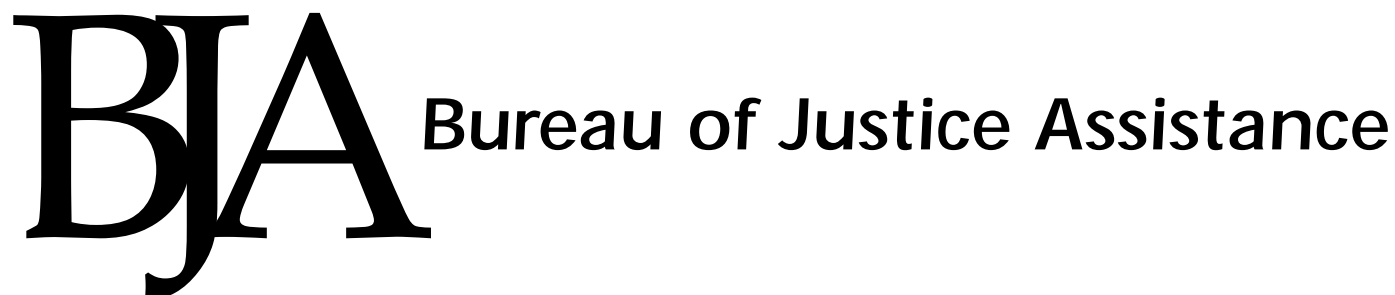




BJA Bureau of Justice Assistance

Developing a Strategy for a Multiagency Response to Clandestine Drug Laboratories

Monograph



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for a Multiagency
Response to
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Laboratories**

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Monograph

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EXECUTIVE SUMMARY

Significant quantities of illegal drugs, including stimulants, depressants, hallucinogens, and narcotics, are produced in clandestine drug laboratories throughout the country. These laboratories often house substantial quantities of highly toxic, corrosive, and explosive chemicals posing serious human health and environmental risks. Every year, numerous clandestine laboratories have fires and explosions, which often result in their discovery.

Seizing or “taking down” a lab requires a strategically precise enforcement action, often involving Federal, State, and local law enforcement. Once seized, the lab remains a potential hazardous waste site, often with large quantities of potentially toxic chemicals, as well as an array of unknown corrosives, carcinogens, and combustibles. Clandestine laboratory enforcement efforts, unlike other narcotics cases, are complicated by the presence of these hazardous materials. It is this complication that demands expansion of the traditional narcotics task force investigation and prosecution to encompass health, occupational safety, and environmental agencies’ approaches.

In addition to the planning and organizational problems faced by traditional narcotics task forces, clandestine laboratory enforcement programs (CLEP’s) must also address the following health, safety, and environmental issues:

- Selecting appropriate safety equipment, including respirators, and ensuring their use by officers involved in clandestine laboratory enforcement.
- Establishing and maintaining a medical screening and surveillance program for these officers.
- Determining how cleanup costs will be shared among the agencies involved.

In 1987, the Bureau of Justice Assistance (BJA) funded demonstrations by five agencies—the Washington State Patrol, the California Bureau of Narcotics Enforcement, the Portland (Oregon) Bureau of Police, the New Jersey State Police, and the Commonwealth of Pennsylvania’s Office of the Attorney General—to

develop and implement CLEP’s. The experience of these demonstration sites in implementing their CLEP’s indicates that a multidisciplinary approach to clandestine laboratory enforcement includes the following components:

- A strategy planning team.
- Interagency agreements.
- Personnel and training.
- Specialized safety equipment.
- Medical screening and surveillance.
- Precursor chemical monitoring.
- Clandestine laboratory cleanup.
- Community education and awareness.

This monograph presents sample language from policies and procedures developed by the demonstration sites to assist policymakers in formulating their own program components.

This monograph is designed to help State and local law enforcement officials plan, organize, and manage a comprehensive CLEP that includes these components. The purpose of this monograph is to complement existing training and operational manuals by addressing the strategy planning process that allows the operational tasks to take place.

The strategy planning approach to developing and implementing an effective CLEP consists of five stages:

- Stage 1: Mission formulation.
- Stage 2: Organizational assessment.
- Stage 3: Developing objectives.
- Stage 4: Developing action plans.
- Stage 5: Implementation.

Worksheets are included to assist policymakers with the process of strategy planning. Upon completion of

the worksheets, program planners will have a strategy for developing and implementing a comprehensive CLEP, including:

- An analysis of existing laws, policies, and procedures that may impact program developments;
- A training plan and communication strategy;
- A plan for identifying program resources; and
- An approach for garnering and maintaining program support both within the department and with other agencies.

This monograph was developed to address the concerns of State and local officials seeking to implement CLEP's. However, the principles and processes of strategy planning, which form the foundation of a successful CLEP, are equally applicable to any enforcement operation that requires the cooperation and commitment of a number of agencies having differing priorities and mandates.

BACKGROUND

In 1987, the BJA Discretionary Grant Program funded a program to implement a comprehensive cooperative effort to assist State and local law enforcement agencies to develop strategies to discover, investigate, and close clandestine laboratories. Five competitively selected sites and a technical assistance grant were funded to develop a model strategy for eventual replication nationwide.

The demonstration sites consisted of the following agencies: the California Bureau of Narcotic Enforcement, the Portland, Oregon Bureau of Police, the Washington State Patrol, the New Jersey State Police, and the Pennsylvania Office of the Attorney General. The technical assistance grantee was Circle Solutions, Inc. In each of the demonstration sites, project staff interviewed key agency staff; observed enforcement and prosecution activities; reviewed policies, procedures, and training materials; and collected a wide range of other data.

This monograph reflects the best practices and lessons learned from the five demonstration sites. It presents a model clandestine laboratory enforcement program that State and local agencies can adapt to their own specific needs.

Chapter 1

INTRODUCTION AND PURPOSE

Clandestine drug laboratories throughout the country produce large quantities of illegal drugs, including stimulants, depressants, hallucinogens, and narcotics. While the exact number of clandestine laboratories is unknown, law enforcement and health agencies have documented that they range from crude, makeshift operations to highly sophisticated facilities that may be found in any public, private, or commercial establishment. Operators of these laboratories may include traditional organized crime groups; street and motorcycle gangs; or individual, novice chemists manufacturing relatively small quantities of drugs.

Clandestine laboratories primarily produce methamphetamine, amphetamine, phencyclidine (PCP), lysergic acid diethylamide (LSD), and a variety of controlled substance analogs, often referred to as “designer drugs.” These include fentanyl (synthetic opiates); U4Euh, also known as 4-methyl aminorex (an analog of methamphetamine); XTC or “eve,” also known as MDMA (an analog of MDA); and MPPP (a Demoral analog). The relatively simple recipes for most of these drugs are available through both legal and illegal sources. Precursor or otherwise essential chemicals may be manufactured if they are unavailable; and the cooking process is often crude, uncontrolled, and most important, extremely dangerous.

Clandestine laboratories often house substantial quantities of highly toxic, corrosive, and explosive chemicals posing serious human health and environmental risks. Every year, numerous clandestine laboratories have fires and explosions, which often result in their discovery.

Investigations of clandestine laboratories usually require traditional narcotics investigative techniques (such as surveillance and the use of informants or wiretaps). Seizing or “taking down” a lab, however, requires a strategically precise enforcement action, often involving Federal, State, and local law enforcement. Once seized, the lab remains a potential hazardous waste site, often with large quantities of potentially toxic chemicals, as well as an array of unknown corrosives, carcinogens, and combustibles.

The presence of these hazardous materials complicates clandestine laboratory enforcement efforts, unlike other narcotics cases. This complication mandates expanding the traditional narcotics task force investigation and prosecution to encompass the approaches of health, occupational safety, and environmental agencies.

Therefore, the term “clandestine laboratory enforcement program” or “CLEP” refers to a comprehensive program that encompasses all phases of planning, investigation, seizure, dismantling, waste removal, and remediation of contaminated property.

Thus, the issues surrounding health, occupational safety, and the environment become inherent in the investigation and prosecution of clandestine laboratory operators. The expertise required for the various aspects of laboratory seizures and prosecutions makes the coordination of resources and programs among a multidisciplinary team of Federal, State, and local agencies of utmost importance.

Issues and Concerns About Clandestine Laboratory Enforcement

Like any number of specialized narcotics task force operations, CLEP’s face a myriad of planning and organizational issues. Among these are the following:

- Developing and maintaining cooperation among the law enforcement, environmental, health, and safety agencies that have a role in clandestine laboratory enforcement.
- Recruiting and selecting appropriate personnel.
- Developing and implementing necessary personnel training.
- Funding in times of competing priorities.

- Addressing the legal obligations and liabilities of the agencies involved.

- Coordinating investigations with traditional narcotics task forces.

Unlike traditional narcotics task force operations, CLEP's must also address the following health, safety, and environmental issues:

- Selecting appropriate safety equipment, including respirators, and making sure officers involved in clandestine laboratory enforcement use it.

- Establishing and maintaining a medical screening and surveillance program for these officers.

- Determining how cleanup costs will be shared among the agencies involved.

Lessons Learned From the Demonstration Sites

In 1987, the Bureau of Justice Assistance (BJA) funded five demonstrations to develop and implement CLEP's at five agencies: the Washington State Patrol; the California Bureau of Narcotic Enforcement; the Portland [Oregon] Bureau of Police; the New Jersey State Police; and the Commonwealth of Pennsylvania's Office of the Attorney General. Each of these sites developed its program with an understanding that clandestine laboratory enforcement necessitated a multidisciplinary approach, requiring expertise among narcotics enforcement and prosecution officials *as well as* among fire and hazardous materials (HAZMAT) teams and health and environmental officials.

To establish and implement these CLEP's, Federal, State, and local law enforcement officials in each site needed to identify common goals, delineate their respective roles and responsibilities, devise inter-agency agreements among themselves and other agencies, formulate enforcement strategies that ensure the personal health and safety of officers involved, and recognize their responsibilities in safely and effectively disposing of the hazardous waste remaining after the laboratory was raided.

Thus, a multidisciplinary approach to clandestine laboratory enforcement includes the following components:

- A strategy planning team.

- Interagency agreements.

- Personnel and training.

- Specialized safety equipment.

- Medical screening and surveillance.

- Precursor chemical monitoring.

- Clandestine laboratory cleanup.

- Community education and awareness.

Since their programs' inception, these officials have learned a great deal about the changing nature and scope of clandestine drug laboratory operations and how to develop and implement effective multidisciplinary responses. The collective experience of these sites provides the foundation on which other jurisdictions can design successful clandestine laboratory enforcement efforts.

The Purpose of the Monograph

This monograph is designed to help State and local law enforcement officials plan, organize, and manage a comprehensive CLEP. Much has already been written about how to conduct clandestine laboratory investigations, seizures, and prosecutions. This monograph is intended to complement existing training and operational manuals by addressing the strategy planning process that allows the operational tasks to take place.

The monograph is based on a number of fundamental principles:

- A CLEP requires the commitment of a number of agencies (Federal, State, and local law enforcement; health and environment; and fire/HAZMAT teams) that have different, and sometimes conflicting mandates. Thus, the issues and concerns a CLEP raises invariably require extensive discussion and negotiation.

- Developing a CLEP requires implementing *strategy planning* principles.

- Managing the CLEP involves effective communication, inside and outside the law enforcement agency.

This monograph includes worksheets to help policymakers plan and implement the CLEP process. Upon their completion, program planners will have a strategy including:

- An analysis of existing laws, policies, and procedures that may have an essential impact on program development.
- A training plan and communication strategy.
- A plan for identifying program resources.
- An approach for gathering and maintaining program support both within the department and with other agencies.

The principles and processes of strategy planning, which form the foundation of a successful CLEP, are equally applicable to any enforcement operation that requires the cooperation and commitment of a number of agencies that have differing priorities and mandates.

Chapter 2

CLANDESTINE LABORATORY ENFORCEMENT: THE FRAMEWORK FOR PROGRAM DEVELOPMENT

Unlike other narcotics enforcement actions, clandestine laboratory enforcement actions are complicated by the presence of hazardous chemicals that may have an immediate impact on an officer's safety and cause acute and chronic health problems.¹ Consequently, policymakers need a basic understanding of the chemicals that officers will encounter in clandestine laboratories, their known and probable effects, and the measures that can be taken to prevent exposure. Policymakers also need to have a working knowledge of the legal and liability issues they may face both with respect to their employees and the community in which the laboratory is located. These health and legal/liability issues form the rationale for the CLEP components detailed in chapter 3.

The present chapter addresses two critical areas for policymakers: The first, basic toxicology, includes a discussion of chemicals that are known to be harmful to humans, their negative health effects, and their methods of invading the body. A myriad of *unknown* chemicals may also be present in clandestine laboratories, with even more harmful effects than the known substances.² The second area addressed concerns basic Federal and State regulations that govern the CLEP operation: directives from the Occupational Safety and Health Administration (OSHA), the Environmental Protection Agency (EPA), and the Drug Enforcement Administration (DEA).

The chapter is not meant to be a comprehensive discussion of medical and legal principles; rather, it is an introduction to issues that will help policymakers formulate their CLEP's. Program planners should regularly consult with State and local health officials, toxicologists, and legal counsel for detailed descriptions of these health, safety, and legal issues.

Corrosives, Combustibles, and Carcinogens: A Look at Basic Toxicology

Little is known at present about the potential long-term health or reproductive risks resulting from exposure to the known, as well as unknown, narcotics and precursor chemicals present in clandestine laboratories. Certain chemical reagents, illicit drugs, and drug precursors have been implicated in lasting disabilities among law enforcement officers.³ Inasmuch as there have been no epidemiological studies of enforcement officers or clandestine laboratory operators exposed to clandestine laboratory toxins, scientists can only make educated guesses about potential acute and chronic health effects.

However, recognizing this potential and understanding the factors that determine whether a particular chemical will have short- or long-term effects can be very beneficial in formulating policies addressing protective equipment, medical screening and surveillance, and safety procedures.

Recognizing the Complexity and Diversity of Hazards

Recognizing the vast complexity and diversity of hazards associated with clandestine laboratory enforcement is a first, critical step for the policymaker who is responsible for setting protective guidelines for employees and for ensuring the fitness of the site for reoccupancy. (Appendix A contains a list of chemical compounds that may be found in clandestine laboratories, including each compound's physical state, exposure symptoms, and health effects.) It is important to remember that, added to the already complex nature of clandestine laboratory enforcement, some *combinations* of chemicals produce different effects than those each produces separately; that is, some combinations increase the toxic effect of the separate chemicals, while others decrease the toxicity, as will be discussed below.⁴

Inasmuch as efforts to control one hazard may create or impede control of other hazards, it is critical for policymakers to be able to identify the levels as well as types of protection needed for specific, varying situations. For example, some chemicals used in methamphetamine production present a danger of injury from fire or explosion.⁵ Risk of injury or toxicity from chemical exposure depends on the toxic properties of the particular chemicals, as well as their quantity, form, concentration, and duration and route of exposure.

Toxic Materials: How They Invade and Threaten the Body

A toxic material is capable of producing local or systemic detrimental effects in the human body. The effects associated with toxic material may be temporary or permanent, immediate or delayed, mild or severe.⁶ Toxic materials injure the lungs or the skin or do damage to the liver and the kidneys or the nervous system. Some may induce cancers. Other toxins such as teratogens cause malformation of the embryo or result in genetic damage, cancer, or reproductive failure.

Toxic materials encountered in clandestine laboratories enter the body through the following methods, in order of importance: inhalation, skin absorption, and ingestion. Some materials may enter the body by more than one of these routes of exposure.⁷

Inhalation. Inhalation is the most common exposure route for toxic materials in clandestine drug laboratories. Once absorbed by the respiratory tract, toxins may reach other organs via the bloodstream or the lymphatic system.

The respiratory tract is the only organ system with vital functioning elements that is in constant, direct contact with the environment. The lungs have the largest exposed surface area of any organ other than the skin; many toxic materials can produce acute or chronic diseases of the respiratory tract when they are inhaled.⁸ (For types of inhaled toxicants and their effects, see appendix A1.)

Inhalation may result in injury from corrosive substances, with symptoms ranging from shortness of breath to cough to chest pain. Many solvents are absorbed into the body through the lungs and, in sufficient dose, may cause symptoms of intoxication,

dizziness, lack of coordination, nausea, and disorientation.⁹

Many chemicals will also produce hypoxia (oxygen deficiency) as a result of the body's defense mechanisms. When an irritant enters the body it causes swelling and leakiness of the tissues, which results in the accumulation of fluid and prevents oxygen absorption.¹⁰

Absorption. Of the three major avenues of contamination, absorption through the skin is another important route. Toxic materials, including dangerous, invisible vapors, may be absorbed through the skin, sweat glands, sebaceous (oil) glands, and hair follicles, causing both local and systemic effects. Absorption through skin exposure to corrosive substances may result in skin burns, as well as the symptoms that occur with inhalation of these substances; e.g., shortness of breath, cough, and chest pain.

Absorption rate depends on a number of factors, including, but not limited to, the condition of the skin and properties of the chemical involved. Some factors that enhance absorption rate are nonintact skin, increased skin hydration, increased skin temperature (which causes sweat cells to open, secrete sweat, and dissolve solids, as well as to increase blood flow to the skin), increased concentrations of the chemical substance, altering of the skin's normal pH of 5,¹¹ and adding of surface-active agents or organic chemicals.¹²

Many toxic materials produce systemic effects. To produce a systemic effect, the toxic material must be absorbed and distributed inside the body to an organ distant from the entry point. The organ targeted most often by systemic toxicity is the central nervous system, followed by the liver and kidneys. Additional organs affected may be the heart, spleen, and the reproductive system.¹³

Ingestion. Toxic materials on hands, cigarettes, and in food or drink may be ingested by mouth. Materials ingested pass through the stomach and may be absorbed into the bloodstream, after which they may move directly to the liver or other organs or tissues.¹⁴ Damage to the mouth, esophagus, stomach, and intestines can result from ingesting strong acids or bases or other corrosives such as mercuric chloride.

Acute vs. Chronic Exposure

An exposure to a toxic material may be acute or chronic. The term “acute exposure” refers to exposure that occurs in a short time. In the context of clandestine laboratories, acute exposures often happen to high concentrations of toxic materials. Thus, the idea of severity is frequently incorporated into the term. The body can display an immediate or delayed reaction to the toxic exposure.¹⁵

In the context of clandestine laboratories, “chronic exposure” usually refers to exposure to a low concentration of toxic material that occurs over time. A latency period usually occurs prior to the body’s response to the toxic exposure. Chronic exposure effects on the body may be reversible or irreversible.¹⁶

Effects of Toxic Exposure

The effects on the body of toxic exposure depend primarily on the chemical’s type, concentration or dosage, and the duration of exposure. Toxic effects vary from one chemical to another. Many toxic chemicals are nonselective in their actions on the body; others act on specific areas of the body. (Refer to appendix A for examples.) Local exposure affects the nose, eyes, mouth, throat, skin, and the respiratory and gastrointestinal tracts; absorption does not have to occur. With systemic exposure, absorption does occur; and the site of damage may be remote from the contact site. In many cases, both local and systemic damage occurs.¹⁷

Concentration, or dosage, is the most important factor in determining whether a particular chemical will produce toxic effects. Essentially, *the dose makes the poison*. A low chemical concentration may have no effect on the body; high concentrations may adversely affect the body, depending on the chemical’s properties.¹⁸

Measurement of Toxicity

A toxic material that is normally thought of as harmless may induce a toxic response if added to the human body in sufficient amount. Toxic potency, therefore, is defined by the amount of the toxic material and the response that is produced in the human body.¹⁹ Comparison of an organism’s response to a given material at specific varying doses (amounts of exposure) is known as “dose-response.” For factors influencing toxicity, see appendix A2.

Exposure Risk Issues

Potentially five groups of individuals may be vulnerable to toxic chemicals in clandestine laboratories: (1) laboratory operators involved in the “cooking” process; (2) first responders, such as law enforcement officers and fire/HAZMAT teams; (3) cleanup contractors; (4) neighbors of active laboratories; and (5) residents of buildings formerly used as laboratories. Risks of exposure vary according to a number of factors, including whether a laboratory is an active or inactive (former) site.²⁰

Risks of Active and Inactive or Former Laboratories. An active laboratory should be considered unsafe for entry except by trained personnel using appropriate personal protective equipment (PPE). The greatest risks are fire and explosion due to the relatively large amounts of solvents normally found at the sites. A chemical spill can result in air concentrations strong enough to produce adverse effects from inhalation of solvents, corrosives, or cyanide. The levels of air-borne chemicals and the corresponding risk for exposure vary depending on the cooking method, quantity and form of the chemicals present, room size, and ventilation.²¹

Another potential risk of toxic exposure in an active laboratory may occur as a result of “booby traps.” A trip wire can be set to drop a chemical into another chemical, resulting in the release of a highly toxic gas.²²

In an inactive or former laboratory, where equipment and chemicals have been removed, residual amounts of some substances may persist on building surfaces and furnishings prior to cleanup. Most substances present in the active laboratory, such as gases or volatile solvents, should dissipate rapidly with ventilation. (Ventilation of some types of chemicals from labs in populated areas, such as those making the synthetic opiate fentanyl, should occur only under controlled circumstances.) Air-borne contaminants and chemical spills may pose a health risk to first responders especially because they may be repeatedly exposed to unknown toxic substances.²³

Cleanup and Reoccupancy Risks. In addition to first responders and other agency officials performing initial site assessments, disposal contractors and persons reoccupying the premises before cleanup occurs are at risk for adverse health effects from toxic materials. These persons may be exposed to high

concentrations of toxic chemicals for short periods of time and should be aware of the symptoms of acute exposure from solvents, cyanides, corrosives, irritants, and metals and their salts. When such symptoms occur, the exposed person should leave the premises or remove the source itself. Reentry should not occur unless proper ventilation has reduced the air-borne toxins or unless self-contained breathing apparatus is used.²⁴

A basic understanding of the health effects of toxic chemicals commonly found in clandestine laboratories aids in comprehending the various Federal and State occupational safety, health, and environmental regulations that govern the response to clandestine laboratories.

Occupational Safety, Health, and Environmental Regulations: A Policymaker's Primer

Numerous Federal, State, and local laws govern the activities of law enforcement and other agencies dealing with clandestine laboratories. Although active laboratories pose a greater risk than former sites from chemicals, explosion, and fire, both environments should be considered dangerous. This section discusses certain Federal laws with which law enforcement and other agencies must comply when they become involved with a clandestine laboratory. Local agencies should become familiar with applicable State and local laws, as they may be more stringent than Federal regulations outlined in this chapter.

Employee Health and Safety Regulations

Agencies involved with clandestine laboratory operations fall under OSHA regulations (29 Code of Federal Regulations (CFR) Part 1910) that require the following actions by employers, including State and local government agencies:

- Communication to employees of clear, unambiguous warnings, as well as provision of educational programs on the hazards of chemical substances. These warnings and educational programs apply not only to investigators and others who come in contact with chemicals in the field, but also to personnel who analyze the seized chemicals.

- Training of all employees who may be exposed to hazardous substances in how to recognize and handle safety and health hazards at laboratory sites, in the use of protective equipment, and in safe work practices. Requirements include an initial 40 hours of safety training, followed by 3 days of field experience and 8 hours of annual refresher training. All specialized training must meet OSHA standards.

- Providing specialized protective equipment to employees who will be exposed to hazardous chemicals. The equipment must meet National Institute for Occupational Safety and Health (NIOSH) standards. Examples of specialized equipment include chemical-resistant suits, self-contained breathing apparatus, boots, gloves, and goggles.

- Examining and monitoring the health of employees exposed to hazardous substances; this should include a thorough medical screening prior to training or working in clandestine laboratories. In addition, a continuous medical surveillance program is required to identify any signs of possible exposure to hazardous substances. All cases of employee exposure must be documented carefully for future medical reference.

- Providing information to employees regarding *any hazardous conditions in their work environments*. It is important to note that any time employees may be exposed to hazardous substances, they have the right to know their *specific risks*. Law enforcement agencies, for example, should provide training on the *known* dangers in clandestine laboratories and should also make officers aware of the fact that a broad range of *unknown* dangers also exist at these sites. In addition, since the evidence room may contain hazardous substances, specific information regarding the exact substances known to be present should be posted in that room.

Specific information should be provided to female employees involved in CLEP's regarding such issues as their increased vulnerability to toxic chemicals due to gender-specific ratios of body fat and the increased risks to their reproductive systems associated with exposure to hazardous materials. After being informed of their risks through proper procedures, female employees should be allowed to make their own decisions regarding assignment to CLEP's.

Where agencies fail to adhere to these requirements, supervisors can be held strictly and severably liable

for situations involving employee exposure to hazardous substances and the resulting adverse health effects.

Hazardous Waste Regulations

Law enforcement agencies that seize clandestine laboratories may find they have become generators of hazardous waste as defined by Federal laws and regulations. EPA regulations that implement the Resource Conservation and Recovery Act (RCRA) define a generator of hazardous waste as “any person, by site, whose act or process produces hazardous waste...or whose act first causes a hazardous waste to become subject to regulation” (40 CFR 260.10). The following Acts and their regulations apply to agencies discovering hazardous waste materials in excess of certain minimum quantities:

1. The RCRA, as amended by the Hazardous and Solid Waste Act (40 CFR 260–263), governs transportation, storage, and disposal of hazardous waste.
2. The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), governs emergency responses for release of hazardous substances into the environment and cleanup of inactive hazardous waste disposal sites (40 CFR 300).
3. The Hazardous Materials Transportation Act regulates packaging, marking, labeling, and transporting hazardous wastes (49 CFR, 170, 171, 172).
4. The Occupational Safety and Health Act regulates safety conditions in the workplace (29 CFR 1910.120); *these provisions cover site incidents, and supervisors are held strictly and severably [subject to discharge] liable for violations of this section.*
5. The Occupational Safety and Health Act establishes employee right-to-know provisions (29 CFR 1200).
6. State and local regulations (these may be more stringent than Federal regulations).

To avoid confusion, State and local agencies are advised to follow the DEA policy of treating *all* waste

at clandestine laboratories as potential RCRA hazardous waste, no matter how small the amount found. This will reduce agency liability and remove guesswork from site personnel decisions regarding seizure of equipment and chemicals. By taking this action, agencies fall under certain EPA and Department of Transportation (DOT) regulations regarding transporting, storage, and disposal of hazardous waste.²⁵

Active Sites May Be Subject to CERCLA. In addition to the regulations listed above, active laboratory sites may be subject to CERCLA, as amended by SARA. This regulation established a “Superfund” to finance the cleanup of the worst hazardous waste sites and set criteria for emergency notification of releases of hazardous substances.

In certain cases, clandestine laboratories may pose imminent, substantial health hazards that require an immediate response or a more long-term cleanup. A responding agency that suspects that a chemical released at a clandestine lab is a hazardous substance as defined by CERCLA should contact the National Response Center to initiate the response process (see Additional Resources). On a national scale, clandestine drug laboratories rarely meet the criteria defined by CERCLA.

Compliance Officer’s Role. Agencies that deal with clandestine laboratory enforcement or cleanup should consider appointing someone to act as a compliance officer to ensure the agency meets all applicable regulations. The compliance officer should keep abreast of all changes in existing laws and any new laws that may affect agency activities.

Unlike other narcotics law enforcement efforts, clandestine laboratory investigations and seizures require a policymaker’s clear understanding of (1) the potential health and safety risks to involved personnel, including law enforcement, other first responders, and cleanup contractors; and (2) the agency’s legal responsibilities regarding occupational health and safety, as well as environmental protection. It is important to note that supervisors are held strictly and severably liable for failure to adhere to OSHA employee health and safety regulations, including the providing of information to employees regarding any hazardous conditions in their work environments.

Chapter 2 Notes

1. Drug Enforcement Administration, Health Services Unit, *Potential Health Hazards at Clandestine Laboratory Units*, October 1985.
2. Drug Enforcement Administration, U.S. Environmental Protection Agency, and U.S. Coast Guard, *Guidelines for the Cleanup of Clandestine Drug Laboratories*, March 1990.
3. U.S. Senate Committee on the Judiciary, *Drug Production and the Environment*, April 11, 1991.
4. Amdur, Mary, et al., *Casarett and Doull's Toxicology: The Basic Science of Poisons*, 4th edition, New York: Pergamon Press, 1991.
5. Skinner, Harry F., "Methamphetamine Synthesis via Hydriodic Acid/Red Phosphorus Reduction of Ephedrine," *Forensic Science International* 48(123-124), 1990; Cantrell, T.S., John Boban, Leroy Johnson, and A.C. Allen. "A Study of Impurities Found in Methamphetamine Synthesized From Ephedrine." *Forensic Science International*. 39(39–53), 1988.
6. Kittle, Lew J., *Interim Guidelines for Contamination Reduction and Sampling at Illegal Drug Manufacturing Sites*, Washington [State] Department of Health, Office of Toxic Substances, 1992.
7. Amdur et al., *Casarett and Doull's Toxicology*, note 4 above.
8. Kittle, *Interim Guidelines*, note 6 above.
9. Kittle, cited above.
10. Amdur et al., note 4 above.
11. A pH of 5 is moderately acid. The letters pH stand for "hydrogen ion" and the numbers represent negative logarithms, from an acid extreme of 0 to an alkaline extreme of 14, with 7 representing neutrality.
12. Amdur et al.
13. Amdur et al.
14. Amdur et al.
15. Amdur et al.
16. Amdur et al.
17. Amdur et al.
18. Amdur et al.
19. Amdur et al.
20. Kittle.
21. DEA, EPA, and Coast Guard, *Guidelines*, note 2 above.
22. *Guidelines*, cited in previous note.
23. *Guidelines*, cited previously.
24. Kittle.
25. EPA regulations (40 CFR Parts 261, 262, and 263); DOT regulations (49 CFR Parts 171, 172, 173, 178, and 179).

Chapter 3

CLANDESTINE LABORATORY ENFORCEMENT PROGRAM COMPONENTS

A comprehensive CLEP requires a number of components to ensure that coordinated enforcement efforts are safely and effectively implemented. This chapter discusses eight specific components that make up such a program. Each of these components is based on an understanding of the health and safety risks inherent in clandestine laboratories, the legal responsibilities of organizations to minimize occupational hazards, and the ultimate goals of seizing the laboratory and successfully prosecuting the operator(s). Policymakers are encouraged to consider carefully the rationale presented for each component and to remain aware of State statutes and regulations that may impact components of their specific programs.

Throughout this chapter, sample language from the policies and procedures developed by the BJA demonstration sites is presented to help policymakers formulate their own program components. However, these samples should be considered only as blueprints; they will require modifications to meet the needs of individual jurisdictions.

Component 1: The Multidisciplinary Strategy Planning Team

Creating a multidisciplinary strategy planning team to develop the strategy plan discussed in chapter 4 and to coordinate the roles and responsibilities of the participating agencies can be a key factor in the successful CLEP operation. This body can be effective in (1) identifying concerns about the program operation and garnering support from their respective agencies; (2) examining existing policies and procedures and identifying linkages to the CLEP; and (3) planning the communication strategy and providing recommendations for training.

The strategy planning team's overall goals should:

- **Advocate safe entry, seizure, and cleanup of clandestine laboratories.** The chemical and physical hazards in laboratories pose serious, acute, and chronic health threats for law enforcement officers and other first responders. In addition, in cases of fire or explosion, other individuals and property can be in danger. The strategy planning team has a vital role in informing local law enforcement, fire, and other agencies of the potential risks and the methods of protecting both individuals and property from hazards.

- **Coordinate a uniform investigative and cleanup response.** The team can be instrumental in developing response guidelines, protocols, and standard operating procedures for law enforcement agencies, hazardous materials teams, environmental response agencies, and State and local health departments. The team can also develop written interagency agreements that describe how two or more agencies will work together.

The planning team may be formed as a state- or countywide body. For example, the Washington State Controlled Substances Act (Revised Code of Washington 69.50) and amendments to the Act have set forth the principles of a coordinated, cooperative response effort.¹ Thus, the Washington State Clandestine Laboratory Steering Committee was the planning team formed with representatives from State agencies, but with the provision that "local health departments may want to establish an interagency, county-wide steering committee on illegal drug labs if none exists."² Washington State's Clandestine Laboratory Steering Committee includes representatives from the following agencies:

- Washington State Patrol, local law enforcement agencies, narcotics task forces (including county prosecutors), and DEA.
- Fire departments' HAZMAT divisions and local HAZMAT teams.
- State Department of Ecology.
- State and local departments of health.
- State Board of Pharmacy.

- Attorney General's Office.
- State Real Estate Board.

Additional or "ad hoc" members may be invited to attend specific meetings of the committee. These members may include representatives from the medical community, child protective services, and other State and local professional associations with an interest in clandestine laboratory enforcement issues.

The planning team should select a chairperson to coordinate its activities; the chairmanship may be rotated on a regular basis to allow all the members equal participation.

Component 2: Interagency Agreements

The development of interagency agreements or memorandums of understanding (MOU's) should be one of the strategy planning team's primary tasks. MOU's should be in place before any multidisciplinary, coordinated enforcement effort is conducted. They should outline the roles and responsibilities of each agency involved in the enforcement effort and should, at a minimum, address the following:

■ **Purpose, goals, objectives, and scope of authority.** The MOU should define the mission of the CLEP, articulate the participating agencies' mutual goals, and state clearly the program's scope of authority (statewide, regional, countywide, or other).

■ **Funding.** The MOU should describe how the CLEP is to be funded and the amount of financial support to be provided by each participating agency. Support may come from a number of sources, including each agency's operational funds, grants and contracts, seized assets, or special tax levies.

■ **Pay and benefits.** Agencies have considerably different pay rates, overtime policies, liability and insurance coverage, and worker compensation benefits. A comprehensive MOU should take these differences into account. Some programs elect to allow participating personnel to operate under pay and insurance plans funded by their specific agencies. While this can result in occasional inequities, it is a very workable solution if agreed upon in the MOU.

■ **Personnel.** The MOU should set formal personnel selection criteria and clear rotation policies, address the length of time for program assignment, and stress the need for participants' adherence to parent agency regulations. Since interagency agreements are seldom all-inclusive, it is necessary for personnel to understand that parent agencies retain authority and control over their employees assigned to the program.

The MOU should set specific criteria for selection and tenure of top program leaders. Formal procedures addressing these issues in advance will help to ensure consistency in the *type* of top leadership; thus, personnel changes at this level will not pose a threat to the strategy planning team's continued effective operation.

■ **Media relations.** The MOU should specify who will be responsible for handling media relations and issuing press releases. Ideally, this responsibility should be vested in a single person, who may be the CLEP coordinator or a designated representative.

■ **Sharing forfeited assets.** The MOU should specify how any forfeited assets will be distributed and used. For example, some CLEP's may wish to distribute the funds to participating agencies using a formula based on the number of agencies; or the decision may be made to use the assets to augment the program's operating budget.

In Pennsylvania, the Office of the Attorney General (OAG) and the Pennsylvania State Police (PSP) have developed the following Interagency Agreement that specifically details the goals and objectives of the clandestine laboratory program:

The clandestine laboratory program is intended to be an interagency cooperative effort between the PSP and the OAG. Each agency shall participate as fully as possible in program goals and objectives: (1) equipping and training of the clandestine laboratory investigative unit; (2) expansion of precursor and glassware monitoring program; (3) intelligence and operational interface between state, local and federal authorities; (4) public awareness and publicity to aid investigations; (5) location of laboratories, arrest and detention of operators at all levels; (6) full legal support and prosecution at all levels; (7) agreements with the Drug Enforcement Administration, the Department of Environmental Resources, the Environmental Protection Agency, and private waste disposal hauler contractors for disposal of harmful substances; and (8) training for state and local officers.

**Office of the Attorney General and the
Pennsylvania State Police
Commonwealth of Pennsylvania**

When Washington State expanded its existing clandestine laboratory enforcement program to include a cleanup component, the following MOU was developed among the Washington State Department of Health, Department of Ecology, and State Patrol to delineate each agency's roles and responsibilities.

It is agreed the Department of Ecology, Washington State Patrol, and the Department of Health shall participate in the (cleanup program) as technical advisors, proposal reviewers, panel members for contractor selection, and report reviewers. Specifically, their responsibilities during this project will be as follows:

1. **Washington Department of Health** will serve as the lead agency for this project under the Revised Code of Washington 69.50, RCW 43.27 and RCW 70.54: Public Health and Safety Act. They will provide project management, project coordination, hire contractors, and write the final report submitted to the Drug Enforcement Administration.
2. **Washington State Patrol** will serve as law enforcement experts and follow the Federal and State Guidelines as they relate to pre-raid planning, initial entry, risk assessment, and processing phase. They will operate under the provisions of RCW 69.50: Controlled Substances Act.
3. **Washington Department of Ecology** will serve as environmental protection experts and follow their mandated role of removing, transporting, and disposing of hazardous materials under the provisions of RCW 69.50. Also, Ecology will conduct an environmental risk assessment outside of the building as mandated by RCW 70.105D: Model Toxins Act.

Component 3: Personnel and Training

Selection and training of personnel are critical to the CLEP's effectiveness. This section should discuss the various personnel needed for an effective program and the type of training they should receive. This section should also emphasize the importance of all appropriate team members meeting *prior to each enforcement action* to delineate their respective roles and responsibilities.

Personnel

The CLEP should include the following personnel:

■ **Program coordinator.** He or she should be responsible for overall CLEP administration and clandestine laboratory investigations. The coordinator

may also be responsible for developing and informing employees of procedures regarding safety, industrial hygiene and training requirements; coordinating hazardous waste contracts (this may also be the Department of Environment's responsibility); providing technical advice and training in laboratory investigations and safety; reviewing and approving the selection of health and safety equipment; coordinating the medical surveillance program; and serving on a regional, State, and/or countywide clandestine laboratory strategy planning team.

■ **Law enforcement personnel.** These should include an onsite supervisor or incident commander, an entry team, a site safety officer, a site safety appraisal team, a forensic chemist, criminal investigators, latent print analysts, and a photographer.

The roles and responsibilities of the Bureau of Narcotic Enforcement, California Department of Justice, personnel are presented as a sample in appendix B. It is important to note that departments differ with regard to specific responsibilities. For example, while California's procedures require two scientific personnel to respond for all active or cooking laboratories, the Washington State Patrol's policy allows detectives who have a good knowledge as to what chemicals are present to take samples when there are only three or four items involved. This allows the processing of car trunks with only a few items without having to send for a chemist. The detectives understand that, where they may have doubts, they are to call a chemist.

The California procedures also require the presence of an experienced criminalist when latent print analysts process a laboratory scene. The Washington State Patrol, however, stresses the importance of a detective's presence during latent print processing, since the detective has a working knowledge of the case and can intercede on the analyst's behalf with other law enforcement personnel should they ask the analyst to perform an unsafe activity.

■ **Financial investigator.** He or she may be an employee of the law enforcement agency or the prosecutor's office, and should be responsible for all aspects of the financial investigation (when appropriate) of clandestine laboratory operator(s).

■ **Prosecutor.** The prosecutor plays a critical role in the program's overall effectiveness, providing essential oversight of all aspects of the investigative process, ensuring that the criminal and civil (when

appropriate) cases are properly developed and prepared and that financial investigations are properly conducted, assisting with search warrant and case preparation, preparing affidavits for destruction of all hazardous material, providing ongoing training on legal matters to other CLEP members, and serving as a member of the strategy planning team.

It is important for the prosecutor to be aware of the broad range of laws and strategies that are available for litigating cases related to clandestine laboratory enforcement. Knowledge and application of civil, health/safety, environmental, and child neglect/endangerment codes can, in some cases, result in enhanced sentences and facilitate recovery of cleanup costs. For example, a Los Angeles County prosecutor used the California Health and Safety Code 11470.2(b) to bill the laboratory operators for recovery of the costs of “seizing, eradicating, destroying or taking remedial action with respect to the manufacture or cultivation of a controlled substance.”

Since prosecutors on both State and local levels can marshal all the necessary legal and law enforcement resources to conduct comprehensive investigations, they may, in some jurisdictions, serve as the CLEP’s general coordinator. Regardless of the role played in the CLEP, it is important that the prosecutor be cross-designated a special U.S. Attorney for cases that may warrant Federal prosecution.

■ **Fire department/HAZMAT teams.** These teams provide onsite support services to the law enforcement, health, and environmental personnel. They may also be valuable resources for ongoing training and technical assistance to all CLEP members.

■ **Health department personnel.** These officials are responsible for assisting law enforcement, fire department/HAZMAT teams on site in accordance with their department’s guidelines and procedures. Health department officials may be principally responsible for posting contaminated properties, notifying residents of health and safety risks, and developing and implementing guidelines for the cleanup of residual contaminants. They may also provide technical advice to law enforcement agencies regarding compliance with OSHA and other State safety and health regulations, the selection and maintenance of safety equipment, and the development of employee medical monitoring/surveillance programs.

■ **Department of environment/ecology personnel.**

These officials may be responsible for acquiring the disposal contractor, monitoring the removal of hazardous chemicals and contaminated equipment, and monitoring the cleanup of the laboratory’s exterior environment.

Training

Since CLEP training requirements may be subject to Federal and State regulations, policymakers should be familiar with standards set by DEA, OSHA, and their respective State criminal justice and occupational safety and health agencies.

All personnel who may be exposed to hazardous materials should be required to complete specialized clandestine laboratory training. Training curricula should comply with Federal and State OSHA requirements and should also meet all standards for clandestine laboratory training established by the State criminal justice/law enforcement training agency. If possible, every law enforcement officer should receive supervised on-the-job training in critical areas (safety, raid techniques, handling hazardous material, using proper safety equipment, etc). Training should also address the specific risks to both male and female officers who may be exposed to hazardous materials. The following are examples of the training requirements from the California Bureau of Narcotics Enforcement and the Washington State Patrol:

Personnel shall have successfully completed all applicable training requirements as specified by the Training Matrix before responding to a clandestine laboratory scene. Training requirements will meet those specified in 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response.

Law Enforcement Officers, On-Site, and Scientific Support Personnel shall complete the following training: (1) a minimum of forty (40) hours of [California] DOJ approved off-site training; (2) a minimum of three (3) days of actual field experience under the direct supervision of a trained, experienced on-site supervisor; (3) eight (8) hours of [California] DOJ approved annual refresher training; (4) a minimum of eight (8) hours of additional training specific to their responsibilities and the Department’s health and safety program.”

**California Department of Justice,
Division of Law Enforcement, Bureau of
Narcotic Enforcement
Sacramento, California**

All clandestine laboratory team members shall complete training as mandated by WAC 296-62-3040.

Required training shall include: (1) A 40-hour Basic Clandestine Laboratory Safety School; (2) twenty-four (24) hours of field experience under the direct supervision of a qualified clandestine laboratory team member; (3) eight (8) hours of refresher training annually.

In addition to the above training, supervisors shall have three (3) days of supervised on-site field experience and at least eight (8) hours of training covering such topics as the employers' health and safety program, personal protective equipment (PPE), spill contamination, and health hazard monitoring.

Sampling training shall consist of at least four (4) hours of classroom and practical instruction by a forensic scientist who is a member of the clandestine laboratory team.

**Washington State Patrol
Olympia, Washington**

In addition to the special, investigative training required for law enforcement officers, it is beneficial for the prosecutor to acquire an understanding of the broad range of issues involved in the CLEP, including the roles and responsibilities of other program participants, laboratory investigation and safety procedures, the chemicals and processes by which illegal drugs are manufactured, and the various violations related to laboratory operations.

Component 4: Equipment

Perhaps the most important (and sometimes controversial) decision that CLEP policymakers must make involves the selection of and requirement for staff use of personal protective equipment (PPE). The diversity of known and potential health hazards at the clandestine laboratory scene requires that all responding personnel be protected to the fullest extent possible. Federal agencies, including EPA, OSHA, and DEA, have issued guidelines addressing the protection of employees from hazardous materials. Policymakers should review these, as well as State statutes and regulations addressing hazardous materials response and occupational health and safety prior to designing this component of the CLEP.

Three principal elements go into the CLEP's equipment component: (1) PPE, (2) respiratory protection, and (3) air monitoring equipment.

Personal Protective Equipment

The type and degree of protection required for clandestine laboratory response is dependent on the type and degree of hazards to be encountered, type and duration of work to be performed, and clothing and equipment use limitations. The PPE component should delineate specific levels of protective equipment to be worn for the varying hazardous chemical and physical environments associated with clandestine laboratory responses. For example, the Washington State Patrol policy mandates the use of self-contained breathing equipment when dealing with certain hazardous labs, such as an LSD or fentanyl site. (Several Federal agencies have recommended minimum levels of PPE for varying hazardous environmental levels.³) This component should also identify the specific equipment to be worn by each clandestine laboratory team, as illustrated by the following excerpt from the Washington State Patrol policy:

Entry Team

1. Two-piece Nomex™ utility suit with hood and gloves
2. Full-face respirator
3. Level IV ballistic vest
4. Nylon gun belt, holster, and cuff case
5. Leather boots
6. Goggles (for use if respirator not required)
7. Latex over-boots

Site Safety Appraisal Team

1. Saranex™ suit with hood
2. Two-piece Nomex™ utility suit with hood and gloves
3. Self-contained breathing apparatus (SCBA)
4. Steel-toed PVC boot
5. Vinyl glove liners
6. Nitrile-latex gloves
7. Latex over-boots (for use if PVC boots not used)

Processing Team

1. Saranex™ suit with hood
2. Two-piece Nomex™ utility suit with hood and gloves
3. Full-face respirator
4. Goggles (for use if respirator not required)
5. Vinyl glove liners
6. Nitrile-latex gloves
7. Latex over-boots (for use if PVC boots not used)

**Washington State Patrol
Olympia, Washington**

To select the appropriate level of PPE, policymakers should assess working conditions, including air-borne concentrations of contaminants and other environmental factors. Selection criteria for PPE fall into three general areas: (1) hazard assessment, (2) performance requirements, and (3) chemical resistance.

Hazard Assessment. Examples of hazard information that should be assessed include:

- Chemical hazards (each chemical's physical and toxicological properties).
- Physical hazards (hot temperatures).
- Degree of hazard (grade, strength, quantity of chemicals present).
- Work function, duration, and probability of exposure.

Performance Requirements. Protective clothing and equipment should be selected with specific use requirements in mind. Products may be manufactured from a variety of materials that provide varying levels of protection and performance. The following are several factors to consider in assessing PPE performance requirements:

- Strength (degree to which it withstands tears, abrasions, and punctures).
- Flexibility (degree to which it allows freedom of movement).
- Temperature resistance (degree of protection in extreme temperatures).
- Cleanability (whether it can be washed and decontaminated routinely).
- Durability (degree to which it resists aging and maintains protective capacity over time).

Chemical Resistance. The PPE's chemical resistance (the degree of protection against specific chemical hazards) requires special consideration since no single material will provide proper protection against *all* chemical hazards. All materials used in protective clothing and equipment are susceptible to attack by various chemicals; therefore, it is important to know which material will protect against which chemicals.

Of the wide variety of natural and synthetic materials used to manufacture PPE, some of the most effective

are known as elastomers. Elastomers are materials that return to their original shape after being stretched; they provide the best protection against chemical attack (solid, liquid, or gas). Used in boots, gloves, coveralls, and fully encapsulating suits, elastomers are sometimes combined with other materials to enhance durability and protection.

Since vendors may advertise a broad array of products as meeting the needs of the clandestine laboratory enforcement team, program coordinators should develop product specifications carefully and precisely to ensure the purchase of equipment that will, in fact, provide the most effective protection available. Washington State Patrol's "Product Specifications" (PPE specifications) appear in appendix C.

Respiratory Protection

A specific, written policy addressing the selection, use, and maintenance of respirators is an essential element of the equipment component and should apply to all field and laboratory personnel. This policy should clearly delineate the employer's responsibility to select and provide appropriate respirators and to develop and provide training on their use. The policy should also describe proper respirator use, fit testing and maintenance, medical limitations for respirator wearers (such as restrictions on persons with respiratory problems such as asthma, emphysema, or allergies), and program evaluation. Appendix D contains an example of the respiratory protection program developed by the California Bureau of Narcotics Enforcement.

Air Monitoring Equipment

Specialized air monitoring equipment is needed to evaluate chemical hazards by testing for explosive atmosphere and oxygen deficient atmosphere at clandestine laboratory sites prior to collecting evidence and dismantling the laboratory. This section of the equipment component should describe the types, uses, advantages and limitations of various air monitoring equipment. For example, the following is an excerpt from the California Bureau of Narcotics Enforcement policy addressing combustible gas indicators:

Combustible gas indicators are used to measure the concentration of flammable vapors or gases in the air. The results are expressed in percentage of the Lower Explosive Limit (LEL) of the vapor or gas.

The advantages to using this type of instrument are: (1) immediate reading; (2) simple to operate; (3) portable; and (4) built-in audible alarms.

The limitations to using this type of instrument are: (1) combustible gas indicators are intended for use only in normal oxygen atmospheres; (2) oxygen deficient or enriched atmospheres can produce false readings; (3) certain substances (i.e., leaded gasoline vapors) can affect the meter's ability to respond correctly.

**California Department of Justice, Division of Law Enforcement, Bureau of Narcotic Enforcement
Sacramento, California**

Additional Equipment. This section of the component should describe other equipment and procedures necessary to ensure that the clandestine laboratory site is processed in a safe, thorough, and timely manner. Thus, this section may address such issues as evidence collection and inventory, chemical sampling, prisoner handling, decontamination of site personnel, and the use of a clandestine laboratory response van.

Component 5: Personnel Medical Screening and Surveillance, and Data Collection

Although the long-term health effects of exposure to all the chemicals typically found in clandestine laboratories have yet to be studied, many acute and chronic effects have been documented. Most common of these include upper respiratory ailments, kidney and liver dysfunction, and in some instances, reproductive dysfunction. There is also evidence that PCP and its precursors have caused chemical and neurological disorders in children born to women who were exposed to or used PCP before the children were conceived, as well as cases involving high levels of mercury and lead in children who were living in houses where laboratories were operating.

The purpose of this component is to delineate procedures for monitoring the health status of employees involved in clandestine laboratory enforcement

activities. Regular medical monitoring ensures that: (1) work-related illnesses are detected early, making medical intervention more successful; (2) illnesses that may be aggravated by exposure to toxins are identified; (3) injuries resulting from exposure to toxins are immediately treated; and (4) baseline and followup medical data are available to monitor changes in the health status of employees who are exposed to hazardous substances.

Personnel assigned to clandestine laboratory teams should receive a baseline medical screening, including an occupational/medical history, a complete physical examination, a blood chemistry screen, pulmonary function and spirometry testing, and a stress-treadmill test prior to assignment. Medical screening should also evaluate a person's ability to wear required PPE under specific conditions (high temperatures, for example) that may be expected at a clandestine laboratory site. *Only medically approved employees should be assigned to the CLEP.*

As illustrated by the excerpts that follow from the medical screening and surveillance protocols of the

All members of the clandestine laboratory team shall participate in a medical surveillance program. The medical surveillance program shall comply with WAC 296-62-3050 and include the following: (1) a baseline physical examination shall be obtained prior to assignment to the clandestine laboratory team; (2) an annual physical exam obtained by each active member of the clandestine laboratory team; (3) an examination obtained by any team member who is injured or overexposed to hazardous chemicals or who develops any signs or symptoms indicating possible overexposure; (4) a physical examination at the termination of the employee's assignment to the clandestine laboratory team.

The employer shall bear all costs associated with the medical surveillance program.

Medical examinations shall include a medical and work history (or updated history) with special emphasis on symptoms related to the handling of hazardous substances and health hazards associated with clandestine laboratories and to fitness for duty, including the ability to wear required PPE under conditions which may be expected in clandestine laboratories.

All medical examinations shall be performed by, or under the supervision of, a licensed physician.

**Washington State Patrol
Olympia, Washington**

A. Medical Surveillance shall be provided by the employer and all team members according to the following guidelines:

1. Prior to assignment to the laboratory team.
2. At least once each twelve months after initial assessment.
3. At termination of employment or removal from the laboratory team if the team member has not had an examination within the last six months.
4. As soon as possible upon notification by a team member that the team member has developed signs or symptoms indicating possible overexposure to hazardous substances or health hazards or that the employee has been exposed above the established exposure levels in an emergency situation.
5. At more frequent times, if examining physician determines that an increased frequency of examination is medically necessary.

B. Medical examinations shall include a medical and work history (or updated history if one is in the team member's file), with special emphasis on symptoms related to the handling of hazardous substances and health hazards associated with clandestine laboratories and to fitness for duty, including the ability to wear required PPE under conditions (e.g., temperature extremes) that may be expected in laboratories.

C. All medical examinations shall be performed by, or under the supervision of, a licensed physician; and shall be provided at no cost to the team member.

D. The employer shall provide the following to the physician:

1. Copy of laboratory policy.
2. Description of team member's duties.
3. Team member's anticipated exposure levels.
4. Description of PPE used or to be used.
5. Information from previous medical examinations.

**Office of the Attorney General
Commonwealth of Pennsylvania**

Washington State Patrol and the Office of the Attorney General, Commonwealth of Pennsylvania, medical examinations should be repeated at 12-month intervals, after injury or exposure to hazardous chemicals, and at the termination of the assignment. Annual examinations may also be provided for employees who have left the CLEP, but were exposed to chemicals during their assignments.

Two data collection instruments are currently used to monitor personnel whose work includes exposure to or handling of hazardous chemicals: (1) the Hazard-

ous Assessment and Recognition Plan (HARP) and (2) the Clandestine Laboratory Exposure Report (CLER).

The HARP (illustrated in appendix E) provides a chronological record of hazardous and chemical information as it is developed during the course of an enforcement action. It is completed onsite by the site safety officer and includes information on potential hazards (chemical, flammable, explosive, and radioactive) at the site. It also documents each employee's onsite work duties and includes the specific types of chemicals present, as well as types of protective equipment used by personnel.

The HARP, developed by the California Department of Justice, Bureau of Narcotic Enforcement, includes Drager Kit/Tubes in its Truck Checklist; however, the Washington State Patrol has not found toxicity assessment of the laboratory environment to be of value, and personnel cautioned that the use of these tubes at a complex laboratory site could add several hours to the processing time and provide only minimal benefit.

A CLER (illustrated in appendix F) should be completed for each person at the clandestine laboratory scene. The report should include such information as: (1) laboratory type; (2) length of exposure by type of activity; (3) any physical reaction/symptom; (4) any medical diagnosis; (5) special equipment and decontamination activities; and (6) other personnel present.

Component 6: Precursor Chemical Monitoring

Developing and implementing a system to monitor the sale and distribution of precursor chemicals is an essential element to a comprehensive approach to clandestine laboratory enforcement. The principal Federal statute to control the diversion of precursor and essential chemicals is the Chemical Diversion and Trafficking Act of 1988.

In addition to Federal legislation, States have enacted precursor chemical/glassware monitoring statutes. For example, in the States of Washington, New Jersey, Pennsylvania, and Oklahoma, precursor chemical statutes have been effective in reducing the number of "mom and pop" laboratories and have

placed serious burdens on even large, organized operators/profiteers.

State statutes vary with regard to the types and quantities of chemicals they control, licensing and reporting requirements, and sanctions, as well as the State agency charged with monitoring the movement of these chemicals. In some States, the monitoring agency is a law enforcement agency (Department of Public Safety, Bureau of Narcotics and Drugs, the Office of the Attorney General, or Department of Justice); while in other States, the responsibility falls on any one of a number of agencies (the Board of Pharmacy, the Department of Health, or the Department of Commerce).

Wide variations in State laws have made monitoring the sale and distribution of these chemicals across State lines very difficult for State and local law enforcement officials. Consequently, these officials have recommended that the Federal Government encourage uniformity among the States and take the initiative to develop a model State chemical control statute. This effort is currently being undertaken by the American Prosecutors' Research Institute of the National District Attorneys' Association (APRI/NDAA).

In a draft report, *Highlights of the Model State Chemical Control Act*, APRI has recommended provisions that should be contained in State chemical control acts (see appendix G).

Component 7: Clandestine Laboratory Cleanup

Clandestine laboratories present significant environmental and public health challenges; therefore, a comprehensive program invariably includes policies and procedures for the safe disposal of the hazardous materials found, as well as for site cleanup.

Perhaps no component of a CLEP requires more interagency cooperation and coordination than that of cleanup. While active labs pose a greater risk of chemical exposure than do sites where drugs were formerly produced, both environments should be considered hazardous waste sites and should be treated as such by law enforcement, environmental, and health agencies. Clearly, the cleanup component is not merely the responsibility of one agency but is

shared by all agencies represented in the program. Ultimately, the benefits of an effective cleanup strategy are shared by all of the participating agencies.

Chapter 2 noted that when a law enforcement agency seizes a clandestine laboratory, the agency may become a hazardous waste generator as defined by Federal law—the Resource Conservation and Recovery Act (RCRA)—and may need to comply with applicable regulations.

Thus, as policymakers design their clandestine laboratory enforcement programs, they should be thoroughly familiar with the rules, regulations, and issues involved in disposal of gross contaminants. Health and environmental agencies, as well as forensic chemists who are members of the CLEP strategy planning team, can be instrumental in clarifying applicable Federal and State statutes and regulations and in assisting law enforcement agencies in developing specific policies and procedures addressing clandestine laboratory cleanup and disposal.

Disposal of Contaminated Materials

Once all necessary evidence samples are collected at the clandestine laboratory site, remaining chemicals, laboratory glassware, and equipment should be considered contaminated and disposed of properly. States vary in how hazardous chemicals may be destroyed. For example, the California Health and Safety Code allows, with specific requirements, for the destruction of chemicals used in the manufacture of controlled substances. The State of Washington allows a “Destruct Order” (see appendix H) to be issued in conjunction with the search warrant for the laboratory site, enabling law enforcement officers to “destroy or arrange for the destruction of any item suspected of being dangerous or hazardous, such as chemical, residue, contaminated lab equipment, containers for such items, or other suspected hazardous substance.”

Although law enforcement personnel should be present to provide security for the disposal operation, the actual procedures should be performed by a qualified disposal contractor. The contractor should remove, transport, store, and dispose of all chemicals and associated glassware, equipment, and contaminated materials from the site, and prepare manifests. In so doing, the contractor should be familiar with and comply with applicable DOT, EPA, and State regulations:

- EPA and required State identification numbers.
- Controlled substances registration (if State mandated).
- Appropriate vehicles, material, and personnel available.
- Reasonable response time.
- Use of an RCRA-permitted treatment, storage, and disposal (TSD) facility.
- Knowledge and experience necessary to manage and dispose of hazardous materials properly.

Selection of the disposal contractor may be a joint effort of the CLEP strategy planning team, as health and environmental officials can assist law enforcement officials in reviewing contractor qualifications in light of State and local needs. Jurisdictions vary in how they select and use disposal contractors. For example, in California, both the Bureau of Narcotics Enforcement and DEA have disposal contractors; decisions about which contractor to call are most often predicated on which is the “lead” investigative agency. In Washington State and New Jersey, the disposal contractor is hired by the State Department of Ecology or Environmental Protection, as illustrated by the following policy excerpts:

The incident commander shall notify the appropriate Department of Ecology Spill Response Region of the possibility of a clandestine laboratory operation.

The Department of Ecology is responsible for acquiring a contractor to dispose of chemicals and contaminated equipment found at the lab site.

**Washington State Patrol
Olympia, Washington**

All activities undertaken will comply with procedures adopted in concert with the State Department of Environmental Protection (DEP) regarding the safe disposal of toxic or hazardous substances seized in clandestine lab interdictions.

The DEP will, as required by law, provide assistance as necessary for the neutralization, removal, and destruction of any toxic or hazardous materials that are found at and seized from any clandestine lab sites.

**New Jersey State Police
Operation ALERT Policies and Procedures**

Securing of the Site

Once the disposal contractor has finished, law enforcement personnel should secure the site and the appropriate State or local agency, usually the health department, should post the site. (Law enforcement personnel should not leave the site until it is posted; in some instances, law enforcement agencies take responsibility for the posting.) The posting should indicate that a clandestine laboratory was seized at that location on a specific date. Additionally, all appropriate State and local health and environmental agencies should be notified of an enforcement action involving the transfer, storage, or disposal of hazardous waste.

If the laboratory site is on private property, the property owner should be notified; if the site is on public land, the appropriate State or local agency should be notified. (Samples of notification letters are presented in appendix I.) In formulating procedures addressing notification, policymakers need to consult their State and local statutes and regulations addressing hazardous waste sites and the applicability of these laws to the specific waste generated at the site.

Cleanup of Residual Contamination

Cleanup of residual contamination—the final step in the cleanup process—is usually the property owner’s responsibility. Clandestine laboratory sites will require cleanup if the site is to be used again as residential or commercial property. The cleanup process consists of three steps: (1) site evaluation, (2) residual cleanup and decontamination activities, and (3) post-cleanup sampling.

Component 8: Community Education and Awareness

As with other criminal problems, law enforcement agencies need help from the public in preventing and detecting clandestine laboratories. Thus, community education and awareness should be an important part of any overall CLEP strategy. Education and awareness programs should be designed to acquaint the general public with warning signs of clandestine laboratory operations, such as the smell of chemicals not normally associated with residential housing; the presence of chemical drums, equipment, and glassware; or high levels of water and electricity usage. In

addition, public awareness programs should stress the possibly toxic, flammable, and explosive nature of chemicals found at lab sites.

Special segments of the business community should be targeted for education and awareness programs, with particular emphasis on providing training to residential landlords and property managers. This training should include such topics as:

- Applicant screening.
- Rental agreements.
- Property inspections.
- Warning signs of drug activity.
- Actions to take upon discovering a clandestine laboratory.
- Eviction.
- Role of law enforcement and other agencies.
- Appropriate Federal and State laws and local ordinances.

The Portland [Oregon] Police and Fire Bureaus and the Neighborhood Crime Prevention Program, Office of Neighborhood Associations, have developed *The Landlord Training Program: Keeping Illegal Activity Out of Rental Property: A Practical Guide for Landlords and Property Managers* (see “Additional Resources,” “Training Programs”), as part of their community policing initiative. More than 4,000 city landlords and property managers have attended this program to date. In addition, the booklet, *Clandestine Drug Labs—What Every Hotel and Motel Operator Should Know* (see “Additional Resources,” “Publications”), also was developed, describing clandestine laboratory operations and procedures for hotel and motel managers reporting suspicious activities.

Chapter 3 Notes

1. RCW 69.50.500 **Powers of enforcement personnel.** (a) It is hereby made the duty of the State Board of Pharmacy, the department, and their officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and all other states, relating to controlled substances as defined in this chapter. (b) Employees of the department of health, who are so designated by the board as enforcement officers, are declared vested to be peace officers and shall be vested with police powers to enforce the drug laws of this state.

2. Washington State Interagency Steering Committee on Illegal Methamphetamine Drug Labs. *Model Local Health Department Response to Illegal Methamphetamine Drug Labs.* Olympia, Washington: Department of Social and Health Services, Toxic Substances Section. March 1989.

3. These Federal agencies and their respective codes are OSHA—29 CFR 1910.120 (Hazardous Waste Operations and Emergency Response); EPA—40 CFR 260 et seq. (Hazardous Waste Regulations); Department of Transportation—40 CFR 172, 173, 178, and 179 (Transportation requirements for hazardous materials).

Chapter 4

THE CLANDESTINE LABORATORY ENFORCEMENT PROGRAM: PLANNING A STRATEGY

In recent years, more and more organizations have begun to heed the words: “He who fails to plan, plans to fail.” As a result, many have become involved in some type of long-range or strategy planning. Although opinions differ as to how strategic planning should be defined and interpreted or designed and executed, a general consensus exists that there is a need for some kind of strategy planning in organizations of all sizes and cultures.¹

This chapter highlights the importance of strategy planning and describes the principles of the strategy planning process as they apply to CLEP’s. These principles are translated into practical steps for program implementation in chapter 5.

Strategy Planning Defined

Strategy planning, broad-based and conceptual in nature, deals with the future in terms of long-term objectives and integrated programs for accomplishing these objectives.² The strategy plan also addresses the critical issues facing the organization in the future and is often seen as planning in the face of obstacles or competition.³ Strategy planning requires the setting of clear goals and objectives and reaching these objectives within a specified timeframe.⁴

For CLEP’s, the strategy planning process is designed to enhance the ability of a planning team to identify and achieve specific, designed results by integrating information about the program’s external environment, its internal capabilities, and its overall purpose and direction. The emphasis of this planning approach is on the process itself, which is characterized by self-examination, setting direction and priorities, making difficult choices, implementing, monitoring, and evaluating.

Need for Strategy Planning

The need for a strategy planning approach is particularly important for CLEP’s because of the program’s multidisciplinary nature. A CLEP’s strategy recognizes that agencies working together can often be more effective and productive than the same agencies working separately, and the strategy plan is the vehicle that ensures interagency cooperation, coordination, and communication.

Strategy planning can help law enforcement, prosecution, and health and environment personnel, as well as emergency responders, establish a common mission and common priorities and minimize parochial perspectives in favor of broader goals. This approach can also help highlight the need for, and ways to obtain, funding; educate oversight bodies; deal with leadership changes; establish policies and procedures; and make timely responses to legal and political mandates.

Gaining Commitment for Strategy Planning

The first and most critical aspect in instituting a strategy planning approach for a CLEP is commitment from the heads of the agencies involved, and this commitment must be communicated to program participants early and clearly. It is vital to the program’s success that all participating principal organizations are identified and their commitment to the program and the strategy planning process obtained.

Top Management Responsibility in Strategy Planning

The primary responsibility for development and implementation of the plan rests with the involved agency heads. These top managers should see the

planning process as crucial to the program's overall success and be willing to invest time and effort in a way that is visible to all participants. The creation of a CLEP—deciding its purpose and its future course—is the task of the various agencies' top management and should not be delegated.⁵

Identification of the Strategy Planning Team. Once commitment from participating agency heads is obtained, the strategy planning team members should be identified. This team should represent all participating agencies, including Federal, State, and local law enforcement; prosecutors; fire, health, environmental, and occupational health and safety officials; and forensic chemists. The multidisciplinary strategy planning team is a critical CLEP component, facilitating involvement and open dialogue among all principal participants, which, in turn, will engender program "ownership" by all the agencies, rather than just the lead agency. It is important to remember that the strategy planning team is not the same as the operational task force. The planning team *develops* the plan, while the operational task force *implements* it.

Each agency head should identify and appoint individuals who can represent that organization's various functional aspects on the planning team. The team should be directly accountable to the agency heads who are creating the CLEP and should be required to submit periodic progress reports to the agency heads throughout the planning process, keeping them involved on a continuous basis for making key choices and decisions, and providing direction. Only in this way can the agency heads guide the planning process so as to ensure the creation of a CLEP that meets their needs.

Environmental Analysis

Prior to and *throughout the entire planning process*, the team should be alert to any changes and developments that may affect the CLEP. For example, a combination of factors, including passage of the "kingpin" statute in New Jersey and a precursor chemical statute in Pennsylvania, resulted in clandestine laboratory operators buying their chemicals in New Jersey, but making and distributing their prod-

ucts in Pennsylvania. These "environmental" factors created the need to develop an interstate approach to clandestine laboratory enforcement efforts.

The goal of environmental analysis is to identify trends that are most significant for the organization and describe their likely implications. Through ongoing data gathering and analysis of relevant trends, the team should examine a broad range of issues: economic trends; social, technological, and political factors; demographics; statutes and regulations; research and development; citizen complaints; and the individual and collective strengths and weaknesses of the participating organizations. It is important to note that environmental analysis is not in itself a stage or phase of the strategy planning process; rather, it is a *continuous* function of the planning team that provides critical information during *all* strategy planning stages.⁶

The Strategy Planning Approach

The strategy planning approach consists of the following five elements or stages:

- Stage 1: Mission formulation.
- Stage 2: Organizational assessment.
- Stage 3: Developing objectives.
- Stage 4: Developing action plans.
- Stage 5: Implementation.

Each of these stages is essential to the CLEP's successful development and implementation.

Stage 1: Mission Formulation

The program mission statement is the starting point for the plan. The mission statement forms the foundation from which all the other strategic elements emanate.⁷ The mission statement should describe the values or beliefs that will shape the program and the program's purpose. While developing the mission statement may be a difficult and time-consuming task, it is critical since it will chart the CLEP's future direction and establish a basis for decision making.⁸

Values: Beliefs That Shape the CLEP. Values are the beliefs that shape the program and the behavior of the individuals involved.⁹ Typically, an

organization's values are organized and codified into a philosophy of operations, which explains how the organization approaches its work, how it is managed internally, and how it relates to its external environment. Organizational values determine what both individuals and organizations consider to be appropriate and inappropriate behavior. Thus, values play an important role by influencing administrative decisions as well as employee actions.

The Washington State Patrol has articulated its values as follows:

The Washington State Patrol has been entrusted with duties and responsibilities to assist, preserve, protect, and defend people and their property and to maintain social order. This public trust mandates that all members exemplify the highest standard of conduct while on and off duty.

Departmental members shall adhere to and uphold all laws and serve the public in an ethical, courteous, impartial, and professional manner while respecting the rights and dignity of all persons.

**Washington State Patrol
Olympia, Washington**

Strategy planning team members should define and articulate those values that they want to guide the CLEP. The multidisciplinary nature of a CLEP necessitates clarification of the program's values: what is appropriate behavior, how participating agencies approach their work, how they manage internally, and how they relate to the community. In addition to examining their own values, strategy planning team members should assess the values of their respective organizations and their stakeholders (funding agencies, employees, members of the community, etc.), as these will often influence what the team identifies as the CLEP's values.

Purpose of the CLEP. A clear mission statement:

- Defines the purpose and intent of the CLEP.
- Allows all the participating agencies to see themselves as part of a worthwhile enterprise.
- Enables participants to see how they can improve the community through their participation in the program.

Defining the purpose of the CLEP in the mission statement is a crucial aspect of the strategy planning

process. For example, the Washington State Patrol's Mission Statement reads:

The Washington State Patrol shall serve the public by providing assistance, coordination, and the delivery of law enforcement and support services for the safety and protection of people and property.

**Washington State Patrol
Olympia, Washington**

This mission may be readily transferrable to a CLEP, as exemplified by the mission statement developed by the Commonwealth of Pennsylvania Office of the Attorney General:

The Commonwealth of Pennsylvania Office of the Attorney General conducts aggressive, comprehensive and coordinated law enforcement activities to detect, identify, assess, and counter or neutralize clandestine drug manufacturing laboratories operating within the Commonwealth of Pennsylvania. In doing so, Departmental personnel shall ensure the safest possible environment by avoiding or reducing chemical exposure.

**Commonwealth of Pennsylvania
Office of the Attorney General**

The New Jersey State Police's "Operation ALERT" (Active Laboratory Emergency Response Team) program defines its purpose as follows:

To establish and make operational a team of chemists, investigators, and attorneys who have the expertise necessary to investigate and prosecute clandestine laboratory operators and to train and equip personnel toward this end.

**New Jersey State Police
West Trenton, New Jersey**

The success of the CLEP will to a large extent depend on the clarity of the program's purpose and whether it has incorporated all the reasons for its existence, including not only the reduction or elimination of clandestine laboratory activity but also the purposes related to prosecution, health, and the environment.

Stage 2: Organizational Assessment

An important question facing the strategy planning team is whether the CLEP has the ability to accomplish its mission effectively. Therefore, in the organizational assessment stage of the strategy planning approach, special attention should be paid to collecting the following data that will influence the program's capabilities:

Critical Issues. The organizational assessment should include information about critical issues inside and outside the program that might impact the strategy plan. A critical issue is defined as a difficulty that has significant influence on the way an organization functions or on its ability to achieve a desired future for which there is no agreed-upon response.¹⁰ A critical issue can be almost anything—funding, current Federal/State statutes and regulations, participating agencies' policies and procedures, new technologies, politics, or community acceptance. The strategy planning team needs to develop an issue agenda and prioritize the issues that they believe will have the most impact on the program in the next 3 to 5 years.

Strengths, Weaknesses, Opportunities, and Threats. The planning team should identify and rank the program's strengths and weaknesses, as well as its future opportunities and threats. The purpose of examining strengths and weaknesses is to identify: (1) strengths that can be utilized in accomplishing the program's mission; and (2) weaknesses that need to be managed or avoided as the strategy plan is formulated. Future opportunities and threats should be examined since policymakers probably will find that much of the program's future may be dictated by forces outside its own structure. Therefore, no plans should be developed without studying these external forces.

Stage 3: Developing Objectives

At this stage, the strategy planning team should ask the questions: (1) What do we want the CLEP to accomplish; and (2) how do we measure our success or failure?

When developing objectives, the planning team should examine what is expected from the program by all the participating agencies. Since the CLEP is a multidisciplinary program, there probably will be many

different expectations; however, it is essential that all participants share a common vision for the program.

In the context of the CLEP, objectives may focus on such issues as the elimination of clandestine laboratories, increased numbers of prosecutions resulting in convictions, decreased levels of exposure-related injuries or illnesses in law enforcement and other personnel, and improved environmental factors related to the cleanup of contaminated property.

The planning team should then compare its objectives with the information gathered about the critical issues and the program's strengths, weaknesses, opportunities, and threats. The team should attempt to develop concrete actions to manage the critical issues by building upon strengths, overcoming weaknesses, exploiting opportunities, and blocking or blunting threats.¹¹

If there is a substantial discrepancy between the program's objectives and the capacity to achieve them, the planning team should reevaluate its objectives and rework the plan, until the gap between the objectives and the capacity to achieve them is minimized. For example, a strategy plan that includes the elimination of all clandestine laboratories and the prosecution of all operators in a given region within a 6-month period would generally be unreasonable and impossible to achieve. This strategy plan should be reworked to include examining the program's strengths, weaknesses, opportunities, and threats and setting a more realistic objective of *reducing* the number of clandestine laboratories by a certain percentage within a given time frame.

Stage 4: Developing Action Plans

After the objectives have been established, the planning team should identify the proposed ways in which each objective might be met. This effort should include analyzing the cost/benefit of each and selecting the particular strategies that are most likely to achieve the objective.

The action planning phase should be delegated to the various participating agencies, each of which should be expected to develop detailed action plans with a budget and a timetable for completion. All participating agencies should submit action plans to achieve the program's objectives.

Each agency's plan should then be checked against the program mission statement to determine whether the proposed actions and directions are consistent with the CLEP's mission. Each agency's plan should be agreed upon by each of the other agencies and should become a part of an interagency agreement.

The team should then identify any gaps in the combined plans, determine how they can be closed, and what impact, if any, the gaps might have on the plan's implementation.

Stage 5: Implementation

In this phase, the plan is handed to the various agency heads to implement to achieve the required results. The true test of the action plan's implementation and effectiveness is whether the organizational managers use it in everyday decisionmaking.

By this time, the planning team has worked closely with the various agency heads in the strategy plan development. It is important now that the agency heads become involved in the implementation phase in a highly visible manner, publicly voicing their commitment to the program and its strategy plan, and demonstrating this commitment by dedicating the resources necessary to make it successful.

During implementation, the planning team should make periodic reports to the agency heads and staff about the program's progress. The implementation phase also requires the team to conduct evaluations of the strategy plans and make any changes necessary to ensure the objectives are being met and the program's mission accomplished.

Strategy planning is the process by which the guiding members of an organization envision the organization's future and develop the necessary procedures and operations to achieve the vision. The multidisciplinary nature of a CLEP compounds the need for a strategy planning approach.

Strategy planning is a continuous process, and it is important to realize that the plan and the guidance it provides is required throughout the life of the CLEP. Often participants in the strategy planning process become bogged down with the complexities of the plan and lose sight of its real purpose. Keeping the planning model simple, with reasonable expectations, will help to ensure its success. Special emphasis should be placed on reminding all participants in the

planning process that the real purpose of the strategy plan is to serve as a framework for action in creating the future direction of the CLEP.

Chapter 4 Notes

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5. Goodstein, Nolan, and Pfeiffer, note just previous.
6. Pfeiffer, J. William, Leonard D. Goodstein, and Timothy M. Nolan, *Understanding Applied Strategic Planning: A Manager's Guide*, San Diego, California: University Associates, Inc., 1985; Witham, Donald C., "Strategic Planning for Law Enforcement," *The Police Chief*, January 1990.
7. Below et al., *Executive Guide*, note 2 above.
8. Goodstein et al., *Applied Strategic Planning*, note 4 above.
9. Wassermann, Robert, and Mark H. Moore, *Values in Policing (Perspectives on Policing No.8)*, Washington, D.C.: National Institute of Justice, 1988.
10. Nutt, Paul C., and Robert W. Backoff, *Strategic Management of Public and Third Sector Organizations*, San Francisco: Jossey-Bass, 1992.
11. Nutt and Backoff, *Strategic Management*, note just above.

Chapter 5

ESTABLISHING THE CLANDESTINE LABORATORY ENFORCEMENT PROGRAM: PRACTICAL STEPS TO IMPLEMENTATION

The process of building a comprehensive clandestine laboratory enforcement program requires an organization's long-term commitment and should include the principles of strategic planning. This chapter describes specific steps to establishing a CLEP based on the experiences of the demonstration sites, as well as on the principles of strategic planning discussed in the previous chapter. Worksheets are provided as an aid to the strategy planning team in designing the programs.

Practical Steps to Implementation

Practical steps to implementing a CLEP include the following:

Step 1: Develop the Program Mission Statement

As discussed in chapter 4, the strategy planning approach to establishing an effective CLEP begins with formulating the program's mission statement. A precise, carefully developed mission statement, describing the program's purpose and values or beliefs, will facilitate efficient, productive decisionmaking during program implementation.

Worksheet 5.1 provides a sample format for developing the CLEP's values and mission statement.

Step 2: Select a Program Coordinator or Manager

The CLEP needs an advocate and leader. The program coordinator or manager should be an experienced administrator with expertise in all aspects of clandestine laboratory enforcement and with the authority to influence and implement agencywide policies and procedures. To be successful in this role, the coordinator should be:

- An individual in a position of authority who commands the respect of both staff and managers and who can make the necessary operational changes to ensure the program's success.
- An individual who can identify and evaluate existing and emerging resources that may be of value to the program.
- A risk-taker who is willing to take a leadership role in addressing controversial issues.
- A problem-solver who can identify barriers to the program and the means to overcome them.
- A coalition-builder who can work and negotiate effectively among participating agencies' conflicting interests, bringing them together toward a common goal.
- A strong communicator who can articulate orally and in writing the program's incentives, goals, objectives, and mission and who can deliver briefings to all principal program participants, other policymakers and legislators, and the community.

Each agency participating in the CLEP may identify a program coordinator who will be responsible for carrying out the responsibilities of his or her respective agency.

Step 3: Develop the Strategy Plan

As chapter 4 suggested, development of a strategy plan for the program is crucial to its success. This process should delineate the following:

- Environmental developments and trends that will impact the program over the next 3 to 5 years, including economic, social, legal, technological, and political issues.
- Critical issues inside and outside the organization that may have an impact on the program's success.
- Organizational weaknesses that need to be managed or avoided and organizational strengths that

can be utilized in accomplishing the program's objectives.

- Program results that may indicate success or failure of the program.
- Positive expectations of the principal participants who will support the CLEP and negative expectations of those who will not support it.
- Action plans for each program objective.

Use Worksheets 5.2 through 5.7 to begin the process of developing the CLEP strategy plan.

Step 4: Identify Funding Sources and Options

Identifying sources of funding is a critical step in establishing the CLEP. Throughout the strategy planning process, agency heads and other policymakers should attempt to identify potential long-term funding options and resources beyond any initial developmental funds that may be available. Agency heads should be alert to the possibility of any State or Federal grants that may be available. However, the life of the program should not be dependent on such funds; these sources should be considered only as potential pieces of the total funding. For example, it may be possible to obtain grants to fund specific segments of the operation, such as training, equipment, etc.

In other types of drug investigations, asset forfeiture funds are often seen as a logical source of revenue. This is not the case in most clandestine laboratory investigations for the following reasons. First, the laboratory site may be so contaminated that it may be virtually unusable and, therefore, worthless. Second, the cleanup cost of the site may exceed the value of the property. Third, even if the site is cleaned and remediated, the seizing agency may incur civil liability due to the possibility of long-term health risks. Thus, most clandestine laboratory sites are not seized for asset forfeiture purposes but are returned to the property owner after the evidence and gross contaminants have been removed.

Some policymakers have suggested that CLEP's should be allocated a share of the forfeitures from all drug cases. For example, the New Jersey State Patrol's Operation ALERT policy states:

The seizure and/or forfeiture of currency and real or personal property will be equitably shared among the agencies participating in the case based on manhours and resources devoted by the agencies.

**New Jersey State Police
West Trenton, New Jersey**

Additional options for identifying potential funding resources beyond the initial developmental ones include, but are not limited to the following:

- **A cost-sharing consortium model.** This model is based on the concept that several jurisdictions within a State, or several agencies within a jurisdiction, can use the services of the CLEP and, therefore, should contribute to its funding. In this model, which may be applied to the entire program or to any part of the program (such as disposal of hazardous materials, cleanup), participating jurisdictions or agencies develop a "formula" for payment into a central fund for program use. An example of this model is the San Diego County Hazardous Materials Incident Response Team Program (HIRT), which funds a 24-hour, emergency response capability to any hazardous materials site, including clandestine laboratories. (See appendix J for a description of the HIRT program and its funding formula.)
- **Agency operational funds model.** In this model the CLEP components are financed by the participating agencies' operating budgets. For example, the prosecutors' salaries are incorporated into the county prosecutor's or attorney general's budget; the costs associated with investigation are borne by the law enforcement agency; and the costs for disposal and cleanup are the department of environment's responsibility.
- **Recovery legislation.** State legislation may be enacted that would empower State officials to serve an individual owner or operator of a clandestine laboratory with a petition for the recovery of all expenses incurred in "seizing, eradicating, destroying or taking remedial action with respect to the manufacture or cultivation of a controlled substance."
- **Other options.** Policymakers have suggested other funding options, including tax levies on chemical companies that manufacture precursor and essential chemicals, fines on chemical companies found to be illegally selling precursor chemicals, and Federal and State contracts/grants. Identifying viable, long-term

funding is essential prior to the development and implementation of the CLEP.

Use Worksheet 5.8, "Identifying Funding Resources and Options," to begin the process of identifying CLEP funding sources.

Step 5: Establish Components and Write Policies and Procedures

The program components are the foundation of the CLEP. Policies and procedures should be written for each of the program components. The CLEP can then be introduced through an internal and external communication strategy (see step 7).

Use Worksheet 5.9, "Component Policies and Procedures," to write policies and procedures for each component.

Step 6: Select Staff and Develop Roles and Responsibilities

Each of the agencies participating in the CLEP should identify the appropriate staff and delineate their respective roles and responsibilities in the program. Refer to chapter 3 and appendix B for a discussion of personnel and their roles and responsibilities.

Step 7: Implement an Internal and External Communication Strategy

A well-designed and executed communication strategy, targeted at both the participating agencies and, sometimes, the community at large, can help ensure the program's success. Communication should be viewed as a proactive part of the program, rather than as a series of reactive responses. As with all aspects of the CLEP, the communication strategy must have the principal participants' support. Further, it should:

- Involve representatives from all agencies represented in the program.
- Identify the target audiences (among them legislators, judges, law enforcement officials, the community at large, the media) and priorities for each.
- Develop a plan, including messages, content, and timing, for implementing the communication strategy.
- Identify appropriate individuals to implement the communication strategy.

Use Worksheet 5.10, "Communication Strategy," to devise the nature of the communication, the message(s) to be disseminated, the intended audience(s), and the methods.

Step 8: Prepare a Training Plan

The training plan is a part of the internal communication strategy and should include a series of training sessions for all personnel involved in the investigation, prosecution, and cleanup of clandestine laboratories, as discussed under component 3. The training plan should describe the audience, goals, content, method of delivery, and resources that will be needed.

Use Worksheet 5.11, "Training Plan," to prepare a training plan for the CLEP.

Step 9: Develop a Health and Safety Plan

A health and safety plan should be developed to include procedures for (1) medical screening of employees prior to their participation in clandestine laboratory investigations and seizures; and (2) ongoing health monitoring of employees who are involved in such operations. As discussed in chapter 2, screening and monitoring of employees by agencies involved with clandestine laboratory operations is mandated by OSHA regulations.

Step 10: Develop an Evaluation Plan

The decision to establish a CLEP involves substantial commitment and resources. Program planners have a right to know how well the program is working and a need to know how to improve it. Therefore, the evaluation step should not be overlooked by program planners. An outside evaluation by professionals is preferable as it provides an objective, third-party, expert opinion. If the cost of an outside evaluator is prohibitive, much can be gained from self-evaluation by officials within the program.

Even a very simple evaluation strategy can help to ensure that the program continues to meet the agencies' and community's needs and that it is responsive to changes in the types of clandestine laboratory cases encountered. The evaluation strategy involves systematically examining the CLEP to document its impact, and identifying and solving impediments to its overall functioning. Evaluation should be ongoing throughout the implementation of

the program, since results can serve as valuable guidance for modifying the CLEP as necessary.

The evaluation strategy should include five major components:

■ **Defining the program's goals and objectives.**

This process consists of examining written program documentation and discussing program goals and objectives with the principal participants.

■ **Detailing the program's history.** This information, which reveals the program's scope and limitations, can often be obtained from those strategy planning team members who were principally responsible for the program's design. Issues to address include origins of the program, changes in the program since its inception, and recommendations for the program's future.

■ **Defining the program's content.** The evaluation should determine whether each of the essential program components has been used and, if not, document the reasons for omission.

■ **Describing program processes and outcomes.**

This step involves delineating the components of the implementation processes and the results or outcomes. For example, the organizational, political, legislative, and management strategies are the processes used to implement a program. Outcomes

of a program may include an increase in the number of clandestine laboratories seized, an increase in the number of hazardous sites remediated, and a change in the knowledge and attitudes of the principal participants about respective roles and responsibilities.

■ **Summarizing the program and providing recommendations for change.** A report should be written describing the evaluation activities and findings. Abbreviated versions of the report may be prepared for different audiences inside and outside the organization, including heads of participating agencies, the news media, the public, and funding sources, where applicable. If the evaluation developed recommendations to improve the CLEP, these recommendations should be included in this report.

Successful implementation of a comprehensive CLEP requires the commitment of the heads of all participating agencies, the development of a strategy plan, and the execution of that plan in a systematic manner. The program implementation process begins with the establishment of a strategy planning team and ends with a program evaluation. The final step, evaluation, will serve to identify successful program approaches, as well as approaches that may need to be modified to ensure that all objectives are met.



















GLOSSARY

Absorption	The movement of material through the skin.
Acute	A single event or in a short period of time.
Air purifying respirator (APR)	A device designed to protect the wearer from the inhalation of harmful atmospheres by removing the contaminants through a filtering media.
Carcinogen	A substance that induces cancer from either acute or chronic exposure.
Caustic	Something that strongly irritates, corrodes, burns, or destroys living tissue.
Clandestine laboratory	An illicit operation consisting of a sufficient combination of apparatus and chemicals that either have been or could be used in the manufacture of controlled substances.
Combustible gas indicator	An instrument used to detect and measure flammable/explosive atmospheres.
Chronic	Over a long period of time.
Decontamination	The process of removing or neutralizing contaminants from individuals and equipment.
Exposure or exposed	Any situation arising from work operations where any employee may ingest, inhale, absorb through the skin or eyes, or otherwise come into contact with a hazardous substance.
Exposure limit	Limit set to minimize employee exposure to a hazardous material.
Hazardous waste	A waste or combination of waste that has been identified by Federal or State regulation to pose a risk to public health or the environment.
Hazardous	Capable of posing an unreasonable risk to health and safety.
Incompatible	A term used to describe materials which will or can cause dangerous reactions from direct contact with one another.
Irritant	A material which will cause an inflammatory response or reaction of the eyes, skin or respiratory system.
Laboratory safety certified	An employee who has current certification meeting the medical surveillance and training matrix requirements.

Permissible exposure limit (PEL)	A maximum allowable exposure level under OSHA regulations.
Precursor	A raw material which is essential to the productions of a controlled substance and which becomes a part of the finished product.
Route of exposure	The manner in which a chemical contaminant enters the body (i.e., ingestion, inhalation, absorption).
Self-contained breathing apparatus (SCBA)	A respirator designed to protect the wearer from the inhalation of harmful atmospheres by providing a clean air source carried by the wearer.
Site safety plan	Written, site-specific safety criteria that establishes requirements for protecting the health and safety of respondents during all activities.
Solvent	A substance, usually a liquid, into which another substance is dissolved.
Synthesis	The formation of a complex compound by the combining of two or more chemicals.
Toxicity	The capacity of a material to produce adverse health effects resulting from exposure to that material.

Developing a Strategy for a Multiagency Response to Clandestine Drug Laboratories

The following appendices are available in Adobe Acrobat (PDF) format only. If you require Acrobat Reader software you can download it from Adobe at <http://www.adobe.com/Acrobat/readstep.html>.

To obtain hardcopy of these appendices, write to the Bureau of Justice Assistance Clearinghouse, Box 6000, 1600 Research Boulevard, Rockville, MD 20849-6000; call 1-800-688-4252; or send an E-mail to [askncjrs @ ncjrs.aspensys.com](mailto:askncjrs@ncjrs.aspensys.com) and ask for NCJ 142643.

- Appendix A: Tables of Chemical Toxicity and Routes of Exposure — Washington State Department of Health
- Appendix B: Sample Roles and Responsibilities of CLEP Law Enforcement Personnel — California Department of Justice, Division of Law Enforcement, Bureau of Narcotic Enforcement
- Appendix C: Sample Product Specifications (PPE) — Washington State Patrol
- Appendix D: Sample Respiratory Protection Program — California Department of Justice, Division of Law Enforcement, Bureau of Narcotic Enforcement
- Appendix E: Sample Hazardous Assessment and Recognition Plan (HARP) Instrument — California Department of Justice, Division of Law Enforcement, Bureau of Narcotic Enforcement
- Appendix F: Sample Clandestine Laboratory Exposure Report (CLER) Instrument — California Department of Justice, Division of Law Enforcement, Bureau of Narcotic Enforcement
- Appendix G: Highlights of the Model State Chemical Control Act — APRI/NDAA
- Appendix H: Sample Destruct Order — Washington State Patrol
- Appendix I: Sample Notification of Hazardous/Toxic Chemical Contamination Letters — California Office of the Attorney General and Oregon Department of Health
- Appendix J: Sample Hazardous Materials Incident Response Team Program (HIRT) — Executive Summary — San Diego County, California

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SOURCES FOR FURTHER INFORMATION

BJA Demonstration Sites

The following is a list of law enforcement officials who were program managers of and participants in the BJA demonstration sites.

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New Jersey State Police
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Boston Field Division
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Lexington, MA 02173
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EPA Region 2
Response and Prevention Branch
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Rariton Depot, Building 209
Edison, NJ 08837
908-321-6657

EPA Region 3
Superfund Removal Branch
841 Chestnut Street, 9th floor
Philadelphia, PA 19107
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EPA Region 4
Emergency Response and Removal Branch
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Atlanta, GA 30365
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EPA Region 5
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EPA Region 10
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Publications

Note: The publications listed below are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, 703-487-4650.

An Overview of the Emergency Response Program. Office of Emergency and Remedial Response, U.S. Environmental Protection Agency, Washington, D.C., April 1992.

Chemical Handler's Manual: An Informational Outline of the Chemical Diversion and Trafficking Act of 1988. U.S. Drug Enforcement Administration, Washington, D.C., 1990.

Guidelines for the Cleanup of Clandestine Drug Laboratories. Joint Federal Task Force of the U.S. Drug Enforcement Administration, U.S. Environmental Protection Agency, and U.S. Coast Guard, Washington, D.C., March 1990.

Hazardous Waste Operations and Emergency Response: General Information and Comparison. Office of Emergency and Remedial Response, U.S. Environmental Protection Agency, Washington, D.C., April 1991.

Hazardous Waste Operations and Emergency Response: Uncontrolled Hazardous Waste Sites and RCRA Corrective Actions. Office of Emergency and Remedial Response, U.S. Environmental Protection Agency, Washington, D.C., April 1991.

HAZMAT Team Planning Guidance. Office of Emergency and Remedial Response, U.S. Environmental Protection Agency, Washington, D.C., February 1990.

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Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases. Office of Emergency and Remedial Response, U.S. Environmental Protection Agency, Washington, D.C., November 1989.

Note: The publications listed below are available from the National Criminal Justice Reference Service, U.S. Department of Justice, Box 6000, Rockville, MD 20850, 800-851-3420.

Controlling Chemicals Used to Make Illegal Drugs: The Chemical Action Task Force and the Domestic Chemical Action Group. National Institute of Justice, U.S. Department of Justice, Washington, D.C., January 1993.

Multijurisdictional Drug Law Enforcement Strategies: Reducing Supply and Demand. National Institute of Justice, U.S. Department of Justice, Washington, D.C., December 1990.

Note: The following pamphlet may be obtained by contacting the Landlord Training Program, Community Policing Division, Portland Bureau of Police, Portland, Oregon, 503-796-3126.

Clandestine Drug Labs—What Every Hotel and Motel Operator Should Know. Designed to assist hotel and motel operators in preventing clandestine laboratory operations within their facilities.

Training Programs

The Landlord Training Program—Keeping Illegal Activity Out of Rental Property—A Practical Guide for Landlords and Property Managers. This training curriculum addresses aspects of property management related to the control and prevention of clandestine drug laboratory activity in rental property. Included are warning signs of drug activity and recommended procedures for landlords following discovery of a clandestine lab. The program was developed through a joint effort of the Portland Police Bureau, the Portland Fire Bureau, and the Neighborhood Crime Prevention Program, Office of Neighborhood

Associations. *The Landlord Training Program* may be obtained for \$5 by contacting the Landlord Training Program, Community Policing Division, Portland Bureau of Police, Portland, Oregon; 503-796-3126.

Clandestine Laboratory Enforcement: A Strategic Planning Approach. This 2 1/2-day program is designed for State and local agencies that are responsible for managing clandestine laboratory enforcement and cleanup programs. The major focus is on helping policymakers from these agencies develop effective strategies for a comprehensive, multidisciplinary approach to planning, organizing, and managing clandestine laboratory investigations and cleanup activities. Through a series of lectures and small group exercises, participants are taught to develop strategies to implement a multiagency

response to clandestine laboratory enforcement. This training was developed by and is available from The Circle, Inc., 8201 Greensboro Drive, Suite 600, McLean, Virginia 22102. For more information, contact Mike McCampbell; 703-821-8955.

BJA Contact

The Bureau of Justice Assistance provides grant support and program planning assistance in support of State clandestine laboratory enforcement programs. For additional information, contact the U.S. Department of Justice, Bureau of Justice Assistance, Law Enforcement Branch, 633 Indiana Avenue NW., Washington, DC 20531, telephone: 202-514-5943.

Bureau of Justice Assistance
Clandestine Drug Laboratory Enforcement Site Contacts

(This table lists the names and locations of resource persons with expertise in various disciplines related to clandestine drug laboratories.)

Expertise	Resource Person(s)	Agency	Phone Number
Law Enforcement Program Planning	Capt. Marsh Pugh Lt. Mike Matlick Sgt. Gary Sundt	Washington State Patrol	206-753-6800
Law Enforcement Program Planning	Pat Gregory	Drug Enforcement Administration	206-553-5985
Law Enforcement Program Planning	Brenda Heng	California Bureau of Narcotics Enforcement	916-227-3231
Law Enforcement Program Planning	Tony Scala	Pennsylvania Attorney General's Office	717-787-9578
Law Enforcement Program Planning	Capt. Vincent Modarelli Sgt. Joe Zeno	New Jersey State Police	609-530-3080
Forensic Chemistry	Harry Skinner Roger Ely	Drug Enforcement Administration	619-498-0005
Forensic Chemistry	John Bowden	California Bureau of Narcotics Enforcement	916-327-3575
Equipment and Safety	Bill Henle	Portland, Oregon Bureau of Fire	503-248-0203
Equipment and Safety	Nick Vent	San Diego, California Department of Health	619-338-2217
Site Assessment/Health Issues	Lew Kittle Dr. Harriet Ammann	Washington Department of Health	206-753-3855

Expertise	Resource Person(s)	Agency	Phone Number
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Prosecution	Richard Sheetz	Pennsylvania Attorney General's Office	717-787-9578
Forfeiture	Gary Shone	California Attorney General's Office	619-237-7759
Forfeiture	Jeff Cook	California Department of Justice	619-237-7499
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Community Education/ Awareness	John Campbell	Campbell Resources, Inc.	503-221-2005
Applicability of Environmental Regulations	Rolf Hill	DEA	202-307-8833

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