

# TESTING RESULTS CAN BE SUBJECTIVE

## Company A

Living Room	5.1 Ceiling	400	119.5
	5.2 Wall B		
	5.3 Floor		
	5.4 Wall C		

## Company B

Living Room	Central Floor	49.7
	S. Shelf	
	E. Wall	
	NW Ceiling	

# TESTING RESULTS CAN BE SUBJECTIVE

## Company A

Kitchen	1.1 Floor	400	89.75
	1.2 Ceiling		
	1.3 Under Cabinet		
	1.4 Exhaust		

## Company B

Kitchen	S. Floor	9.9
	NE Ceiling	
	E. Cabinet	
	Hallway Wall	

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## Company A

<b>Bedroom 3</b>	9.1 Ceiling 9.2 Wall A 9.3 Wall C 9.4 Wall B	<b>400</b>	<b>71.75</b>
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## Company B

<b>Master Bedroom</b>	<b>NW Floor</b>	<b>6.0</b>
	<b>N. Wall</b>	
	<b>E. Wall</b>	
	<b>S. Wall</b>	

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## Company A

HVAC	10.1 Cold Air Return	400	69.5
	10.2 DR/LR Supply		
	10.3 BR 3 Supply		
	10.4 Cold Sir Return		

## Company B

HVAC System	Return Duct	10.5
	Heat Exchanger	
	Supply Register (Living Room – N)	
	Supply Register (Bedroom 3)	

Thank you, madam chair and members of the Committee. My name is Kathi McCarty. I am representing myself and Meth Toxins Awareness Alliance, an organization for social good I founded in 2019 after my own personal home was occupied by a temporary tenant manufacturing and using meth.

I would like to thank Senator Cutter for bringing this Bill forward. Along with experts and professionals, who previously testified and the 2 of us today, we represent the thousands unexpectedly impacted by meth contamination in Colorado. I have talked to dozens of impacted individuals both property owners and tenants over the last 4 ½ years since my own home was contaminated beyond repair. The insurance and civil judicial process is an illusion of protection and the ultimate outcome for me left me houseless unable to come close to replacing my home, my sacred space and legacy I intended to leave to my children for generations to come. This ultimately put me on a mission of education and advocacy.

I have learned that meth use has been around for decades and continues to be at epidemic levels with no end in sight. As you know recently a number of our public libraries and RTD stations, as well as a number of our grocery store's restrooms have been found to be contaminated by meth toxins. Recently, mainstream media coverage has exposed this. But, there has never been any public coverage on meth toxins in residential real estate. Meth toxins permeates into the nooks and crannies of any property and is a huge health and safety problem. This is undisputed by experts. Meth manufacturing, and recreational use as well as addiction has no geographic or socioeconomic boundaries. Since, I have learned meth residue can never be fully cleaned from a property, but only tolerated to our state standards.

Because of this, I have been advocating for disclosure and regulation of meth toxins after my own home was contaminated by a tenant.

I also cannot express the financial devastation I suffered because of the contamination. For me, I lost all my equity in my home and my permanent residence, and the legacy I planned to leave to my kids.

Testing is not perfect, after a certified meth tester tested my home and found levels as high as 119.5 where the standard is .5. My home was condemned by Jefferson County. Seven remediation companies concluded they could not remediate my home although they were all willing to try. Several of the companies also offered to demolish my home.

My insurance policy coverages did not pay for meth remediation or demolition costs from homeowner's, tenant, or management company's policies I had with them. It was both emotionally and financially devastating.

There is no standard followed for where Testers chose to sample. My home is an example. I sold my home and fully disclosed the contamination. The new owner had my tests with photos knowing where original samples were obtained, where furniture and wall hangings appeared. Samples were even taken where carpet and padding used to lay. When the buyers were unable to receive a no further action determination, they followed an approved process to encapsulate the meth toxins, sealing it in, both inside and outside the home. The property was then sold for almost \$300,000 more than what they paid for it 5 ½ months earlier. And the contamination was not disclosed to the buyer.

More regulation is needed as property owners are walking away leaving their keys on the counter, saying goodbye to cherished memories and lost equity in their homes. Except for the keys, I know I did. I had to...

The health science is widely documented and undisputable. Methamphetamine residue makes people and pets sick. The Bill should require a public database of field reviews of state certified meth Testers and Remediators. This should be an essential next step for public prevention of future meth contamination exposure and impacts. These field reviews should also be unannounced.

I support this bill as a great next step; however, the properties should stay on the database for longer than 5 years. Prospective buyers already have contamination disclosure of mold, asbestos, lead and radon. And meth contamination should be disclosed to buyers.

Members of the committee, there is no simple solution. This Bill is a good next step. It is not always easy to do what is right. We have both the ability and responsibility to protect the buyers of properties through meaningful meth contamination cleanup processes and regulations that will have preventative impacts today and tomorrow when it comes to meth contamination cleanup leaving a legacy for generations to come.

Thank you for your time – I am happy to answer any questions you may have.

Testimony of Maryanne C.  
Bach, B.S., M.S., hon PhD-Public  
Service

to

Colorado State House Committee on  
Transportation, Housing & Local Government

Re:  
Hearing on S.B.

23-148

May 2, 2023

Good day & Thank you Madam Chairwoman and Members of the Committee on Transportation, Housing & Local Government. My name is Maryanne Bach, representing myself, providing the perspective of a significantly health-effected tenant of an undisclosed 'METH HOUSE', multi-family rental in Evergreen, CO. My written statement is offered, for the record, to be to the best of my ability, as sworn testimony.

To begin, I offer sincere gratitude to Representative Mandy Lindsay, for her sponsorship in the House and to Senator Lisa Cutter, my local senator & former representative, for sponsoring S.B 23-148, working to advance legislative movement of this important bill.

Had S.B. 23-148 been enacted, prior to my exposure experience, I believe I would have had quicker access to needed information/data, more rapid medical response for more timely recovery, less out-of-pocket onerous medical expenses, and the ability to resume my federal career, at a critical time in my life, the financial consequences of which are significant.

**Saddly and shockingly, ANY ONE OF YOU COULD EASILY BE IN MY SHOES, TODAY:** someone who devoted a career to public service, now dealing with personal short and long term health consequence from inadequate public disclosure and education, given a growing State-wide crisis, i.e. *UNDISCLOSED METH CONTAMINATED PROPERTY*. Illegal 'Meth' labs (with its related toxic substances: pesticides, insecticides, herbicides, etc.), use, and exposure, as well as

physical infrastructure mitigation/eradication and human medical treatment is collectively, a grave public policy matter, a Colorado epidemic, and a public/private housing and health priority. As my medical team has stated: “NO METH is the only tolerable meth level; there are no acceptable levels for the human body.” **I place meth exposure at the level of gravity as fentanyl**, in our society.

I offer to submit testimony, today, not only as an involuntary meth & toxic substance chronically exposed Colorado citizen, but also an experienced federal executive of the Legislative and Executive Branches of Government, including the Executive Office of the President. I do have extensive expertise in national, state and local public policy formulation, implementation and administration, particularly in natural & water resources, as well as across all non-military science & technology agencies and federally funded research and development. Further, I’m a current and former ‘landlord’ (Colorado and Maryland); trained biologist; former federal security, safety and law enforcement administrator; trained psychotherapist; biofeedback practitioner & chaplain. I come at this issue from a multitude of perspectives, which is how you, as legislators must do.

For context, I’ve held top secret security clearances while employed by the federal government, regularly and spontaneously drug tested. I have not and do not consume or part-take in illegal nor recreational drugs. My diet has been essentially one of ‘organic foods’ for over 40 yrs; I rarely take pharmaceutical drugs. So, in effect, as a biological specimen, I presented as a clean specimen, prior to rental of an undisclosed meth property. However, now, the effects of chronic, low level toxic substances and meth exposure for the nearly 4 yrs I lived there and the two years since leaving, have been extreme and ongoing. Current State legislation has been reasonably ineffective in assisting me, as a citizen of Colorado, to resume a full quality of life.

To speak directly to S.B. 23-148, I view its two primary amendments (oversight of certified persons conducting sampling, mitigation, etc., which I understand was dropped between the Senate and House, and creation of a public database) to be not only needed but relatively a painless, simple policy consideration for the seriousness exposure presents to innocent Citizens of Colorado. First and foremost, having oversight, through inspecting the work of State certified persons is necessary to have some level of accountability. Lets, at least, start there.

Though, having worked, professionally, with both certified persons and LICENSED industrial hygienists, it’s the latter that are fully educated and more

equipped to oversee certified persons. Licensed industrial hygienists have the training to deal with significant and consequential decisions of acceptable samples, can review the adequacy of preliminary reports and impartially address fair information sharing. Further, current statute in no way prohibits certified persons from inherent conflict of interests. While I had written approval from the initiating party (buyer who ordered home inspection) to receive all preliminary information, the 'certified person' obfuscated these requests, never providing the data; it was the property owner he became beholden to, who was paying the next fee.

On the subject of a public database, as a homeowner & landlord, I recognize the predicament a public database presents. Also, as a medically effected party, there's precious time to get medical attention. Though I voluntarily vacated the premises within 24 hrs of learning of meth presence, I awaited several weeks before starting a detox protocol, as my medical team awaited me obtaining the original scientific data/meth levels from my unit; I never received such information, so we proceeded in the dark. At no time were any of the tenants formally noticed by the landlord of meth presence, nor provided preliminary assessment reports; no alternate accommodations or living expenses were readily arranged, per statute. And no one in State or local government has any checks and balances for these legal provisions. I had emergency room/urgent care experiences, prior, not knowing the rental property was contaminated. Contamination occurred, not just by a most recent adjoining renter, but also from a prior renter in a non-adjacent physical unit, connected by HVAC. Consideration needs to be given by all landlords and prospective renters to test property before and after occupation. In the meantime, it is necessary to make known any and all contaminated properties in a public database and to EDUCATE the public of its existence. Secrecy and cumbersome access to the data/reports does not change the state of a contaminated property; it does complicate and potentially expose even more citizens to threatening circumstances.

SB 23-148 takes steps to enhance a miserably difficult, existing process of accessing preliminary assessment reports.

Thank you for considering my perspective and 1<sup>st</sup> hand experience with the existing statute, in place and why I see SB 23-148 providing some improved public policy.

This concludes my written testimony; I would be pleased to answer any questions at this time.

## Relevant Background:

A homeowner of some 40+ years and 30yr resident of Evergreen, personal circumstances resulted in my moving to an Evergreen rental in mid-2017; simultaneously, I began working out 5-6 times/ week @ Nick's Pro Fitness. An avid hike, skier, and outdoorswoman, both my trainer and a veteran classmate noticed difficulty I was having with weight maintenance and stamina, some nine months into the program. This trend is quite peculiar to the rigorous workouts. Seven months in, Mar 2018, I was examined in the emergency room of a Boston, MA suburb hospital, for a severe 'environmental toxic exposure response' brought on by a straightforward activation of the forced air heat system for the guest room of a home I was staying in overnight. Upon review by my Colorado MD at Conifer Medical Center, I was placed on inhalants & monitored for 'unknown environmental toxins'. By Fall 2018, I and my physicians were further perplexed by memory challenges, unpredicted exhaustion, severe anxiety attacks and shortness of breath/unexplained wheezing. By 2021, as medically recommended, I began receiving biofeedback treatments, where the practitioner noted presence of insecticides, pesticides, herbicides, solvents, etc., in my system. When asked had I ever been raised on a farm or lived near a pesticide factory, I answered in the negative. Mid-April 2021, I had a second severe outbreak, characteristic of organ toxic overload, sometimes to the point of eyes swelling near shut and welts throughout elimination locations of the body. Note that as the COVID-19 pandemic spread, my workouts occurred by Zoom and more often, I was working from the rental, what now I know as meth contaminated. My energy level was notably challenged.

It was merely by the fortunate decision of the landlord to cash out during a good real estate market that meth was even discovered. An extensive home inspection, ordered by the prospective buyer (a local realtor), resulting in 'flagging' this 'single-family home/multiple dwelling' for meth presence. However, the State certified person 'negotiated' what subsections of the house would be sampled for the Preliminary Assessment Report(s). This conflicts with Jefferson County Assessor records, taxing the property as a 'single family house'. Thus, my unit, connected to the other 3 units, by HVAC and doors, was not a part of the report. Mathematical averaging of the HVAC samples masked the exposure entering my unit.

Immediately preceding the sampling, the owner acknowledged to myself and prior tenants that the ventilation & heating ducts, furnaces and walls of each of the 2 of 4 units (in the 'likely locations' of samples to be taken for the Preliminary

Assessment), were pre-cleaned, as coached by the State certified person, to increase the probability of a report resulting in no mitigation needed. And, thus, the report(s) concluded just that. I was ON, but not in the premises, while sampling occurred. The certified persons and owner wore no safety clothing, nor respirators. Later that day, I was informed it was safe to move back into the property, as with the pre-cleaning there would be no mitigation needed and my vents were now duct taped; thus, I was told, the HVAC system would present no threat. I never re-occupied the premises. Though legally with a lease through Aug 2021, I vacated the property on or about April 28, 2021 immediately upon learning meth was discovered. I was verbally threatened to say nothing to any other tenants; no tenant was ever, formally, informed by the landlord/owner. WHY DO I PROVIDE THIS INFORMATION TO THE COMMITTEE? In the event, you conduct oversight of the present statute and its implementation, there are ample inadequacies occurring.

SB 23-148 is, at least, a helpful start, not the finish line.

As legislatures, Colorado permitted the acceptable meth level to be raised from .1 mg to .5mg, while most states have held the perspective of the medical community I consulted with, that there are no levels acceptable, for human exposure. Furthermore, mathematical averaging of HVAC and interior samples, from my professional experience, is not scientifically honest. It increases the probability that there are far more Colorado properties in ‘condemnation status’ than is being revealed. ‘State Certified Person(s)’ can be in bed with the buyer and then the seller, whomever is paying them. For a buyer or renter, your prospects of being informed of or discovering a property is contaminated or has had a Preliminary Assessment seems intentionally difficult. You get it by word of mouth in the real estate community. From Jeffco Health Department, I was informed that my ability to access the Preliminary Report occurred only because I was a current occupant. Former renters, many of whom I contacted, disclosed to me disturbing/mysterious health circumstances, from the time they lived on the premises. From multiple miscarriages to being placed in the memory unit of Evergreen Life Care Center, all of this is scandalous. The property is now back in rental status and I’ve been ordered, in writing, to stay away from the property. There is NO JUSTIFICATION, only fear, that any citizen can’t access a report. And that’s coming from me, as a landlord.

Accessing the current data base is ripe with difficulties for a buyer AND/OR a renter. The ability for an owner to escape ‘property disclosure’ of a contaminated property is high, given the inadequacy of the ‘State Certified Person(s)’ and

inadequate mitigation companies. Repeatedly, in interviewing a large number of professionals in this field, there was only ONE remediation company recommended to me. The rest were labeled 'fly by night wanna-be' samplers & mitigators. Unlike other metro areas, I understand from local home inspection professionals, NO SAMPLING OF CONSTRUCTION MATERIAL is required in Colorado, yet the professionals are fully aware that meth penetrates wall board; its residue and the toxins used in cooking, continue to emit. That suggests that current mitigation procedures can be quite inadequate and based on inadequate data.

From a health perspective, though I've been, thankfully professionally guided for nearly two years on detoxification, the body must be carefully monitored and the process not rushed, so as to maintain the capacity of the body to purge, while continuing organ function. I do not wish this on anyone; it has cost me significantly in quality of life, substantial out-of-pocket expenses and hundreds of thousands of dollars in an interrupted career.

Some key Colorado citizens, I recognize here, for the record. They graciously and voluntarily guided/assisted/supported me through an arduous process of legal matters & physical/emotional/neurological health matters: my Evergreen realtors, my physicians: OGBYN, Conifer Medical Center (primary, family MD) and front range naturopathic physicians; Nick Kapande, Owner and High Performance Trainer-Nick's Pro Fitness (recently of Evergreen, CO; now Coos Bay, OR), the late Dr. David R Theil, Chief of Anesthesiology-Denver General/Denver Health, Denver Poison Center, the potential buyer from an Evergreen real estate office & Kathi McCarty, Founder of Meth Toxins Awareness Alliance.

Thank you Madam Chair, members of the committee, our names are Eric and Jennifer Herrera. We are sorry we are not able to be here today as we both have work commitments. We would like to thank Senator Cutter for working with us to bring forward this important bill. On March 21, 2020, our family moved into what we thought was our dream home in a neighborhood in Littleton, Colorado.

A week after moving into the house, I came across some drug paraphernalia in the backyard and again in the attic over the garage. After having conversations with neighbors, and finding additional concerning evidence, we had a test performed in the house on April 2, 2020. The test came back showing levels above the safe limit for meth residue. The areas of the home that were contaminated were the garage, laundry room and HVAC system. Due to these results, the house was condemned for occupancy by the county and state. We were required to quickly leave the home we had moved into only three weeks before and our family was made to be homeless at the beginning of the stay at home order from the pandemic.

The house was remediated in June of 2020. Another test was performed in August of 2020 and the contaminated areas passed the legal standards. Once we got clearance we listed the house to sell. In our listing we disclosed that the house had previous meth contamination and we had lab results available for the future home buyers to see the new results of the testing. The reason we disclosed this information is that we did not want any new owner to go through the experience we went through and finding out from neighbors what had happened regarding the meth contamination. We wanted them to be aware of a chemical toxin that had once contaminated the home.

We did have an offer after a month of being on the market in October of 2020. The new buyers wanted to perform their own meth test in the areas that had previously failed the original test. They knew the results of the new test after remediation, but they still wanted a peace of mind. Unfortunately, their test came back with levels higher than the legal standards in the garage even after the area had been cleaned and retested to be safe! They decided to still purchase the home after negotiating a lower purchase price.

This proves that the testing is subjective and that the meth contamination can still exist in the area even after cleaning.

Thank you for your time.