



DATE: August 13, 2014

TO: Washington State Board of Health Members

FROM: Keith Grellner, SBOH Environmental Health Committee Chair

SUBJECT: BRIEFING – INVESTIGATION REQUEST

Background and Summary:

Under RCW 70.05.120, any person may complain to the Washington State Board of Health concerning the failure of the local health officer or administrative officer to carry out the laws, rules, or regulations concerning public health. The Board may, after a preliminary investigation indicates the need, call a hearing to determine whether the local health officer or administrative failed to carry out the laws, rules or regulations concerning public health.

On July 9, 2014, Secretary of Health John Wiesman received correspondence from Mr. Barry Ellis of Port Townsend, Washington. In that correspondence, Mr. Ellis requests that the Washington State Board of Health launch an investigation into whether Jefferson County Public Health (JCPH) improperly handled a complaint about a rental property that may have been a methamphetamine lab prior to his occupancy in 2011-12.

Discussion:

Mr. Ellis claims he rented the property in late April 2011. At the time of occupancy, Mr. Ellis alleges that the property owners knew that the rental was contaminated with chemicals used in the manufacturing of methamphetamine, but they did not follow proper decontamination procedures required under Chapter 64.44 RCW. Mr. Ellis states that because the property was not decontaminated properly, and he was not informed that the property was a former methamphetamine lab prior to occupancy, that he and his former girlfriend were unknowingly exposed to chemicals that caused them both physical and mental health issues.

In addition, Mr. Ellis claims that he contacted Jefferson County Public Health staff in April 2012 to inquire about whether the property was listed as a former methamphetamine lab. According to Mr. Ellis, JCPH officials indicated that the property was not listed as a former methamphetamine lab, and that they were not authorized to respond to his complaint about the property. Mr. Ellis alleges that JCPH did not follow Chapter 246-205 WAC, Decontamination of Illegal Drug Manufacturing or Storage Sites. This rule states that upon notification from a law enforcement agency of potential contamination, it is the local health officer's responsibility to post warnings that the property may be contaminated, inspect the property for contamination, and if contaminated, to issue orders prohibiting use of the property as long as it is contaminated.

Recommended Board Action:

The Board may wish to consider, amend if necessary, and adopt the following motion:

Motion: The Board directs staff to work with the Department of Health and other agencies to conduct a preliminary investigation under RCW 70.05.120 to determine whether JCPH met the requirements of Chapter 64.44 RCW and Chapter 246-205 WAC regarding methamphetamine labs.

Staff Contact Mike McNickle
