

## DEQ and Drug Lab Cleanup

### Background

Illegal drug labs pose an enormous environmental and public health threat. Illegal labs often operate in homes, which later must be cleaned of a variety of dangerous toxic substances. Chemicals used in drug labs are toxic and persistent. They pose serious health risks for occupants, the neighborhood and environment. Also, if not properly disposed of, these chemicals may be reused at another location.

### DEQ's role in drug cleanups

The Oregon Department of Environmental Quality, under Oregon law, has the authority to remove and properly dispose of hazardous chemicals used in the illegal manufacturing of drugs. DEQ only becomes involved after being contacted by a law enforcement agency responding to a drug lab investigation.

When DEQ receives a call, it dispatches its environmental cleanup contractor to pick up, remove and dispose of the hazardous materials. DEQ is responsible for:

- Collecting, packaging and removing hazardous chemicals from the lab
- Hauling the hazardous materials off site to a state-approved waste disposal facility. (DEQ also recycles usable materials picked up in drug lab cleanups. Once cleaned, materials such as glass and vials can be recycled and sent to college labs for reuse.)

DEQ is not responsible for conducting and supervising the complete cleanup. A state licensed, bonded cleanup contractor conducts complete cleanup of a site for future use.

The Oregon Department of Human Services' Health Division is responsible for overseeing the decontamination of the residence or building in which the drug manufacturing occurred.

### Drug lab chemicals

Most illegal drug labs in Oregon manufacture methamphetamine, ecstasy and other synthetic drugs. Chemicals used to make these drugs contaminate structures and pose long-term environmental threats to groundwater and soil if improperly disposed. They also can harm humans in close proximity.

Many chemicals used to make meth are extremely flammable either by themselves or when combined with other chemicals. These include acetone, lithium, alcohol and various solvents.

Drug labs appear in different forms and sizes. Small, mobile labs can produce one or two ounces at a time and can be found in homes, motels/hotels or automobiles. Most labs are capable of producing at least 10 pounds or more of meth per month. Each finished pound can produce up to five or six pounds of waste, adding up to 60 pounds of chemical waste per month. "Super" labs use large amounts of chemicals and are able to produce 120 pounds or more of finished product. A super lab can generate more than 700 pounds of chemical waste.

### Drug lab cleanup funding

Drug lab cleanups in Oregon are paid for in several ways. Funding for DEQ's assistance in drug lab cleanup comes from the Drug Lab Asset Forfeiture Fund, recovery of cleanup costs from property owners, and voluntary cost reimbursement agreements between DEQ and local law enforcement agencies.

#### Asset forfeiture and cost recovery

DEQ receives a percentage of asset forfeiture proceeds from state and local law enforcement agencies. When approximately \$25,000 accumulates in DEQ's drug lab cleanup account, DEQ activates the account to pay for cleanup at the sites. DEQ is required by law to recover its cost from responsible parties. Recovered money replenishes the fund so it can cover the cost of more cleanups.

#### Voluntary drug lab agreements

DEQ notifies state and local law enforcement agencies when its drug lab cleanup account is depleted. These agencies may then choose to sign an agreement with DEQ for drug lab chemical removal services. Cleanup costs paid back to DEQ include the agency's contractor fees plus an hourly rate for DEQ staff costs.

### Cost recovery: What property owners should know

Under state law, the property owner is liable for cleanup costs if a "contractual relationship" exists between the property owner and a third party in the form of, for example, a rental agreement or land sales contract.



State of Oregon  
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Environmental  
Quality

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*DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water*

DEQ grants exemptions from property owner cost recovery liability if the property owner can:

- show DEQ that no contractual relationship exists with the illegal drug lab manufacturer;
- show that he or she was in the process of evicting tenants and/or working with a law enforcement agency to accomplish this.

DEQ notifies responsible parties in writing of the requirement to pay DEQ costs and about conditions which may exempt them from liability. Responsible parties who believe they cannot afford to pay may also go through an “ability to pay” process by submitting certain financial records. DEQ will analyze these records and may then grant the party an exemption.

#### **Alternative formats**

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ's Office of Communications and Outreach, Portland, at (503) 229-5696, or call toll-free in Oregon at 1-800-452-4011, ext. 5696.