

Best Practices protocol for use by law enforcement and emergency response agencies regarding the clean-up of abandoned and deactivated methamphetamine production sites and the retention and handling of the byproducts of methamphetamine production

1. Investigation

- The initial investigation of potential illicit methamphetamine production and distribution is the joint responsibility of Local Law Enforcement (“LLE”) entities and the Virginia Department of State Police (“VSP”).

2. Discovery of potential clandestine laboratory by personnel other than law enforcement

- Upon identifying a potential clandestine laboratory, First Responders arriving at a site will immediately notify LLE of the potential discovery of a clandestine laboratory.

3. Initial action by law enforcement personnel

- LLE will respond when notified, secure the perimeter of the site, and notify Certified Clandestine Lab Response Personnel.
- Responding officers will provide for the immediate evacuation of the site and attempt to secure the site.
- An initial safe perimeter will be established at a minimum of 150 feet from the potential laboratory site.
- Responding officers will notify fire and rescue to stand by for support services.
- If children or vulnerable adults that are disabled due to mental or physical health needs are present, have been present recently, or are known to reside at the clandestine laboratory site, the Department of Social Services (“DSS”) will be notified immediately. Responding personnel from DSS will provide clean size- and age-appropriate clothing for those exposed to the clandestine laboratory. If appropriate clothing is not available, DSS will arrange for disposable Decon Clothing Kits for these individuals. Exposed children and vulnerable adults will be provided medical treatment, to include bathing and medical screening. Potentially contaminated clothing will be processed by the law enforcement personnel processing the site and be destroyed.
- LLE entities without Certified Clandestine Lab Response teams and adopted Safety and Health Programs will notify Certified Clandestine Lab Response

Personnel (VSP or Drug Enforcement Agency (“DEA”). To contact VSP personnel, please utilize the appropriate Division number below:

Appomattox	(800) 552-0962
Chesapeake	(800) 582-8350
Culpeper	(800) 572-2260
Fairfax	(800) 572-4510
Richmond	(800) 552-9965
Salem	(800) 542-5959
Wytheville	(800) 542-8716

4. Entry and response

- No individual or agency will intentionally enter or authorize entry into a suspected clandestine laboratory without adoption of an entity-specific Standard Operating Procedure (“SOP”) that provides for a Safety and Health Program as required by the Virginia Occupational Safety and Health (“VOSH”) Program and in compliance with 16 VAC 25-90-1910.120 (HAZWOPER) Standards and/or Safety and Health Program as required by OSHA and Federal Regulation 29 CFR 1910.120 (HAZWOPER) Standards.
- No action related to processing or dismantling of a discovered clandestine laboratory shall be undertaken without the presence of a certified and designated Site Safety Officer.
- The site will be processed pursuant to the law enforcement entities’ SOP governing clandestine laboratory responses.
- Any officer who has contact with a clandestine laboratory site shall file an injury report for documentation purposes.
- The Site Safety Officer or Certified Clandestine Lab Supervisor will contact the DEA’s regulated clean-up contractor to make arrangements for the removal of the gross contaminants from the site. Appropriate personnel from the responding entity will remain on-site until the cleanup contractor arrives and removes the contaminated items.

5. Safe packaging of evidentiary samples

- Only Certified Clandestine Lab Response Personnel shall collect samples from clandestine laboratories.
- A representative sample shall be removed from all precursor items, chemicals, and reaction vessels requiring analysis. Bulk items should not be submitted for analysis. Samples of those items shall be collected in a bottle assembly consisting

of an approximately 25 mL glass vial with a Teflon-lined cap which is secured in an appropriately sized wide-mouth, high-density polyethylene plastic bottle. The glass vials should be filled no more than 75% to prevent breakage. Each bottle assembly shall be placed in a separate evidence container/bag and sealed. Under no circumstances should any metal containers be used due to the reactivity of many of the materials encountered.

- Liquefied ammonia gas will not be accepted by the Virginia Department of Forensic Science (“DFS”).
- Lithium metal or sodium metal will not be accepted unless pre-approved by a Controlled Substances Section Supervisor at the DFS. Where final product is present or where two or more substances other than lithium metal or sodium metal listed in Code § 18.2-248(J) are found, submission of lithium metal or sodium metal will not be approved. If lithium metal or sodium metal must be submitted, a small quantity shall be placed in a bottle assembly consisting of an appropriately sized (at least twice the volume of the metal) glass vial with a Teflon-lined cap which is secured in an appropriately sized wide-mouth, high-density polyethylene plastic bottle. The glass vial containing the lithium metal or sodium metal shall be completely filled with mineral oil to prevent combustion of the metal. The bottle assembly shall be placed in a separate evidence container/bag and sealed.
- Items containing suspected final product (*e.g.*, meth oil, powder or solid material) may be submitted in larger containers. Dry items of suspected final product shall be secured in an inner container/bag and placed in sealed plastic evidence bags. Liquid items of suspected final product shall be secured in a leak-proof container and placed in a five gallon plastic bucket packed with vermiculite and sealed. This bucket will serve as the evidence container upon submission to the laboratory.
- A copy of the evidence log/list and photographs documenting the items recovered at the scene shall be submitted to the laboratory with the evidentiary samples to facilitate substance identification and recognition of hazards. The Request for Laboratory Examination form (“RFLE”) should associate the submitted evidentiary samples to the bulk items on the evidence log/list.

6. Transportation of evidentiary samples

- All samples shall be promptly hand-delivered to the nearest DFS laboratory.
- Sample(s) contained within sealed evidence container(s)/bag(s) shall be placed in five gallon plastic bucket(s) packed with vermiculite for transportation purposes. For samples other than lithium metal or sodium metal, more than one sealed evidence container/bag may be placed in each five gallon plastic bucket provided an ample amount of vermiculite is present for spill absorption. When approved

for submission, each evidence container/bag containing a sample of lithium metal or sodium metal shall be placed in its own five gallon plastic bucket packed with vermiculite for transportation purposes. Buckets used solely for transportation should not be submitted as evidence containers. The buckets and vermiculite should be retained by the agency after submission and utilized when samples are retrieved by the agency upon completion of analysis.

- Liquid items of suspected final product that are sealed within five gallon plastic buckets may be transported as is.

7. Retention of evidentiary samples by law enforcement agencies after analysis by DFS

- Upon completion of analysis by DFS, collected samples will be returned by hand-delivery to the appropriate law enforcement entity for maintenance as evidence.
- The Virginia Hazardous Waste Management Regulations (“VHWMR”) do not establish specific storage criteria. Incompatible materials should be separated.
- Returned samples may be stored in five gallon plastic buckets as described in Section 6 in a climate controlled environment.
- In accordance with Conditionally Exempt Small Quantity Generator (“CESQG”) regulations it is recommended that the total quantity of samples and waste stored at an individual location should not exceed 1,000 kg.

8. Actions subsequent to deactivation

- The entity deactivating a clandestine laboratory shall prepare and forward letters to the Virginia Department of Environmental Quality, the Virginia Department of Health, the Environmental Protection Agency and the property owner notifying them of the presence of hazardous chemicals. These notification letters shall state that hazardous substances were located at a particular address and that the gross contaminants were removed, but that hazardous substances and waste products may still be present at the property.
- The property owner shall be responsible for ensuring decontamination and remediation upon release of the site by the responding entity. Law enforcement entities will refer property owners to the local health departments for discussion and education related to remediation of the site.

9. Destruction of samples at the conclusion of criminal prosecution

- The destruction of evidentiary samples should be consistent with the law enforcement entity’s standard protocol for evidence retention.

- Samples are considered waste when retention as evidence is no longer required in accordance with state law. Unless inconsistent with evidence retention protocols and state law, waste should not be maintained in excess of one year.
- Most samples are excluded from full hazardous waste regulation under the household hazardous waste (“HHW”) definition.
- Samples declared, or otherwise regulated as, hazardous waste must be managed through an appropriate hazardous waste disposal contractor.
- Preferred management for most excluded HHW samples is by disposal in municipal solid waste incinerators or other appropriately permitted solid waste incinerator facilities. Please note that hospital incinerators are not permitted as commercial units and may not accept samples from off-site for disposal.
- Samples may not be open burned as a method of disposal.
- Samples contaminated with blood or other body fluids may be subject to regulation as regulated medical waste (“RMW”) even if excluded from regulation as hazardous waste. Special requirements apply to management and disposal of RMW.
- It is recommended that you contact the appropriate Virginia Department of Environmental Quality (“DEQ”) regional office if you have any questions related to the disposal of waste. To contact DEQ regional offices, please utilize the appropriate number below:

Abingdon	(Southwest)	(276) 676-4800
Harrisonburg	(Valley)	(540) 574-7800
Lynchburg	(South Central)	(434) 582-5120
Richmond	(Piedmont)	(804) 527-5020
Roanoke	(West Central)	(540) 562-6700
Virginia Beach	(Virginia Beach)	(757) 518-2000
Woodbridge	(Northern)	(703) 583-3800

10. Dissemination to LLE and local health departments

- VSP, in coordination with the Office of the Attorney General, will facilitate the distribution of this protocol to LLEs.
- LLE entities with sufficient resources and a significant number of discovered clandestine laboratories shall be encouraged to adopt appropriate SOPs to facilitate response by local teams staffed with Certified Clandestine Lab Response Personnel.

- The Virginia Department of Health will disseminate this protocol to its local departments and will advise local departments of the resources available as guidance to affected property owners.
- DEQ will disseminate this protocol to its regional offices and will advise the regional offices as to the coordination of responses to inquiries from law enforcement entities related to disposal.