



# ENVIRONMENTAL QUALITY COUNCIL

PO BOX 201704  
HELENA, MONTANA 59620-1704  
(406) 444-3742

Date: May 9, 2002 Exhibit 5

GOVERNOR JUDY MARTZ  
DESIGNATED REPRESENTATIVE  
Todd O'Hair

HOUSE MEMBERS  
Debby Barrett  
Paul Clark  
Christopher Harris  
Don Hedges  
Monica J. Lindeen  
Doug Mood

SENATE MEMBERS  
Mack Cole  
Pete Ekegren  
Bea McCarthy  
Walter L. McNutt  
Jon Tester  
Ken Toole

PUBLIC MEMBERS  
Tom Ebzery  
Julia Page  
Ellen Porter  
Howard F. Strause

LEGISLATIVE  
ENVIRONMENTAL  
ANALYST  
Todd Everts

May 8, 2002

Governor Judy Martz  
PO Box 200801  
Helena, MT 59620-0801

Dear Governor Martz,

The Environmental Quality Council's Subcommittee on Agency Oversight and MEPA has conducted a recent hearing on the issue of illegal methamphetamine lab cleanup in Montana. Testimony from witnesses indicates that the absence of cleanup standards necessary to protect human health and the environment from the hazardous chemical residues of clandestine meth labs is becoming a problem for an increasing number of Montana's citizens. Innocent property owners are unable to obtain cleanup guidance and direction from state officials. Potential liability issues make state health and environmental officials reluctant to provide property owners with assurances that their self-directed cleanup efforts are sufficient to protect human health and to make property safe for habitation. The result is that housing, motels and hotels, commercial storage facilities, and other buildings may be taken out of service for substantial periods of time creating hardships for the owners. Also, there can be secondary impacts on the availability of loans and financing, property values, property tax revenues, and the viability of mortgages.

It appears from testimony that the Department of Environmental Quality has jurisdiction, procedures, guidance, and some marginal funding in place for addressing these contaminants in an outdoor environmental setting. However, the DEQ reportedly does not have the jurisdiction or expertise to address indoor contamination of private property. The protection of human health from indoor exposures to chemicals appears to fall within the jurisdiction of the medical authorities in the Department of Health and Human Services.

The EQC is requesting that, in the interest of public health, safety, and welfare, you direct the appropriate officials of the Department of Environmental Quality and the Department of Public Health and Human Services to meet as often as necessary to develop clear and reliable health and environmental standards applicable to the cleanup of private property and the environment contaminated by illegal meth lab

chemicals. Several other states can provide existing models for how state health and environmental agencies have addressed this problem. If the agencies determine that additional legislative authority or direction is necessary to proceed, the Council can provide assistance at your request.

Thank you for your consideration and attention to this important issue.

Sincerely,

---

Senator Bea McCarthy, chair

---

Representative Doug Mood, vice chair