A clandestine drug laboratory was detected on my property – what happens now?

Clandestine drug laboratories (clan labs) are sites where illegal drugs such as methamphetamine are manufactured or suspected to have been manufactured.

Clandestine drug labs are often detected as a result of reports to police. In some circumstances, they can be identified long after the manufacturing process has ceased. A significant proportion are never detected.

The manufacture of illegal drugs can result in significant contamination and the chemicals used are dangerous to human health. Due to the hazardous nature of clan labs, property owners must make sure their properties are safe before they can be occupied again.

Do clan labs pose a risk to my health?

Given the illicit nature of clan labs, operators use improvised materials and methods during the drug manufacture process. This can cause significant and widespread chemical contamination throughout the property. Exposure to these chemicals is considered a serious risk to health as many of the chemicals are toxic, flammable and/or corrosive. Short term exposure to these chemicals can result in nausea, vomiting, headaches and chest tightness; while long term exposure can result in severe skin irritation, insomnia, irritability, hyperactivity, personality changes and adverse cardiovascular effects.

Given the health risks posed by these chemicals, it is important that occupation of the premises is prevented until the nature and extent of the chemical contamination is assessed and any remediation required has been completed.

What happens when the police finish their investigation?

If a clan lab is suspected to be present in a premises, the police should be immediately notified as they have experts who are properly trained in the safe dismantling and handling of equipment and products used in the manufacturing process. The police may seize equipment and other items as evidence to support any legal proceedings against those responsible for the manufacture of illicit drugs.

Once the police have finished their investigation at the premises, the case is referred to the public health authority (i.e. the local council or SA Health in the unincorporated areas) to
ensure any potential public health risks are addressed. It is also possible that a suspected clan lab is reported to a public health authority by parties other than the police. All clan labs are subject to the relevant requirements under the *South Australian Public Health Act 2011* – the owner of the premises is usually required to:

- **Immediately prevent occupancy** of the premises (this includes living and working in the premises). For residential properties the public health authority may also work in partnership with the Housing Improvement Branch to ensure occupancy is prevented.
- **Assess the level of chemical contamination present** in the premises by engaging a suitably qualified expert to conduct a sampling program.
- **Remediate the premises (where contamination is found)** by engaging a specialist to clean or remove contaminated materials.
- **Confirm that the remediation was successful** by engaging a suitably qualified expert to conduct further sampling to make sure the contamination has been removed and the premises is safe to reoccupy.

Public health authorities may issue a legal notice under the *South Australian Public Health Act 2011* requiring any or all of the above actions to be taken by the owner of the premises. The maximum penalty for not complying with a notice is $25,000 and the public health authority can also take the action specified in the notice and recover the costs from the owner of the premises.

**How do I find someone to assess and remediate chemical contamination?**

As residual contamination may be present even when there is no apparent odour or visible staining associated with the drug manufacturing process, specialist technical expertise and equipment is required for the assessment and remediation of clan labs.

To ensure a clan lab assessment is done properly and meets legal requirements, it must be performed by a suitably qualified expert with experience in the fields of environmental engineering, environmental science, environmental health or occupational hygiene and who is in possession of tertiary qualifications in one of these disciplines from a recognised educational institution.

As the remediation of clan labs involves specialist techniques (not just a general clean), it is important that remediation service providers are sufficiently knowledgeable and experienced to undertake the work.

Suitable assessment and remediation service providers can be found through:

- An internet search
- Relevant certified membership organisation such as the Australian Institute of Occupational Hygienists: [https://www.aioh.org.au/find-an-occupational-hygienist](https://www.aioh.org.au/find-an-occupational-hygienist)

It is important to ask assessment and remediation service providers about their experience in working in clan lab environments (or with other hazardous and toxic substances), and ensure they have both public and professional liability insurance cover.
If your property is insured, you should check with your insurer to determine if your policy covers you in these circumstances. Your insurance company may also be able to recommend a suitable assessment and remediation service provider.

**How is potential contamination of my property assessed?**

The purpose of getting a clan lab property assessed is to determine the presence and degree of chemical contamination and to inform the development of a remediation action plan. To assist in achieving these goals there are National Guidelines that outline the sampling program that must be undertaken by assessment service providers. In summary, the sampling program includes:

- Taking at least five surface samples from within the premises.
- Taking surface samples from areas that show evidence of contamination, surfaces used in the drug manufacturing process, and any room inhabited by a child less than 16 years of age.
- Testing for volatile organic compounds throughout the premises.
- Taking at least two soil samples from areas where there is evidence of soil contamination or in close proximity to well-travelled paths.

Assessment services providers must follow the sampling program described in the National Guidelines and provide the premises owner a written report which outlines the results and the remediation steps to be implemented to reduce the health risks to acceptable levels. To assist in the development of the sampling plan, premises owners are encouraged to provide the assessment service provider any available background information on the clan lab (e.g. the notice issued by the local health authority, police notification information etc.)

**What other legal issues should I be aware of?**

To prevent the inadvertent purchase or rental of a property that has been used as a clan lab and has not yet been remediated, Health Protection Programs (SA Health) and the Housing Improvement Branch flag all detected clan labs on the South Australian Integrated Land Information System. In addition, local councils may also flag un-remediated premises for the purposes of Section 7 searches under the Land and Business (Sale and Conveyancing) Act 1994. Flagging these properties means that prospective buyers or renters of properties are aware of the potential ongoing health risks associated with the property and are duly informed of any legal obligations they may take on in relation to the assessment and remediation of the premises. The flags are removed once the property has been successfully remediated.
Where can I find more information about clan labs?

The ‘South Australian Public Health (Clandestine Drug Laboratories) Policy 2016’ and the ‘Practice Guideline for the Management of Clandestine Drug Laboratories under the South Australian Public Health Act 2011’

> These documents describe the legal process for how public health authorities resolve the public health risks associated with clan labs.


The National Clandestine Drug Laboratory Remediation Guidelines

> The National Guidelines provide the framework in which clan labs should be assessed by suitably qualified experts. It also contains the Investigation Levels for methamphetamine and other contaminants – these are used to determine if further assessment and remediation are required. Your assessor and remediation company must comply with the National Guidelines and it is important that you confirm this with them.


US EPA Voluntary Guidelines for Methamphetamine Laboratory Cleanup

> Whilst not an Australian publication, this is a comprehensive guideline which describes clan lab remediation methods and techniques. It is useful to familiarise yourself with this so you can effectively manage the remediation process.

> Available at: [https://www.epa.gov/sites/production/files/documents/meth_lab_guidelines.pdf](https://www.epa.gov/sites/production/files/documents/meth_lab_guidelines.pdf)

For more information

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