

Union Calendar No. 23

109TH CONGRESS
1ST SESSION

H. R. 798

[Report No. 109-42]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2005

Mr. GORDON (for himself, Mr. CALVERT, Mr. BOEHLERT, Mr. DAVIS of Tennessee, Mr. JENKINS, Ms. WOOLSEY, Mr. COOPER, Mr. CASE, Mr. ETHERIDGE, Mr. BAIRD, Mr. WU, Mr. LARSEN of Washington, Mr. MATHESON, Mr. BOSWELL, Mr. LATHAM, Mr. COSTELLO, Mr. MCINTYRE, Mr. UDALL of Colorado, Mr. CRAMER, Ms. BORDALLO, Mr. MELANCON, Mr. AL GREEN of Texas, Mr. CARNAHAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SOUDER) introduced the following bill; which was referred to the Committee on Science

APRIL 13, 2005

Additional sponsors: Mr. LATOURETTE, Mr. SCHWARZ of Michigan, Mr. TANNER, Mr. FORD, Mr. LIPINSKI, Ms. HOOLEY, Mr. COSTA, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. GENE GREEN of Texas, Mr. BOREN, Mr. MILLER of North Carolina, Mr. COLE of Oklahoma, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. REICHERT, Mr. SODREL, Mr. SMITH of Washington, Mr. HINCHEY, Mr. BURTON of Indiana, Mr. GREEN of Wisconsin, Mr. SMITH of New Jersey, Mr. WALDEN of Oregon, Mrs. EMERSON, Mr. BERRY, Mr. REHBERG, Mrs. BLACKBURN, Mr. KENNEDY of Minnesota, Mr. MICHAUD, and Mr. LEWIS of Kentucky

APRIL 13, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 15, 2005]

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 *The Congress finds the following:*

8 (1) *Methamphetamine use and production is*
9 *growing rapidly throughout the United States.*

10 (2) *Some materials and chemical residues re-*
11 *maining from the production of methamphetamine*
12 *pose novel environmental problems in locations where*
13 *methamphetamine laboratories have been closed.*

14 (3) *There has been little standardization of meas-*
15 *ures for determining when the site of a former meth-*
16 *amphetamine laboratory has been successfully remedi-*
17 *ated.*

1 (4) *Initial cleanup actions are generally limited*
2 *to removal of hazardous substances and contaminated*
3 *materials that pose an immediate threat to public*
4 *health or the environment. It is not uncommon for*
5 *significant levels of contamination to be found*
6 *throughout residential structures where methamphet-*
7 *amine has been manufactured, partially because of a*
8 *lack of knowledge of how to achieve an effective clean-*
9 *up.*

10 (5) *Data on methamphetamine laboratory-re-*
11 *lated contaminants of concern are very limited, and*
12 *uniform cleanup standards do not currently exist. In*
13 *addition, procedures for sampling and analysis of*
14 *contaminants need to be researched and developed.*

15 (6) *Many States are struggling with establishing*
16 *assessment and remediation guidelines and programs*
17 *to address the rapidly expanding number of meth-*
18 *amphetamine laboratories being closed each year.*

19 **SEC. 3. VOLUNTARY GUIDELINES.**

20 (a) *ESTABLISHMENT OF VOLUNTARY GUIDELINES.—*
21 *Not later than one year after the date of enactment of this*
22 *Act, the Assistant Administrator for Research and Develop-*
23 *ment of the Environmental Protection Agency (in this Act*
24 *referred to as the “Assistant Administrator”), in consulta-*
25 *tion with the National Institute of Standards and Tech-*

1 *nology, shall establish voluntary guidelines, based on the*
2 *best currently available scientific knowledge, for the remedi-*
3 *ation of former methamphetamine laboratories, including*
4 *guidelines regarding preliminary site assessment and the*
5 *remediation of residual contaminants.*

6 (b) *CONSIDERATIONS.—In developing the voluntary*
7 *guidelines under subsection (a), the Assistant Adminis-*
8 *trator shall consider, at a minimum—*

9 (1) *relevant standards, guidelines, and require-*
10 *ments found in Federal, State, and local laws and*
11 *regulations;*

12 (2) *the varying types and locations of former*
13 *methamphetamine laboratories; and*

14 (3) *the expected cost of carrying out any pro-*
15 *posed guidelines.*

16 (c) *STATES.—The voluntary guidelines should be de-*
17 *signed to assist State and local governments in the develop-*
18 *ment and the implementation of legislation and other poli-*
19 *cies to apply state-of-the-art knowledge and research results*
20 *to the remediation of former methamphetamine labora-*
21 *tories. The Assistant Administrator shall work with State*
22 *and local governments and other relevant non-Federal agen-*
23 *cies and organizations, including through the conference de-*
24 *scribed in section 5, to promote and encourage the appro-*
25 *priate adoption of the voluntary guidelines.*

1 (d) *UPDATING THE GUIDELINES.*—*The Assistant Ad-*
2 *ministrators shall periodically update the voluntary guide-*
3 *lines as the Assistant Administrator, in consultation with*
4 *States and other interested parties, determines to be nec-*
5 *essary and appropriate to incorporate research findings*
6 *and other new knowledge.*

7 **SEC. 4. RESEARCH PROGRAM.**

8 *The Assistant Administrator shall establish a program*
9 *of research to support the development and revision of the*
10 *voluntary guidelines described in section 3. Such research*
11 *shall—*

12 (1) *identify methamphetamine laboratory-related*
13 *chemicals of concern;*

14 (2) *assess the types and levels of exposure to*
15 *chemicals of concern identified under paragraph (1),*
16 *including routine and accidental exposures, that may*
17 *present a significant risk of adverse biological effects;*

18 (3) *identify the research efforts necessary to bet-*
19 *ter address biological effects and to minimize adverse*
20 *human exposures;*

21 (4) *evaluate the performance of various meth-*
22 *amphetamine laboratory cleanup and remediation*
23 *techniques; and*

1 (5) *support other research priorities identified by*
2 *the Assistant Administrator in consultation with*
3 *States and other interested parties.*

4 **SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.**

5 (a) *CONFERENCE.*—*Not later than 180 days after the*
6 *date of enactment of this Act, and at least every third year*
7 *thereafter, the Assistant Administrator shall convene a con-*
8 *ference of appropriate State agencies, as well as individuals*
9 *or organizations involved in research and other activities*
10 *directly related to the environmental, or biological impacts*
11 *of former methamphetamine laboratories. The conference*
12 *should be a forum for the Assistant Administrator to pro-*
13 *vide information on the guidelines developed under section*
14 *3 and on the latest findings from the research program de-*
15 *scribed in section 4, and for the non-Federal participants*
16 *to provide information on the problems and needs of States*
17 *and localities and their experience with guidelines devel-*
18 *oped under section 3.*

19 (b) *REPORT.*—*Not later than 3 months after each con-*
20 *ference, the Assistant Administrator shall submit a report*
21 *to the Congress that summarizes the proceedings of the con-*
22 *ference, including a summary of any recommendations or*
23 *concerns raised by the non-Federal participants and how*
24 *the Assistant Administrator intends to respond to them. The*

1 report shall also be made widely available to the general
2 public.

3 **SEC. 6. RESIDUAL EFFECTS STUDY.**

4 (a) *STUDY.*—Not later than 6 months after the date
5 of enactment of this Act, the Assistant Administrator shall
6 enter into an arrangement with the National Academy of
7 Sciences for a study of the status and quality of research
8 on the residual effects of methamphetamine laboratories.
9 The study shall identify research gaps and recommend an
10 agenda for the research program described in section 4. The
11 study shall pay particular attention to the need for research
12 on the impacts of methamphetamine laboratories on—

13 (1) the residents of buildings where such labora-
14 tories are, or were, located, with particular emphasis
15 given to biological impacts on children; and

16 (2) first responders.

17 (b) *REPORT.*—Not later than 3 months after the com-
18 pletion of the study, the Assistant Administrator shall
19 transmit to Congress a report on how the Assistant Admin-
20 istrator will use the results of the study to carry out the
21 activities described in sections 3 and 4.

1 **SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND**
2 **DEVELOPMENT PROGRAM.**

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

6 *(1) new methamphetamine detection technologies,*
7 *with emphasis on field test kits and site detection;*
8 *and*

9 *(2) appropriate standard reference materials and*
10 *validation procedures for methamphetamine detection*
11 *testing.*

12 **SEC. 8. SAVINGS CLAUSE.**

13 *Nothing in this Act shall be construed to add to or*
14 *limit the regulatory authority of the Environmental Protec-*
15 *tion Agency.*

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17 *(a) ENVIRONMENTAL PROTECTION AGENCY.—There*
18 *are authorized to be appropriated to the Environmental*
19 *Protection Agency to carry out this Act \$3,000,000 for each*
20 *of the fiscal years 2006 through 2009.*

21 *(b) NATIONAL INSTITUTE OF STANDARDS AND TECH-*
22 *NOLOGY.—There are authorized to be appropriated to the*
23 *National Institute of Standards and Technology to carry*
24 *out this Act \$1,500,000 for each of the fiscal years 2006*
25 *through 2009.*

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