are close to or exceeding the current ACGIH Ceiling TLV of  $1.0 \text{ mg/m}^3$ . The release of iodine during the red phosphorous cook becomes very obvious when the dark brown effluent is observed. In addition, the walls in many of the cook areas appear to have a brownish yellow stain that is reactive with spray starch forming a dark blue color indicating the presence of iodine.

Airborne iodine is a very heavy halogen vapor that is considered to be more irritating and corrosive than bromine or chlorine gases. In animal studies, iodine vapor has been found to be intensely irritating to mucous membranes, causing damage in both the upper and lower portions of the respiratory tract. Iodine vapors can be an intense irritant to the

eyes, mucous membranes and skin. It has a steep effects curve in that concentrations of 1 mg/m<sup>3</sup> may cause very little effect while levels of 3 mg/m<sup>3</sup> cause severe irritation.<sup>(8)</sup>

Although there have been no documented cases of over-exposure to iodine vapor in clandestine methamphetamine laboratories reported in the literature, iodine would be a plausible cause of mucous membrane and eye irritation reported at many of these investigations. Iodine may persist for some time in the walls, carpeting, draperies, etc. present in many of these clandestine laboratories. The fact that it is commonly observed on the walls, even after months of no cooking, suggests that it can be very persistent.

The fact that the iodine is persistent in the environment of the cook is very important to the children that are present in the clandestine laboratories as well as children who inadvertently become residents in a building previously used as a methamphetamine laboratory. Children crawling on contaminated carpeting may pick up high levels of iodine. In addition, based on an evaluation by the Colorado Department of Public Health and Environment, the population-based exposure concentration should be less than 0.001 mg/m<sup>3</sup>, three orders of magnitude below the occupational exposure level.<sup>(9)</sup>

#### Hydrogen Chloride:

Hydrogen chloride levels were measured during all methamphetamine cooks, including periods where hydrogen chloride was not expected. The levels ranged from less than detectable to a time-weighted average of 14.6 mg/m<sup>3</sup>. Peak levels measured during the controlled cook ranged as high as 56.2 mg/m<sup>3</sup>. The most recent change to the current ACGIH TLV for hydrogen chloride was proposed in 2003 and is a ceiling value of 3.0 mg/m<sup>3</sup>, much lower than the levels that have been found during the controlled cooks that we have conducted. In fact, the Immediately Dangerous to Life and Health (IDLH) level for hydrogen chloride is 74.5 mg/m<sup>3</sup> which is being approached by the levels generated during the salting-out phase conducted during the controlled cooks.<sup>(10)</sup>

Exposure to high levels of hydrogen chloride have been known to cause both acute and chronic effects. One individual exposed during a swimming pool cleaning effort developed severe bronchospasm and asthma. Workers exposed to as little as 15 mg/m<sup>3</sup> of hydrogen chloride experienced work impairment. Hydrogen chloride is a strong irritant of the eyes, mucous membranes, and skin at levels that are well below the levels that we have measured during our controlled cooks. It would seem likely that individuals exposed to the measured concentrations that we have found would have acute symptoms from the exposure.<sup>(10)</sup>

Young persons and individuals with pulmonary problems may show much greater effects from a hydrogen chloride exposure than would an individual with an occupational exposure. The reference level proposed by the Colorado Department of Public Health and Environment for hydrogen chloride was set at 0.02 mg/m<sup>3</sup>, a level that is one hundred times lower than the proposed ACGIH TLV.<sup>(9)</sup> It is important to realize that this level is likely exceeded during production at all clandestine methamphetamine laboratories.

### Methamphetamine Exposures:

Methamphetamine contamination of buildings used to cook methamphetamine was a common finding in all of the labs tested. Even labs that had been busted several months prior to testing still had high contamination levels of methamphetamine present on many surfaces within the building. Samples as high as 16,000 ug/sample were found with most samples over 25 ug/100 cm<sup>2</sup>.

Although the effects of methamphetamine are well known on individuals using the drug, the effects of low level exposures to emergency personnel or other associated individuals are not as well known. It is known that methamphetamine may cause some teratogenic effects and may change behavior in exposed infants. Prenatal exposure to methamphetamine has been shown to cause an increase in pre-term labor, placental abruption, fetal distress, and postpartum hemorrhage. Infants exposed to methamphetamine are generally smaller, have feeding difficulties, and are described as "very slow". Infants born to mothers that have used methamphetamine during pregnancy may have abnormal sleep patterns, poor feeding, tremors, and hypertension. In some reports, subtle neurological abnormalities have also been found.<sup>(11)</sup>

Currently, allowable levels for a residence that has been used as a clandestine laboratory to be re-occupied range from 0.1 ug/ft<sup>2</sup> to 5 ug/ft<sup>2</sup>. Most states and local jurisdictions have adopted 0.5 ug/ft<sup>2</sup> or 0.5 ug/100 cm<sup>2</sup>. These levels have been set primarily at the limit of detection for the compound since, at this time, no safe level has been established. Since the drug appears to settle out on all porous surfaces in the area in which the cook is conducted, it is difficult to determine the actual dose of individuals working within that atmosphere. It is logical to assume that hand contamination will result in oral ingestion, especially in the case of children, but it may also be possible for the drug to penetrate the skin of adults involved in the investigation. The State of California has recently begun to study the possibility of skin absorption and its role in methamphetamine exposure.

We have also found that police officers handling suspects or children at the scene, for very short periods of time, can become contaminated with methamphetamine. It is possible, therefore, for these individuals to carry this material off of the scene and to their own families. Since there has not been a no-effect level established for this drug at this time, it would seem prudent to minimize exposure to as low as possible.

### ***Suggested Personal Protective Equipment Requirements:***

Our study has shown that exposures to a variety of chemical compounds may occur during the investigation of clandestine methamphetamine laboratories. During a cook, the exposures at the lab may approach IDLH levels, which by definition may be extremely dangerous to the lives and health of investigating officers. Recent studies have shown that individuals responding to clandestine methamphetamine laboratory investigations have a good chance of being injured. Of 112 methamphetamine-associated hazardous materials events reported to the Centers for Disease Control, 53% resulted in

injuries with 155 persons injured. The primary symptoms were respiratory and eye irritation.

During our time responding with law enforcement officers we did not enter an active laboratory and we did not receive any substantive complaints regarding symptoms at any of these investigations. We did, however, hear complaints regarding metallic taste and odors at least two of these investigations. It should be realized, however, that all of the laboratories to which we responded had extremely low chemical exposure levels compared to the levels that we found during our controlled cook. In fact, our testing would suggest that anyone entering an active laboratory without adequate personal protection is likely to be overexposed to phosphine, hydrogen chloride, iodine, and methamphetamine.

Based on our testing, we would suggest that unless a suspected laboratory is assured to be inactive, that the minimum PPE should include total skin protection and the highest level of respiratory protection available. This would mean that all individuals entering a suspected laboratory should wear a positive pressure self-contained breathing apparatus over chemical resistant clothing with chemically resistant gloves and boots. This PPE should be worn in such a manner so as to protect all open skin areas, eyes, and other areas of the body.

If it is known that the laboratory is not in operation and has not been in operation in the recent past, then a lesser degree of respiratory protection may be used. We suggest a minimum of full-face air purifying respirators be used to protect against splash during the investigation. We would also suggest that the respirators be provided with canisters that are protective against acid gases, particulate, and hydrocarbons and that these canisters be discarded after each investigation. All individuals should wear Chemical resistant clothing since methamphetamine contamination in these laboratories is almost assured. Individuals not wearing chemically resistant clothing should be decontaminated after leaving the laboratory site. Investigators should also be cautioned not to open sealed bags due to the potential of phosphine release from a "death bag" used to collect the phosphine.

Based on our testing, law enforcement officers should assume that anything present within a suspected methamphetamine laboratory is contaminated with methamphetamine and possibly iodine and hydrogen chloride. Therefore, anything taken from the lab should be decontaminated, as should anyone who has entered the laboratory, including law enforcement officers. Special care and consideration should be taken for proper handling of documents or evidence removed. Training should be provided to assure that officers are aware of the possibilities of contamination, the potential health effects, and the potential to carry exposures out of the laboratory and back to their own families.

#### ***Questionnaire Discussion:***

The results of the questionnaires handed out at the training sessions were of interest. With only 26% of the individuals involved with clandestine methamphetamine

laboratories wearing respirators, there is a great concern that personnel may not be protected adequately. Many of the respondents were at their first training class and subsequent use of respiratory protection after the class may have been much greater. It is still a concern, however, that many individuals do not wear respiratory protection during these investigations. As our data have shown, exposure to chemicals that may cause severe irritation to mucous membranes are likely at these sites. This is especially true for those individuals actually going into the laboratory area. Since only 35% of the individuals reporting that they entered the laboratory area wore respirators, it is not a surprise that so many individuals reported some symptoms.

Similar studies have suggested that 56% of the individuals involved in clandestine methamphetamine laboratory investigations report symptoms from at least one laboratory. Our data suggests that a similar number (52%) of Colorado emergency services personnel also report symptoms associated with these investigations. The use of a respirator seems to reduce this percentage to a degree, but even 38% of the respirator users reported some symptoms. Some of these individuals indicated that the symptoms were experienced when they did not wear respirators but more attention needs to be put upon the use of adequate PPE when responding to these incidents.

Another concern is the number of individuals that report that they enter the laboratory area but are not decontaminated at the scene. Only 38% of the individuals that reported that they entered the laboratory area were decontaminated. Since our data shows that most individuals entering the laboratory area become contaminated, it is likely that methamphetamine contamination makes it out of the laboratory and into personal vehicles, homes, etc. This may result in a widening circle of contamination.

#### Study Conclusions:

This study was designed to identify and measure potential chemical exposures associated with the investigation of clandestine methamphetamine laboratories. During the study we conducted several tests in laboratory hoods at the Colorado Springs Police Department, sampled 16 suspected drug lab locations, and conducted controlled cooks in a home and a hotel under realistic cook conditions. Based on our findings, we make the following conclusions:

- Based on our questionnaire, over 50% of the officers involved in the investigation of clandestine methamphetamine laboratories have experienced symptoms involved with those investigations. Chemical irritation is the cause of most of the reported symptoms, which seem to decline after the exposure.
- If an actual methamphetamine cook is being conducted and the red phosphorous method is being used, then exposure to levels of phosphine, hydrogen chloride and iodine that exceed current occupational levels are likely.
- If the cook is in process and the salting-out phase is being conducted, hydrogen chloride levels within the area may approach IDLH levels.

- Regardless of whether a cook is being conducted at the time of entry, it is likely that most items and individuals that were in the vicinity of the cook are highly contaminated with methamphetamine.
- If a methamphetamine cook has been conducted within a building, chemicals from the cook will have spread not only in the specific area of the cook but throughout the building. This is especially true of iodine, hydrogen chloride and methamphetamine.
- If a methamphetamine cook has been conducted within a building, all children within that building are likely to have been exposed to methamphetamine and other chemicals and therefore should be considered as exposed and contaminated.
- If any law enforcement or emergency services personnel are to be entering a building suspected of being a clandestine methamphetamine laboratory, they should enter only with self-contained breathing apparatus and complete skin protection unless it is known that the lab has not been in recent operation and that all of the chemicals are under control. In the opinion of the authors, it is not likely that these conditions will be known prior to entry in most cases. We therefore suggest that all initial entries be made with the PPE previously mentioned.
- After the suspected laboratory is known to be out of operation and the chemicals are in a stable condition, then investigators could reduce the respiratory protection portion of the PPE to a full-face air purifying respirator with organic vapor, acid gas, and P100 combination cartridges.
- Based on our questionnaire, the use of adequate respiratory protection by personnel entering the laboratory sites is not as high as it should be. Further training is necessary to assure the use of adequate PPE with the hope that the reported symptom rate will decline.
- Currently, a low percentage of the personnel involved in clandestine laboratory investigations is decontaminated on site. This is likely to result in methamphetamine contamination spreading outside of the laboratory area and exposing co-workers and family members.
- All law enforcement officers and emergency services personnel should be made aware of the high potential for exposure to methamphetamine contamination and trained in methods to reduce the "take home" levels of methamphetamine. Testing at the scene on a periodic basis should be used to verify that personnel are not being contaminated on-scene.
- Decontamination of all items taken out of the suspected laboratory should be conducted. Efforts should be made to reduce contamination transfer outside of the laboratory and periodic testing should be conducted to assure that personnel and items are being adequately decontaminated. The most likely compound of concern is the methamphetamine, but iodine and other chemicals may also be transferred.

Study Limitations:

This study was conducted primarily under uncontrolled conditions in the field, frequently while wearing PPE under potentially dangerous conditions. Under these conditions, sampling can be difficult, equipment can malfunction, and exposures can change. The sampling that we conducted at the suspected clandestine methamphetamine laboratories indicated relatively low exposure conditions but these conditions may not always be present. Exposures at any investigation will likely depend upon laboratory activity, building ventilation, manufacturing methodology used, equipment utilized, and amounts and types of precursors utilized.

The sampling results obtained at the Colorado Springs Police Department are expected to represent high exposures but some manufacturing methodologies combined with a closed-in space may result in significantly higher exposures in some cases. The results obtained at the controlled cooks are expected to be similar to "normal" exposures at a "typical" clandestine methamphetamine laboratory but, in fact, there may not be a "normal" or "typical" laboratory since many manufacturers may use significantly higher amounts of precursors in areas with very low ventilation rates. Readers should understand that exposure concentrations under actual conditions may be lower but they may also be much higher.

Although our best methodology and laboratory analysis techniques were utilized during this study, some of the results may have been less accurate than we had hoped. The results of the phosphine sampling were plagued with high phosphine levels on the control samples suggesting that the analysis results were not accurate. In addition, real-time instruments, such as those used for phosphine and hydrogen chloride in the controlled cook may also give results that are less accurate than are laboratory methods.

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## What is the Drug Endangered Children program (DEC)?

The DEC program is a multi-agency approach to assist and protect drug-endangered children whose lives are jeopardized by their families' illegal manufacturing, sales, and possession of drugs in the home. The purpose of the Riverside County Drug Endangered Children's Response team is to intervene on the behalf of children who have been exposed to Methamphetamine or toxic chemicals as a result of residing in a home-based illicit clandestine drug laboratory and to vigorously prosecute the offending adults. The DEC response team will provide a comprehensive county response by coordinating Law Enforcement, Child Protective Services, District Attorney's Office, Riverside County Regional Medical Center, and Public Health Nursing agencies.

## Drug Endangered Children key services:

- Removal of child from toxic chemical exposure and drug environments
- Comprehensive medical screening & follow-up
- Drug screening
- Mental care evaluation & follow-up services
- Dental care treatment
- Background checks and home-evaluation for possible placement

## How to spot a Meth lab in your neighborhood?

- Strong chemical odors like cat urine, ether, ammonia, acetone.
- Unusual amounts of activity in and out of the residence or unusual late night activity.
- Paranoid or unusual behaviors.
- Trash including camping fuel containers, starter fluid cans, drain cleaners, numerous over-the-counter-cold medicine containers, plastic tubing, and red stained coffee filters.
- People bringing things to trade.
- Children noticed unattended or neglected.
- Children repeatedly kept home from school.
- Children in dirty cloths or inappropriate clothing
- Unreported fires.
- Reinforced doors and windows; attempts to cover/blacken out windows.

If you suspect methamphetamine abuse especially where children are involved, please call:

911

or

**(909) 955-METH**  
(Hot Line)

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***"Because, in America, it shouldn't be dangerous to be a kid"***

## Drug Endangered Children Program (DEC)

# Methamphetamine Lab Dangers to Children

## Methamphetamine

Methamphetamine, or "Meth", is a clandestinely manufactured, long-lasting nervous system stimulant. It is the product of a witch's brew of common household cleaners, flammable solvents, corrosive acids and over-the-counter cold medicines. Methamphetamine is also known locally as meth, speed, crystal, glass, crank, go fast, or ice. Methamphetamine is an extremely destructive and debilitating addiction.

## Child Neglect and Sexual Abuse

In Riverside County, 70% of child abuse cases are related to Meth. Due to their parents' drug addiction, these young children are regularly neglected, and left unattended for long periods of time. Meth abuse in the home increases parent aggression, sexual drive, and can lead to violent psychotic behaviors, which are often perpetrated on their own children by the very persons who are supposed to protect them. Meth is probably the single greatest cause for increases in child sexual abuse cases.

## Toxic Chemicals

Toxic hazardous waste from meth production is often left in the house or dumped in the backyard where kids play. Every 1 lb of meth made results in 7 lbs of toxic chemical waste. Some of these poisonous chemicals include acids, solvents, drain cleaners, camping fuels and carcinogen items. Meth-abusing parents often use the same household glassware to cook meth and dinner.

## Horrendous Living Conditions

Meth abuse forces once-caring parents to forgo personal and family hygiene. This creates unimaginable filth and unhealthy living conditions for the children. Meth induced paranoia often leads the parents to booby-trap the home and leave firearms unsecured to the detriment of small children. The parents' self-induced paranoia and child neglect also keep the children from attending school regularly.

## Fire and Explosions

Cooking methamphetamine is a dangerous proposition due to the extreme risk of fires, explosions, and exposure to toxic fumes. Current local lab statistics reveal that 50% of all lab fires had children present at or near the incident with 18% of suspects reported injured. Seeking care for children injured in a lab fire may be delayed or denied for fear of arrest.

## Medical Complications

Lack of pediatric medical and dental care is commonplace in homes where meth is being produced or used. Preventable prenatal complications include premature birth, congenital deformities, and drug addiction. Children also face learning disabilities such as Language Delay Development, and Attention Deficit Disorder (ADD). Children found at lab sites also show signs of liver damage, malnutrition, dehydration, and breathing problems which can cause further medical complications.

***"In Riverside County 70% of child abuse cases are Methamphetamine related."***

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## Hazards of Methamphetamine Production:

Typical Chemicals Found in Lab Sites	Common Legitimate Uses	Poison	Flammable	Toxic Vapors	Explosive	Corrosive	Skin Absorption	Common Health Hazards
Acetone	Fingernail polish remover, solvents	X	X	X			X	Reproductive disorders
Methanol	Brake Cleaner fluid, fuel	X	X	X			X	Blindness, eye damage
Ammonia	Disinfectants	X		X		X	X	Blistering, lung damage
Benzene	Dye, varnishes, lacquers	X	X		X	X	X	Carcinogen, Leukemia
Ether	Starters fluid, anesthetic	X	X		X			Respiratory Failure
Freon	Refrigerant, propellants	X		X		X		Frostbite, Lung damage
Hydriodic Acid	Driveway cleaner	X		X		X	X	Burns, Thyroid Damage
Hydrochloric Acid (HCL Gas)	Iron ore processing, mining	X		X		X	X	Respiratory, Liver Damage
Iodine Crystals	Antiseptic, Catalyst	X	X		X	X		Birth Defects, Kidney Failure
Lithium Metal	Lithium batteries	X				X	X	Burns, Pulmonary Edema
Muriatic Acid	Swimming pool cleaners	X		X		X		Burns, Toxic Vapors
Phosphine Gas	Pesticides	X		X			X	Respiratory Failure
Pseudoephedrine	Cold medicines	X						Abuse: Heart Damage
Red Phosphorus	Matches, fireworks	X	X	X	X			Unstable, Flammable
Sodium Hydroxide	Drain cleaners, lye	X		X		X	X	Burns, Skin Ulcers
Sulfuric Acid	Battery Acid	X		X		X	X	Burns, Thyroid Damage
Toluene	Paint, thinners, solvents	X	X	X	X		X	Fetal Damage, Pneumonia
Liquid Lab Waste	None	X	X	X	X	X	X	Unknown long term effects



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Dangers to Children Living at Meth Labs:  
**Children Found in Meth Lab Homes**

*Description of two cases as sited in a NDIC Report, stating the living areas and physical condition of the children found in meth lab homes.*

The five children ranged in age from 1 to 7 years old. The one-bedroom home had no electricity or heat other than a gas stove with the oven door opened. Used hypodermic needles and dog feces littered areas of the residence where the children were found playing. Because there were no beds for the children, they slept with blankets underneath a small card table in the front room. The bathroom had sewage backed up in the tub, leaving no place for the children to bathe. A subsequent hospital exam revealed that all the children were infected with hepatitis C. The youngest was very ill. His liver was enlarged to the size of an adult's. The children had needle marks on their feet, legs, hands, and arms from accidental contact with syringes.

At another lab site, a 2-year-old child was discovered during a lab seizure. Her parents both abused and manufactured methamphetamine. She was found with open, seeping sores around her eyes and on her forehead that resembled a severe burn. The condition was diagnosed as repeated, untreated cockroach bites.



Used hypodermic needles, razor blades and methamphetamine laying within reach of inquisitive children.



This is an poisoning waiting to happen. Plastic soda bottles are frequently used to store

methamphetamine in solution, acids, or even urine which can be recycled later.

Source: Text based on NDIC Report  
Photos: Riverside Sheriff Dept Special Investigative Bureau

<a href="#">  Dangers of Meth  </a>   <a href="#">For Your Information  </a>   <a href="#">Statistics  </a>   <a href="#">Resources  </a>   <a href="#">Lab Photos  </a>   <a href="#">Links  </a>   <a href="#">Site Map  </a>   <a href="#">Contact Information  </a>   <a href="#">Home  </a>
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Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

*Senate Judiciary 2-9-05 @ 1:31pm*

# STATE OF ALASKA

DEPARTMENT of HEALTH & SOCIAL SERVICES  
DIVISION of PUBLIC HEALTH

FRANK H. MURKOWSKI, GOVERNOR

OFFICE OF THE DIRECTOR  
P.O. BOX 110610  
JUNEAU, AK 99811-0610  
PHONE: (907) 465-3090  
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March 7, 2005

The Honorable Ralph Seekins  
Chair, Senate Judiciary Committee  
Alaska State Capitol, Room 125  
Juneau, AK 99801-1182

Dear Senator Seekins:

As director of the state Division of Public Health, and as a longtime pediatrician in Alaska, I support the passage of Senate Bill 70, which strengthens criminal penalties for people who manufacture methamphetamine.

These statutory changes proposed by Governor Murkowski recognize the significant dangers posed by the illegal manufacture of methamphetamine. I am especially pleased that these proposals increase penalties for those who expose children to methamphetamine and the toxic byproducts of its production. Anyone exposed to this dangerous drug is at risk, but our children are especially vulnerable. The chemicals used in methamphetamine labs can harm fetal development, affect the healthy growth of young brains and bodies and, in fact, hurt children of any age.

I believe our laws must be strengthened accordingly, and I strongly support the passage of Senate Bill 70.

Sincerely,



Richard Mandsager, M.D.  
Director, Division of Public Health

cc: Joel Gilbertson  
Commissioner, Department of Health and Social Services

Randy Ruaro  
Assistant Attorney General, Department of Law

# THE CLEANUP

## WARNING

There are many hazardous chemicals associated with clandestine drug manufacturing sites! ADEC recommends the use of a hazardous materials contractor for cleanup of clandestine drug manufacturing sites.

### "THE CLEANUP PROCESS"

1. PRELIMINARY INSPECTION:
2. HEAT AND VENTILATE: Assists in removing volatile compounds.
3. DISPOSAL: Remove and destroy contaminated furniture, countertops, clothing, curtains, etc.
4. DECONTAMINATION: Decontamination must conform to the procedures outlined in the ADEC guidance document.
5. SAMPLING: Sample surfaces and air as required by ADEC guidance document.
6. NOTIFICATION: Property owner submits a letter certifying the cleanup.
7. ADEC: Receives the report and removes the site from the database.

# IMPORTANT

Listed sites **shall not** be occupied until the property meets State of Alaska "fit for use" standards.

Any personnel hired to conduct cleanup or sampling at a drug lab site must have current, required OSHA approved hazardous materials training.

Cleanup and sampling must be done in accordance with ADEC's "Guidance and Standards for Cleanup of Illegal Drug Manufacturing Sites"

Samples must be analyzed by laboratories identified on ADEC's list of approved laboratories and the property owner must authorize the laboratory to provide results of the analysis to ADEC on request.

Providing false information on a cleanup or knowingly certifying a contaminated property meets the "fit for use" standard is a crime

**For Information Visit the ADEC website at:**

<http://www.state.ak.us/dec/spar/perp/methlab/htm>

Alaska  
Department of  
Environmental  
Conservation



## CLANDESTINE DRUG LAB CLEANUP REQUIREMENTS



**YOUR PROPERTY  
WAS DETERMINED  
TO BE AN ILLEGAL  
DRUG LAB.**

**What Happens Now?**

## LAW ENFORCEMENT

### AGENCIES WILL!

1. **Conduct** enforcement action on suspected illegal drug manufacturing sites.
2. **Determine** if a property has been used as an illegal drug lab.
3. **Remove** gross contamination needed as evidence from the illegal drug lab site.
4. **Post** the property as unfit for habitation.
5. **Notify** the owner(s), occupants and users of the property of the posting and provide property owners with a copy of the ADEC "Guidance for Cleanup of Illegal Drug Manufacturing Sites".
6. **Notify** ADEC that a property has been posted.

## *After the property is posted!*

### THE PROPERTY OWNER WILL!

**Vacate the property within four (4) days of notification and prohibit re-occupancy until the property is certified fit for use**

### ADEC WILL!

1. Add the property to a database of drug lab contaminated property sites. The property will remain in the database until certified fit for use. The database is available on the State website and hard copies of the database are also available.
2. Provide law enforcement authorities with copies of the "Guidance for Cleanup of Illegal Drug Manufacturing Sites".
3. Maintain a list of laboratories approved to analyze samples from former illegal drug laboratories.

### OWNER RESPONSIBILITIES

The owner of a former drug lab may:

1. Hire a contractor to conduct decontamination and sampling of the site, or
2. Conduct decontamination and sampling themselves.

Decontamination must conform to all federal, State and Local regulations.

Employees of the owner or a contractor conducting decontamination must meet OSHA guidelines for hazardous material workers

The owner is responsible for proper disposal of contaminated material associated with the decontamination.

The owner must submit a letter of certification that a property has been decontaminated before the property can be re-occupied.