



February 25, 2010

Representative Rich Golick
132 State Capitol
Atlanta, GA 30334

Via email: rich.golick@house.ga.gov

Re: GA Senate Bill 15

Dear Representative Golick:

On behalf of The Georgia Local Section of the American Industrial Hygiene Association (GLS-AIHA), we would like to take this opportunity to provide you with a few short comments on your proposed legislation (Georgia Senate Bill 15), an act relating to the remediation of health risks from illegal methamphetamine production.

AIHA is the premier association of industrial hygienists, the occupational and environmental health and safety professionals who serve on the front line of worker health and safety. AIHA members, as well as employees and employers, rely on federal and state laws, rules, regulations, standards and guidelines to improve health and safety in the workplace and in the community. GLS-AIHA members represent those professionals who would be directly involved with the certification of the effectiveness of the cleanup process in our state. Industrial hygienists traditionally engage in protecting worker health; however, asbestos, lead, mold, and other issues have brought us into residential environments as well.

Over the last several years, AIHA nationally has closely followed methamphetamine laboratory remediation issues across the United States. As you are aware, several states have enacted legislation mandating the development of applicable regulations. More than a dozen states have informational packets, e.g., guidelines for assistance; however only a handful of states have actual statutes and rules in place. In early 2005 Colorado adopted some of the earliest and most complete regulations. To date the federal government has failed to enact any language that would benefit a State considering a means to regulate the cleanup of these illegal labs.

Thus, it is incumbent on the State to enact such regulations. GLS-AIHA is most interested in seeing appropriate legislation passed in Georgia. Because of the methamphetamine activity in our state it is clearly necessary to assure public health by passing and enforcing such legislation. GLS-AIHA is very concerned about the minimum qualifications that are necessary for individuals to perform assessments and sign off on the eventual remediation. Therefore, we offer our support of SB 15, but there are several areas of concern we wish to bring to your attention:

- Section 12-8-222 and several other sections within the proposed legislation would require that only a certified industrial hygienist (per Chapter 21A of Title 43) will be “authorized to test properties” to “determine that a property is safe for human use”. It is essential that the phrase “safe for human use” be specifically defined. The determination of “safe” following completion of remediation must be consistent so that subjective interpretation is avoided. We agree that certified industrial hygienists (CIH) would be highly capable of verifying the successful clean-up of a methamphetamine lab, as long as they are provided with sufficient documentation and criteria as to what conditions must be met to meet this requirement.
- Also in Section 12-8-222, who will define “qualified by the director” and what criteria will be used to determine those qualifications? While the CIH designation ensures a certain minimum level of qualification to perform these assessments, we believe there should be some additional

specialized training required to enhance these skills and knowledge. AIHA is very concerned about the minimum qualifications that are necessary for individuals to perform assessments and sign off on the eventual remediation.

- Section 12-8-223 states that such CIHs may be asked to “perform appropriate testing”. However, the legislation lacks specific criteria for what is considered “appropriate”. Again, it is essential that these criteria be defined to assure consistency in the mandated testing, e.g., at a minimum: how to determine an appropriate number of samples to collect, how many samples for each interior building surface material type found), the method for collecting samples, and methods of handling, packaging, and transporting the samples to an analytical laboratory.
- Further, the proposed clearance criteria, as written in Section 12-8-229, of no more than 0.1 micrograms per square centimeter lacks guidance on identifying the number and types of “interior building surface material to which an inhabitant may be exposed” to be tested. Thus it does not provide sufficient criteria either for the determination of “safe” or for defining what constitutes “appropriate” testing, since there could be an almost infinite number of different interior surfaces in a given property to which an inhabitant may be exposed.
- In addition, a provision should be added to the legislation for using only laboratories that are accredited by nationally a recognized accrediting body and that have successfully demonstrated their proficiency in appropriate analytical methodologies. Using the most qualified individuals to conduct testing does not ensure public health protection alone if the analytical laboratories are not also held to stringent standards.
- As currently written, the proposed legislation places a tremendous liability of such CIHs who conduct the mandated testing and sign the “certificate of fitness” that a property is “safe”. While Section 12-8-225 relieves the property owner or lien holder of all liability to tenants or grantees who occupy or take possession of a property for which a certificate of fitness has been filed, there is no such protection for the CIH. There must be some equivalent protection the CIH, who should not be held liable for the performance of the mandated testing and the making of a determination of safety in accordance with specifically defined criteria.
- The legislation should also include language preventing conflict of interest in the remediation and sign-off of the remediation of these methamphetamine labs.

GLS-AIHA thanks you for your efforts to address this important public health and safety issue aimed at protecting the citizens of Georgia. We hope that as you proceed in your discussions toward passage of this bill you will take a close look at the important items outlined above, which we believe will enhance its intended protective capabilities for all parties involved.

If we can be of any assistance, please contact either of us (barb@epstienenv.com or jenny.houlroyd@qtri.gatech.edu).

Sincerely,

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