

106TH CONGRESS
1ST SESSION

H. R. 5589

To facilitate the cleanup of environmental degradation caused in the manufacture of methamphetamine and to combat illegal drug use by imposing new monetary fines on the manufacture and trafficking of methamphetamines.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 2000

Mr. COX (for himself, Mr. RADANOVICH, Mrs. BONO, Mr. BILBRAY, Mr. ROHRABACHER, Mr. GARY MILLER of California, and Mr. HUTCHINSON) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To facilitate the cleanup of environmental degradation caused in the manufacture of methamphetamine and to combat illegal drug use by imposing new monetary fines on the manufacture and trafficking of methamphetamines.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Orphan Meth Lab
5 Cleanup Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Methamphetamine is not just a serious drug
2 problem; it's also a serious environmental problem.

3 (2) On average, the manufacture of 1 pound of
4 meth creates 5 pounds of toxic wastes. Some of the
5 most toxic chemicals involved in, or created by, the
6 manufacture of meth include benzene (a major com-
7 ponent of the banned substance DDT, and which is
8 highly flammable and poisonous), ether (highly un-
9 stable and explosive), hydriodic acid (extremely cor-
10 rosive, causing third-degree burns upon contact with
11 human flesh), and red phosphorous (when heated
12 during the meth-making process, turns into
13 phosphine gas, a nerve agent so potent that its use
14 is barred under the Chemical Weapons Convention).

15 (3) Meth production poses a significant hazard
16 to wilderness areas. For large-scale drug manufac-
17 turing facilities, meth producers commonly seek out
18 sites in remote or sparsely populated areas in order
19 to avoid detection—often desert, wilderness, or other
20 land that has been deliberately left alone because of
21 ecological value.

22 (4) Meth production poses a significant hazard
23 to the safety of the food supply. A considerable
24 amount of meth production takes place on fallow
25 farm land or adjacent to productive farm land, and

1 runs the risk of causing contamination of crops and
2 agricultural products.

3 (5) Meth production poses a significant public
4 health hazard. For smaller-scale “mom and pop”
5 drug production efforts, meth will often be produced
6 in apartment buildings, motel rooms, and other resi-
7 dential areas—putting at risk the health of children,
8 senior citizens, and other vulnerable populations who
9 might live or work nearby.

10 (6) Cleanup of the environmental damage
11 caused by meth labs imposes direct costs on Federal
12 taxpayers. A number of meth lab sites have become
13 so polluted that the Environmental Protection Agen-
14 cy added them to the Superfund National Priorities
15 List.

16 (7) Cleanup of so-called “orphan” meth labs—
17 that is, those sites where the government can’t iden-
18 tify or find the persons who created the environ-
19 mental damage—is proving an especially significant
20 burden on taxpayers. This year in California alone,
21 local taxpayers will spend \$10,000,000 to clean up
22 the environmental damage caused by meth produc-
23 tion at nearly 1,800 sites.

1 **SEC. 3. PURPOSE.**

2 The purpose of this Act is to relieve taxpayers from
3 the burdens associated with the cleanup and environ-
4 mental restoration of “orphan” meth lab sites by imposing
5 tough new monetary fines on meth manufacturers, dis-
6 tributors, and users.

7 **SEC. 4. PENALTIES FOR METHAMPHETAMINE; ORPHAN**
8 **METHAMPHETAMINE LAB CLEANUP AC-**
9 **COUNT.**

10 (a) AMENDMENT OF TOXIC SUBSTANCES CONTROL
11 ACT.—(1) Section 15 of the Toxic Substances Control Act
12 (15 U.S.C. 2601 and following) is amended by striking
13 “or” at the end of paragraph (3), by striking the period
14 at the end of paragraph (4) and inserting “; or” and by
15 adding the following new paragraph at the end thereof:

16 “(5) manufacture, distribute, or dispense or
17 possess with intent to manufacture, distribute, or
18 dispense 50 grams or more of methamphetamine, its
19 salts, isomers, or salts of its isomers or 500 grams
20 or more of a mixture or substance containing a de-
21 tectable amount of methamphetamine, its salts, iso-
22 mers, or salts of its isomers.”

23 (2) Section 16 of such Act is amended by adding the
24 following at the end thereof:

25 “(c) PENALTIES WITH RESPECT TO METHAMPHET-
26 AMINE; METHAMPHETAMINE LAB CLEANUP.—(1) Any

1 penalty imposed with respect to methamphetamine under
2 this Act shall be in addition to any civil or criminal penalty
3 imposed with respect to methamphetamine under any
4 other provision of law. All civil and criminal penalties im-
5 posed with respect to methamphetamine under this Act
6 shall be deposited in a separate account in the Treasury
7 (to be referred to as the ‘Orphan Meth Lab Cleanup Ac-
8 count’).

9 “(2) All amounts deposited in the Orphan Meth Lab
10 Cleanup Account are authorized to be appropriated to the
11 Administrator for the purpose of making grants to local
12 governments to be used to reimburse local governments
13 for all or a portion of the expenses incurred by such local
14 governments for the remediation of facilities at which
15 methamphetamine was manufactured or processed and for
16 which no responsible party is available to provide such re-
17 imbursement. Any local government that has incurred an
18 expense referred to in this paragraph may submit an ap-
19 plication to the Administrator for reimbursement from the
20 Orphan Meth Lab Cleanup Account. The Administrator
21 shall make annual grants to local governments submitting
22 reimbursement requests under this section for any fiscal
23 year. The amount of grants received by a local government
24 in any fiscal year may not exceed the greater of—

1 “(A) the costs incurred by such local govern-
2 ment during the immediately prior fiscal year for the
3 remediation of facilities at which methamphetamine
4 was manufactured or processed and for which no re-
5 sponsible party is available to provide reimburse-
6 ment; or

7 “(B) the percentage of the total amount avail-
8 able in the account that is determined by dividing (i)
9 the costs referred to in subparagraph (A) by (ii) the
10 costs incurred by all local governments submitting
11 reimbursement requests for costs incurred during
12 the immediately prior fiscal year for the remediation
13 of facilities at which methamphetamine was manu-
14 factured or processed and for which no responsible
15 party is available to provide reimbursement.”.

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