

**TESTIMONY OF
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SHERIFF, TIOGA COUNTY, NEW YORK
BEFORE THE COMMITTEE ON SCIENCE
U.S. HOUSE OF REPRESENTATIVES**

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Mr. Chairman and Members of the Committee, my name is Gary W. Howard; I am the Sheriff of Tioga County, located in the southern tier of New York. I want to thank you for this opportunity to appear today to discuss my experiences with the threats posed by methamphetamine production.

The Tioga County Sheriff's Office has the largest law enforcement presence within the county and operates a 102 bed correctional facility with 49 corrections officers and 32 law enforcement officers. There are five criminal investigators who investigate reported felony crimes to include all drug activity within Tioga County.

The explosive growth of Clandestine Methamphetamine labs over the last couple of years presents a serious problem for law enforcement and local government, and if left unchecked, has the potential to present far reaching problems for the future.

Methamphetamine production activities within New York State have increased significantly over the last five years. Between 1989 and 1999, there were 4 incidents reported for the entire state of New York. Since then, the incidence of these labs in New York State has risen annually, and totals 193. 8 in 2000; 19 in 2001; 45 in 2002 and 73 in 2003. Of these 193 labs, 28 were located in Tioga County and 25 in bordering Chemung County. The close proximity to Pennsylvania provides indicators for the number of labs found in New York. In 2003, 16 of the 58 labs found in Pennsylvania were in Bradford County, which borders both Tioga and Chemung counties.

Methamphetamine labs present serious dangers to law enforcement, EMS personnel and other service providers, as well as the public at large. Exposure to hazardous chemicals, the possibility of explosion, fire and violent behavior are all common dangers associated with the production of Methamphetamine. Meth users are often times paranoid and agitated, always thinking that everyone is “out to get them.” This behavior leads them to utilize camera’s and motion sensors, as well as arming themselves to defend their operation. A grave reminder of the fact that firearms and violence are common with these labs, occurred during two separate incidents, within one year of the other. In the fall of October 2003, a Tioga County man was shot to death over an argument about anhydrous ammonia. Seven people involved in this incident, admitted to being armed with a firearm at the time of the shooting. In March 2004, two Bradford County, Pennsylvania Deputies were shot to death while trying to serve an arrest warrant for an individual wanted for Methamphetamine production.

Along with the inherent dangers presented by the suspects themselves, law enforcement personnel, service providers, and the public who live near or have reason to visit these labs face unseen hazardous chemicals, toxic waste and residue created during the meth cooking process. According to the New York State Department of Health, approximately 47 percent of Meth Labs were found in residential properties. The operators of these labs are often neglectful in providing for the basic needs of their family, and normally live in substandard conditions.

Many of the labs that are found are being conducted right in the kitchen or basement of the home. Chemicals such as Muriatic Acid, Acetone, solvents, and ether have been found in the kitchens, bedrooms and living rooms of the defendants.

Children of Meth users have told stories of wearing masks while Daddy and Mommy “make stuff” in the kitchen. Children have been found sleeping in bed or on couches while their parents make meth in another part of the house.

One incident found that a wife and daughter were sleeping while her husband was making meth in the kitchen, during the process he mishandled one of the chemicals and a flash fire erupted, causing considerable damage to the residence and resulting in second degree burns to the husband.

Equipment such as hypodermic needles, containers of anhydrous ammonia, solvents, and ether and are found in kitchens, bedrooms and bathrooms of the homes. In rural areas garbage from the process is often taken outside into the yard and burned in piles to in an effort to destroy any of the evidence.

During a recent raid, Deputies found a defendant dumping ether down the toilet trying to destroy evidence, while others ran from the residence trying to avoid police, leaving their children behind.

Many children live hand-in-hand with chemicals or toxic substances that are used in the production of Meth. These chemicals are known to cause serious physical injuries. Short term, high concentration exposure to some of these chemicals can cause severe health problems including lung damage and burns.

At another raid, law enforcement personnel found four defendants in the middle of the cooking process. Another occupant of the residence was an 11-year-old boy who was wheel chair bound with cerebral palsy. This child had numerous exposures to the production of Meth. Subsequently, the boy was turned over to the Department of Social Services.

Every meth "recipe" starts with over-the-counter medications that include pseudoephedrine or ephedrine in their contents. The pills are crushed and mixed with other chemicals in the process of cooking meth. Most of the chemicals associated with producing meth can be grouped into 3 categories: Solvents; Metals and Salts; and Strong acids or Bases. Chemicals such as Starter Fluid; Muriatic Acid; Drain Cleaners; Lithium batteries; Iodine, and Acetone to name a few, are commonly found in varying quantities.

The cooking process causes chemicals and methamphetamine to be deposited on surfaces and household belongings. Production also releases toxic gasses, including, but not limited to, hydrochloric acid, hydrogen chloride, phosphine, and ammonia. These gasses are released during the cooking process and can be deadly.

Meth cooking produces solid and liquid wastes that can contaminate a building. It is not only possible, but likely that residual contaminants are left on surfaces and in absorbent materials, such as carpets, furniture, sinks, drains and ventilation systems. The solid waste product, referred to as “sludge” and other remnants of the cooking process are routinely dumped down sinks, drains and toilets, or discarded outside along roads or in yards, left to leach into the soil and ground water, leaving behind a virtual toxic dump of chemicals.

Exposure to these meth lab chemicals and waste products can result in minor or serious life threatening medical problems, depending on the circumstances of the exposure.

The eradication of clandestine labs exacts a serious burden on local law enforcement and government budgets and resources. In preparation for taking down a suspected meth lab, local law enforcement must spend hundreds of man-hours in surveillance, background and undercover work. Briefings of law enforcement, EMS, and HAZMAT personnel must take place to insure the safety of all involved. OSHA and PESH required safety gear must be obtained and deployed, requiring expensive equipment and extensive training.

Beginning in 1999 when the first lab of this type was found in Tioga County, investigators began to educate themselves on the problem that now exists. Researching law enforcement publications and speaking with agencies outside our area. This was only a step into the education that was to follow. Credited schools, forums and local training on meth labs followed to help in getting a grasp of what the problem was.

Today the Sheriff's Office has one investigator that is devoted full time to the investigations of Meth labs with two others educating the public, holding classes for groups such as Department of Social Services, Mental and Public Health, and numerous other clubs and organizations. This of course puts a strain on manpower and limits the amount of time that can be devoted to other criminal activity.

In some cases, Tioga County has enlisted the help of the DEA in clearing the lab site of chemicals and contaminants. Unfortunately, the DEA only has two fully trained clandestine lab teams to cover New York, making it extremely difficult to acquire their assistance. In most cases, Tioga County enlists the assistance of the New York State Police and county HAZMAT team to perform an initial assessment of the lab site and perform evidence collection and removal of lab related debris, such as chemicals and containers. Further clean-up operations and expenses usually fall on the plate of local government, at substantial expense.

To further complicate the problem is the growing trend of mobile meth labs. Known as "box labs", producers carry their cooking operations in luggage size containers, which allow them to cook their meth in cars, motel rooms, or in isolated, wooded areas in an effort to avoid detection. This methodology creates a greater opportunity for producers to dump the "sludge" and toxic waste in areas which would increase the chances of exposure, or environmental contamination.

Clandestine methamphetamine labs present unique and very serious problems for both law enforcement and public health officials. Unlike other illicit drug activity, the impact of this drug can be far reaching, having negative effects on those who produce it or use it, to those who are unknowingly exposed to a contaminated residence, waterway, or debris. It has a negative impact on the financial resources of public safety and public health agencies, and will certainly have a negative impact on the environment.

The creation of H.R. 798 will extend help to local governments in the fight against the manufacture and clean up of Meth. The environment impact of the production of Meth may not be known for years to come. The residual effects of the leftover chemicals pose a hazard to home owners and tenants where labs were once located. Having standards and guidelines as outlined, will help establish a protocol that in the future will help in the clean up of known Meth sites and protect the public.