

109TH CONGRESS
1ST SESSION

S. 2019

To provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2005

Mr. SMITH (for himself and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Methamphetamine Re-
5 mediation Research Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) methamphetamine use and production is
9 growing rapidly throughout the United States;

1 (2) some materials and chemical residues re-
2 maining from the production of methamphetamine
3 pose novel environmental problems in locations in
4 which methamphetamine laboratories have been
5 closed;

6 (3) there has been little standardization of
7 measures for determining when the site of a former
8 methamphetamine laboratory has been successfully
9 remediated;

10 (4)(A) initial cleanup actions are generally lim-
11 ited to removal of hazardous substances and con-
12 taminated materials that pose an immediate threat
13 to public health or the environment; and

14 (B) it is not uncommon for significant levels of
15 contamination to be found throughout residential
16 structures in which methamphetamine has been
17 manufactured, partially because of a lack of knowl-
18 edge of how to achieve an effective cleanup;

19 (5)(A) data on methamphetamine laboratory-re-
20 lated contaminants of concern are very limited;

21 (B) uniform cleanup standards do not exist;
22 and

23 (C) procedures for sampling and analysis of
24 contaminants need to be researched and developed;
25 and

1 (6) many States are struggling with estab-
2 lishing assessment and remediation guidelines and
3 programs to address the rapidly expanding number
4 of methamphetamine laboratories being closed each
5 year.

6 **SEC. 3. VOLUNTARY GUIDELINES.**

7 (a) ESTABLISHMENT OF VOLUNTARY GUIDELINES.—
8 Not later than 1 year after the date of enactment of this
9 Act, the Assistant Administrator for Research and Devel-
10 opment of the Environmental Protection Agency (referred
11 to in this Act as the “Assistant Administrator”), in con-
12 sultation with the National Institute of Standards and
13 Technology, shall establish voluntary guidelines, based on
14 the best available scientific knowledge, for the remediation
15 of former methamphetamine laboratories, including guide-
16 lines regarding preliminary site assessment and the reme-
17 diation of residual contaminants.

18 (b) CONSIDERATIONS.—In developing the voluntary
19 guidelines under subsection (a), the Assistant Adminis-
20 trator shall consider, at a minimum—

21 (1) relevant standards, guidelines, and require-
22 ments found in Federal, State, and local laws (in-
23 cluding regulations);

24 (2) the varying types and locations of former
25 methamphetamine laboratories; and

1 (3) the expected cost of carrying out any pro-
2 posed guidelines.

3 (c) STATES.—

4 (1) IN GENERAL.—The voluntary guidelines
5 should be designed to assist State and local govern-
6 ments in the development and the implementation of
7 legislation and other policies to apply state-of-the-art
8 knowledge and research results to the remediation of
9 former methamphetamine laboratories.

10 (2) ADOPTION.—The Assistant Administrator
11 shall work with State and local governments and
12 other relevant non-Federal agencies and organiza-
13 tions, including through the conference described in
14 section 5, to promote and encourage the appropriate
15 adoption of the voluntary guidelines.

16 (d) UPDATING THE GUIDELINES.—The Assistant
17 Administrator shall periodically update the voluntary
18 guidelines as the Assistant Administrator, in consultation
19 with States and other interested parties, determines to be
20 appropriate to incorporate research findings and other
21 new knowledge.

22 **SEC. 4. RESEARCH PROGRAM.**

23 (a) IN GENERAL.—The Assistant Administrator shall
24 establish a program of research to support the develop-

1 ment and revision of the voluntary guidelines described in
2 section 3.

3 (b) RESEARCH.—The research shall—

4 (1) identify methamphetamine laboratory-re-
5 lated chemicals of concern;

6 (2) assess the types and levels of exposure to
7 chemicals of concern identified under paragraph (1),
8 including routine and accidental exposures, that may
9 present a significant risk of adverse biological ef-
10 fects;

11 (3) identify the research efforts necessary to
12 better address biological effects and to minimize ad-
13 verse human exposures;

14 (4) evaluate the performance of various meth-
15 amphetamine laboratory cleanup and remediation
16 techniques; and

17 (5) support other research priorities identified
18 by the Assistant Administrator in consultation with
19 States and other interested parties.

20 **SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.**

21 (a) CONFERENCE.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of this Act and at least
24 every third year thereafter, the Assistant Adminis-
25 trator shall convene a conference of appropriate

1 State agencies, individuals, and organizations in-
2 volved in research and other activities directly relat-
3 ing to the environmental or biological impacts of
4 former methamphetamine laboratories.

5 (2) FORUM.—The conference should be a forum
6 for—

7 (A) the Assistant Administrator to provide
8 information on the guidelines developed under
9 section 3 and on the latest findings from the re-
10 search program described in section 4; and

11 (B) non-Federal participants to provide in-
12 formation on the problems and needs of States
13 and localities and their experience with guide-
14 lines developed under section 3.

15 (b) REPORT.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date of each conference, the Assistant Adminis-
18 trator shall submit to Congress a report that sum-
19 marizes the proceedings of the conference, including
20 a summary of any recommendations or concerns
21 raised by the non-Federal participants and how the
22 Assistant Administrator intends to respond to the
23 recommendations or concerns.

1 (2) PUBLIC AVAILABILITY.—The Assistant Sec-
2 retary shall make each report widely available to the
3 general public.

4 **SEC. 6. RESIDUAL EFFECTS STUDY.**

5 (a) STUDY.—Not later than 180 days after the date
6 of enactment of this Act, the Assistant Administrator shall
7 offer to enter into an arrangement with the National
8 Academy of Sciences under which the National Academy
9 of Sciences shall conduct a study of the status and quality
10 of research on the residual effects of methamphetamine
11 laboratories.

12 (b) CONTENT.—The study shall identify research
13 gaps and recommend an agenda for the research program
14 described in section 4, with particular attention to the
15 need for research on the impacts of methamphetamine lab-
16 oratories on—

17 (1) the residents of buildings in which such lab-
18 oratories are, or were, located, with particular em-
19 phasis given to biological impacts on children; and

20 (2) first responders.

21 (c) REPORT.—Not later than 90 days after the date
22 of completion of the study, the Assistant Administrator
23 shall submit to Congress a report describing the manner
24 in which the Assistant Administrator will use the results

1 of the study to carry out the activities described in sections
2 3 and 4.

3 **SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND**
4 **DEVELOPMENT PROGRAM.**

5 The Director of National Institute of Standards and
6 Technology, in consultation with the Assistant Adminis-
7 trator, shall support a research program to develop—

8 (1) new methamphetamine detection tech-
9 nologies, with emphasis on field test kits and site de-
10 tection; and

11 (2) appropriate standard reference materials
12 and validation procedures for methamphetamine de-
13 tection testing.

14 **SEC. 8. SAVINGS CLAUSE.**

15 Nothing in this Act modifies or otherwise affects the
16 regulatory authority of the Environmental Protection
17 Agency.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) ENVIRONMENTAL PROTECTION AGENCY.—There
20 is authorized to be appropriated to the Assistant Adminis-
21 trator to carry out this Act \$3,000,000 for each of fiscal
22 years 2006 through 2009.

23 (b) NATIONAL INSTITUTE OF STANDARDS AND
24 TECHNOLOGY.—There is authorized to be appropriated to
25 the Director of the National Institute of Standards and

- 1 Technology to carry out this Act \$1,500,000 for each of
- 2 fiscal years 2006 through 2009.

