

REPORT TO THE TWENTY-FOURTH LEGISLATURE
STATE OF HAWAII
2007

DECONTAMINATION OF
ILLEGAL METHAMPHETAMINE MANUFACTURING SITES

PURSUANT TO SECTION 3, ACT 170, 2006 SESSION LAWS
DIRECTING THE DEPARTMENT OF HEALTH TO EVALUATE THE
REQUIREMENTS
FOR A STATEWIDE PROCESS TO DECONTAMINATE ILLEGAL
METHAMPHETAMINE MANUFACTURING SITES

PREPARED BY:

STATE OF HAWAII
DEPARTMENT OF HEALTH
HAZARD EVALUATION AND EMERGENCY RESPONSE

NOVEMBER 21, 2006

Introduction

Act 170, Relating to Decontamination of Illegal Drug Manufacturing Sites, was signed into law on June 5, 2006. The act calls for statewide guidelines and procedures to properly decontaminate and clean up illegal clandestine (clan) methamphetamine (meth) manufacturing sites as well as the protection of the State's first responder community. The Legislative act requires that the Department of Health (DOH) establish interim rules within 90 days and permanent rules for cleaning up illegal drug manufacturing sites by the end of 2007. The act also requires a report of the department's evaluation of a statewide program to decontaminate illegal methamphetamine sites together with any necessary legislation.

This report provides the status and a description of the development of the procedures and guidelines for decontamination and cleanup of illegal meth manufacturing sites conditional on evaluation of what a statewide program needs. These guidelines and procedures apply to the cleanup of all properties that have been used to manufacture meth and its precursor hazardous materials. The department adopted guidelines and procedures, as interim rules, based on the analysis of the procedures and provisions employed by other states. This information was compiled to provide information for the State of Hawaii. This effort was a collaboration with the Hawaii Police Department, Honolulu Police Department, Maui Police Department, Kauai Police Department, Narcotics Enforcement Division, Drug Enforcement Agency that carry out law enforcement responsibilities.

Approach. The guidelines and procedures recognize and apply two broad efforts for managing the problems associated with illegal meth manufacturing sites: 1) enforcement; and 2) indoors and outdoors environmental cleanup. The separation of responsibilities for the agencies managing each effort is clear; however, the interaction is very important for achieving the transition between the two efforts for the success of the cleanup effort. The general legal approach is to use current state statutes and rules to the extent feasible in order for the Hazard Evaluation and Emergency Response (HEER) Office to oversee and implement the guidelines and procedures listed in this report.

Developmental Process. The HEER Office of the DOH developed and implemented Act 170. The HEER Office acquired contractor support to assist in addressing Section 3 of Act 170 and in meeting the 90-day schedule set by the Legislature. The HEER Office solicited the support from the Hawaii Police Department, Honolulu Police Department, Maui Police Department, Kauai Police Department, Narcotics Enforcement Division, Drug Enforcement Agency, and the Hawaii Department of Health. This group of participants met in Honolulu at a half-day workshop to discuss the project and their participation.

The HEER Office reviewed material from the State of Hawaii, Department of Public Safety, Narcotics Enforcement Division, the Missouri State Highway Patrol, the Georgia Bureau of Investigations, the Nebraska State Patrol, the Ohio Bureau of Narcotics, and the Kentucky State Police to compile the most useful information into a draft document.

Through the collaborative efforts of the law enforcement personnel of Hawaii, several drafts were circulated for comments and with appropriate editing, an interim document was completed by the end of the 90-day period set by the Legislature. The Director of Health adopted the document as an interim rule, as required.

Summary of the Interim Guidelines and Procedures. 1) Enforcement activities are handled by local and/or federal law enforcement agencies conducting the criminal investigation; 2) These enforcement agencies provide a brief report to the HEER Office of the description of the operation of the illegal laboratory and the general lay-of-the land to complete the transition process between the enforcement and the environmental cleanup process; 3) The HEER Office notifies the property owner and initiates the clean-up process. The property owner alone has the responsibility for the cleanup and should hire an environmental consultant. The HEER Office provides oversight of the cleanup of the illegal laboratory under its HRS 128D authority. When the property meets the requirements of HRS 128D, it will be declared to be clean and a 'no further action' (NFA) letter issued to the property owner.

Current Identification and Evaluation of Elements of a Statewide Program.

- 1) An assessment of soil and groundwater impacts – Standard methods are already in place for the assessment of soil and groundwater;
- 2) A review of cleanup procedures at actual locations in Hawaii – This collaborative effort will be initiated with the Narcotics Enforcement Division;
- 3) Recommend protocols for the first responder community – The reviews of other state protocols and procedures verified that federal and state safety requirements are already in place;
- 4) A review of DOH and Hawaii law enforcement records – This review will be initiated with the Narcotics Enforcement Division;
- 5) A review of standards and protocols used by other states – This has been completed and incorporated into the guidelines and procedures;
- 6) Additional legislation –The HEER Office will evaluate the need for new legislation as part of the 2007 evaluation of the implementation of the guidelines and procedures.

Further Implementation and Evaluation. The HEER Office will be meeting with the State Department of Public Safety, Narcotics Enforcement Division and other interested parties during the calendar year 2007 to evaluate the interim guidelines.

Evaluations will include:

- 1) How well the protocol meets the overall goals of the Act 170;
- 2) What additional laws may be needed to fully implement the intent of Act 170;
- 3) What are the problems encountered during the implementation of the protocol;
- 4) What additional information might be available from the operations gleaned from other states and what changes in the protocol are suggested for the permanent guidelines at the end of 2007.
- 5) What are the present practices in Hawaii that have an impact (either positive or negative) on the Interim Protocol;

6) What are the existing hindrances that make the present law enforcement operations difficult; and

7) What additional collaboration needs can be identified to make the implementation of the protocol more effective.

Final Guidelines and Procedures and Rule Making. The Final guidelines and procedures will be adopted as final rules in 2007 and reported to the 2008 Legislature after a complete evaluation of the Interim Guidelines. The HEER Office has prepared a draft document in the appropriate format in anticipation of formal rule making under Hawaii Revised Statutes Chapter 91.

Figure 1. Interim Guidelines Summary

