

# **COLORADO'S NEW METH LAB CLEANUP STATUTES - 6/8/05**

*“A brave new world ?”*



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# STATUTORY STATUS



- **§ 25-18.5-101 et seq ADDED LAST YEAR**
- **SB-217 PASSED THIS YEAR AND WAITING FOR THE GOVERNOR TO SIGN**
- **THIS PRESENTATION ASSUMES THE GOVERNOR WILL SIGN**

# KEY PROVISIONS LAST YEAR



- **CREATES A DUTY FOR PROPERTY OWNERS - INCLUDES VEHICLES - TO CLEAN OR DEMOLISH THEIR PROPERTY IF THEY ARE NOTIFIED OR LEARN IT WAS A METH LAB**
- **PROVIDES IMMUNITY TO THE PROPERTY OWNER FOR HEALTH CLAIMS IF CLEANUP IS CONDUCTED ACCORDING TO BOARD OF HEALTH REGS**
  - **REPORT PROVIDED TO “GOVERNING AUTHORITY” CERTIFYING COMPLIANCE WITH THE REGS**
- **PROVIDES AUTHORITY TO ADOPT REGULATIONS**

# **SB-217 FILLS GAPS**



- **DEFINES “GOVERNING AUTHORITY”**
- **CREATES THE POSSIBILITY OF STANDARDS FOR CONTRACTORS AND HYGIENISTS**
- **ALLOWS DISPOSAL OF PERSONAL PROPERTY AND PROVIDES IMMUNITY**
- **CREATES MANDATORY ACCESS CONTROL**
- **CLARIFIES AUTHORITY OF LOCAL GOVERNMENT TO ENFORCE THE REGS**

# “GOVERNING AUTHORITY”



- DESIGNATED BY CITY COUNCIL OR COUNTY COMMISSIONERS
- IF NOT DESIGNATED THEN ALL OF
  - HEALTH DEPARTMENT
  - BUILDING DEPARTMENT
  - LAW ENFORCEMENT AGENCY
- CLEANUP REPORTS GO TO THESE AGENCIES

# PERSONAL PROPERTY



- **SUBJECT TO THE SAME CLEANUP STANDARDS AS THE STRUCTURE**
- **OWNER OF THE PERSONAL PROPERTY REQUIRED TO CLEAN IT - 10 DAYS**
  - **IF NOT THEN THE CLEANUP CONTRACTOR CAN THROW IT AWAY WITH IMMUNITY**
- **SECURED DUMPSTER REQUIRED**

# ACCESS CONTROL



- **A PROPERTY OWNER CANNOT ALLOW ACCESS EXCEPT FOR TRAINED PEOPLE IF:**
  - **THE PROPERTY OWNER HAS KNOWLEDGE OF THE METH LAB**
  - **THE GOVERNING BODY OR LAW ENFORCEMENT AGENCY PROVIDES A NOTICE OF “PROBABLE” CONTAMINATION**
    - **SAMPLING AND PROOF NOT REQUIRED**



# WARNING

Evidence of an illegal drug lab and probable contamination has been found at this location \_\_\_\_\_.

Hazardous chemicals and contaminants may be present. Colorado statute, §25-18.5-103, C.R.S., requires the owner(s) of the building and contents to comply with the cleanup requirements established by Colorado Board of Health regulations found at 6 CCR 1014-3.

Under Colorado statute, §25-18.5-104, C.R.S., only persons trained in hazardous materials work practices may enter this property.

Until compliance with the cleanup regulation occurs, this property is deemed to be a public health nuisance under Colorado statute, §25-18.5-105, C.R.S.

Agency Name \_\_\_\_\_  
Telephone: \_\_\_\_\_

Investigator: \_\_\_\_\_



**OFFICIAL  
NOTICE**



# LOCAL GOVERNMENT AUTHORITY



- **“PUBLIC NUISANCE” IF CLEANUP DOES NOT OCCUR**
- **GOVERNING BODY MAY ENACT ORDINANCES OR RESOLUTIONS FOR THINGS SUCH AS**
  - **ENTRY, OCCUPANCY, CLEANUP, NOTICE & FEES**
- **EXISTING HEALTH & BUILDING AUTHORITY**

# RESIDUAL ISSUES



- **NO STATE LEVEL ENFORCEMENT**
- **PROGRAMS WILL VARY ACROSS THE STATE**
- **EACH LOCAL GOVERNMENT WILL HAVE TO DECIDE WHAT IT WANTS TO DO**
- **NO MANDATORY NOTIFICATION ALTHOUGH ITS QUITE LIKELY TO BECOME LEGALLY NECESSARY**