

METHAMPHETAMINE REMEDIATION RESEARCH ACT OF
2005

APRIL 13, 2005.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. BOEHLERT, from the Committee on Science,
submitted the following

R E P O R T

[To accompany H.R. 798]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, to whom was referred the bill (H.R. 798) to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
I. Amendment	2
II. Purpose of the Bill	3
III. Background and Need for the Legislation	4
IV. Summary of Hearings	5
V. Committee of Hearings	6
VI. Summary of Major Provisions of the Bill	6
VII. Section-by-Section Analysis (by Title and Section)	7
VIII. Committee Views	8
IX. Cost Estimate	9
X. Congressional Budget Office Cost Estimate	10
XI. Compliance With Public Law 104-4 (Unfunded Mandates)	11
XII. Committee Oversight Findings and Recommendations	11
XIII. Statement on General Performance Goals and Objectives	11
XIV. Constitutional Authority Statement	11
XV. Federal Advisory Committee Statement	11
XVI. Congressional Accountability Act	11
XVII. Statement on Preemption of State, Local, or Tribal Law	11
XVIII. Changes in Existing Law Made by the Bill, as Reported	12
XIX. Committee Recommendations	12
XX. Proceedings of the Subcommittee Markup	12
XXI. Proceedings of the Full Committee Markup	27

I. AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Methamphetamine Remediation Research Act of 2005”.

SEC. 2. FINDINGS.

The Congress finds the following:

- (1) Methamphetamine use and production is growing rapidly throughout the United States.
- (2) Some materials and chemical residues remaining from the production of methamphetamine pose novel environmental problems in locations where methamphetamine laboratories have been closed.
- (3) There has been little standardization of measures for determining when the site of a former methamphetamine laboratory has been successfully remediated.
- (4) Initial cleanup actions are generally limited to removal of hazardous substances and contaminated materials that pose an immediate threat to public health or the environment. It is not uncommon for significant levels of contamination to be found throughout residential structures where methamphetamine has been manufactured, partially because of a lack of knowledge of how to achieve an effective cleanup.
- (5) Data on methamphetamine laboratory-related contaminants of concern are very limited, and uniform cleanup standards do not currently exist. In addition, procedures for sampling and analysis of contaminants need to be researched and developed.
- (6) Many States are struggling with establishing assessment and remediation guidelines and programs to address the rapidly expanding number of methamphetamine laboratories being closed each year.

SEC. 3. VOLUNTARY GUIDELINES.

(a) **ESTABLISHMENT OF VOLUNTARY GUIDELINES.**—Not later than one year after the date of enactment of this Act, the Assistant Administrator for Research and Development of the Environmental Protection Agency (in this Act referred to as the “Assistant Administrator”), in consultation with the National Institute of Standards and Technology, shall establish voluntary guidelines, based on the best currently available scientific knowledge, for the remediation of former methamphetamine laboratories, including guidelines regarding preliminary site assessment and the remediation of residual contaminants.

(b) **CONSIDERATIONS.**—In developing the voluntary guidelines under subsection (a), the Assistant Administrator shall consider, at a minimum—

- (1) relevant standards, guidelines, and requirements found in Federal, State, and local laws and regulations;
- (2) the varying types and locations of former methamphetamine laboratories; and
- (3) the expected cost of carrying out any proposed guidelines.

(c) **STATES.**—The voluntary guidelines should be designed to assist State and local governments in the development and the implementation of legislation and other policies to apply state-of-the-art knowledge and research results to the remediation of former methamphetamine laboratories. The Assistant Administrator shall work with State and local governments and other relevant non-Federal agencies and organizations, including through the conference described in section 5, to promote and encourage the appropriate adoption of the voluntary guidelines.

(d) **UPDATING THE GUIDELINES.**—The Assistant Administrator shall periodically update the voluntary guidelines as the Assistant Administrator, in consultation with States and other interested parties, determines to be necessary and appropriate to incorporate research findings and other new knowledge.

SEC. 4. RESEARCH PROGRAM.

The Assistant Administrator shall establish a program of research to support the development and revision of the voluntary guidelines described in section 3. Such research shall—

- (1) identify methamphetamine laboratory-related chemicals of concern;
- (2) assess the types and levels of exposure to chemicals of concern identified under paragraph (1), including routine and accidental exposures, that may present a significant risk of adverse biological effects;

- (3) identify the research efforts necessary to better address biological effects and to minimize adverse human exposures;
- (4) evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques; and
- (5) support other research priorities identified by the Assistant Administrator in consultation with States and other interested parties.

SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.

(a) CONFERENCE.—Not later than 180 days after the date of enactment of this Act, and at least every third year thereafter, the Assistant Administrator shall convene a conference of appropriate State agencies, as well as individuals or organizations involved in research and other activities directly related to the environmental, or biological impacts of former methamphetamine laboratories. The conference should be a forum for the Assistant Administrator to provide information on the guidelines developed under section 3 and on the latest findings from the research program described in section 4, and for the non-Federal participants to provide information on the problems and needs of States and localities and their experience with guidelines developed under section 3.

(b) REPORT.—Not later than 3 months after each conference, the Assistant Administrator shall submit a report to the Congress that summarizes the proceedings of the conference, including a summary of any recommendations or concerns raised by the non-Federal participants and how the Assistant Administrator intends to respond to them. The report shall also be made widely available to the general public.

SEC. 6. RESIDUAL EFFECTS STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Assistant Administrator shall enter into an arrangement with the National Academy of Sciences for a study of the status and quality of research on the residual effects of methamphetamine laboratories. The study shall identify research gaps and recommend an agenda for the research program described in section 4. The study shall pay particular attention to the need for research on the impacts of methamphetamine laboratories on—

- (1) the residents of buildings where such laboratories are, or were, located, with particular emphasis given to biological impacts on children; and
- (2) first responders.

(b) REPORT.—Not later than 3 months after the completion of the study, the Assistant Administrator shall transmit to Congress a report on how the Assistant Administrator will use the results of the study to carry out the activities described in sections 3 and 4.

SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND DEVELOPMENT PROGRAM.

The Director of National Institute of Standards and Technology, in consultation with the Assistant Administrator, shall support a research program to develop—

- (1) new methamphetamine detection technologies, with emphasis on field test kits and site detection; and
- (2) appropriate standard reference materials and validation procedures for methamphetamine detection testing.

SEC. 8. SAVINGS CLAUSE.

Nothing in this Act shall be construed to add to or limit the regulatory authority of the Environmental Protection Agency.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ENVIRONMENTAL PROTECTION AGENCY.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this Act \$3,000,000 for each of the fiscal years 2006 through 2009.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the National Institute of Standards and Technology to carry out this Act \$1,500,000 for each of the fiscal years 2006 through 2009.

II. PURPOSE OF THE BILL

The purpose of the bill is to establish a Federal research program to support the development of voluntary guidelines to help states address the residual consequences of former methamphetamine laboratories.

III. BACKGROUND AND NEED FOR THE LEGISLATION

Methamphetamine, also known as “meth,” “speed,” or “crank,” is a powerful stimulant that increases wakefulness and physical activity but can also induce symptoms ranging from extreme nervousness and hyperactivity to convulsions and irreversible brain damage. Chronic use increases drug tolerance and deepens dependence, requiring users to take higher doses more frequently. This often results in amphetamine psychosis, a condition characterized by extreme paranoia and violent behavior—a key factor in the death of most addicts. Due to high rates of addiction, the use and manufacture of meth without prescription or appropriate permission is illegal under Federal law.

The Nation’s meth problem originated in California and the Southwest, but it has spread considerably, facilitated by the proliferation of small labs that produce the drug for personal use and local distribution. In 1993, the Drug Enforcement Administration (DEA) estimated a total seizure of 218 meth labs. In 2004, federal, state and local law enforcement officers netted almost 15,000 labs. Of this number, small meth labs accounted for the majority of all seizures and they were found in every state in the U.S.

Small meth labs can be set up nearly anywhere—fields, woods, cars—but roughly two-thirds are found in residential settings. A typical lab requires little in the way of materials, and the ingredients used to manufacture meth are commercially available anywhere in the U.S. The main ingredient can be either pseudoephedrine or ephedrine, two chemicals that are present in many over-the-counter cold and asthma medications, and the other chemicals are available in gasoline, drain cleaners, fertilizer and matches. The manufacture process requires almost no technical knowledge, and the recipe—as well as step-by-step instructions—is freely and easily available on the Internet.

Of the 32 chemicals that can be used in varying combinations to make or “cook” meth, one-third are extremely toxic and many are reactive, flammable, and corrosive. In fact, nearly one in five labs is found because of fire or explosion, injuring or killing those involved in the manufacture of the drug as well as the law enforcement officers and the fire fighters who respond. During use and production, meth and other harmful chemicals are released into the air and distributed throughout the surrounding area. In residential settings, these chemicals collect on countertops and floors, and they are absorbed into furnishings, carpets and walls. In addition, for every pound of meth produced, approximately five to six pounds of toxic byproducts remain. This waste is frequently poured down drains or spilled onto the ground, where chemicals can migrate into drinking wells and leach into the soil.

Once a meth lab is discovered, responsibility for cleanup and remediation typically falls to state and local governments and property owners. Although there are different statutes and regulations relating to meth labs, cleanup and remediation generally occurs in two distinct phases. The first phase is the cleanup of gross contaminants, which includes the removal of illicit laboratory equipment, chemicals and obviously damaged furnishings. During this phase, law enforcement secures the site, arranges for the removal of evidence, and oversees the cleanup. The second phase is the re-

mediation of harder to identify residual contamination. During this phase, property 2 owners are notified and responsibility passes to them, sometimes with the recommendation to engage a cleanup contractor.

Currently there are no national guidelines or regulations on how to clean up and remediate a residential meth lab for reoccupation, and states and localities are struggling to protect the public and find a solution that is practical for property owners. While responses range from doing almost nothing to complete demolition, most remediation efforts involve one or more of the following measures: ventilation, encapsulation or sealing of interior surfaces, removal of drywall, decontamination of ventilation or wastewater systems, and removal of soil or treatment of contaminated groundwater. Depending on the remediation strategy, this can be expensive. According to one cleanup contractor, the cost to remediate a 1,500 square foot rambler can range from \$5,000—\$15,000, and most insurance companies exclude “contamination” and “felony activities” from coverage for private homes and some commercial properties.

As the meth epidemic continues to sweep the Nation, state statutes, regulations, local ordinances and guidelines related to the cleanup and remediation of meth labs have begun to emerge. Some states, particularly those where meth has been a big problem for a number of years, have significant statutory and regulatory provisions in place. Others have only more recently begun to address these concerns. Most, however, have become increasingly concerned about the cleanup and remediation issues related to meth labs and they have requested assistance in dealing with the growing number of small labs in their states, particularly those located in residential settings.

IV. HEARING SUMMARY

On Thursday, March 3, 2005, the Committee on Science held a hearing to examine the clean-up and remediation challenges of residential methamphetamine laboratories. The hearing also examined H.R. 798, the Methamphetamine Remediation Research Act of 2005, introduced by Ranking Member Bart Gordon. The Committee received testimony from Scott Burns, Deputy Director for State and Local Affairs at the White House Office of National Drug Control Policy. The Committee also heard from Ms. Sherry Green, Executive Director, National Alliance for Model State Drug Laws; Dr. John Martyny, Associate Professor, National Jewish Medical and Research Center; Mr. Henry Hamilton, Assistant Commissioner for Public Protection, New York State Department of Environmental Conservation; Mr. Gary Howard, Sheriff, Tioga County, New York; and Dr. Robert Bell, President, Tennessee Technological University.

- Mr. Burns described the extent of the meth problem in the U.S., the Federal government’s progress in reducing the number of meth labs and the findings and recommendations of the Administration’s “National Synthetic Drugs Action Plan” regarding methamphetamine laboratories.

- Ms. Green described state efforts to address the cleanup and remediation of former methamphetamine laboratories.

- Dr. Martyny and Dr. Bell endorsed H.R. 798 and discussed the research needs related to residential meth labs.
- Finally, the Committee heard from Sheriff Howard and Mr. Hamilton. Sheriff Howard described the challenges faced by those who seize these hazardous labs and endorsed H.R. 798. Mr. Hamilton described the Department's role in identifying and cleaning up contaminated sites and described the need for guidance to ensure the effective use of state resources and uniformity in response to meth labs.
- Testimony, submitted for the record, from the National Multi-Housing Council and the National Apartment Association described the challenges of small meth labs in residential, rental properties and expressed support for H.R. 798.

V. COMMITTEE ACTIONS

On February 15, 2005, Ranking Member Bart Gordon, Representative Ken Calvert and Chairman Sherwood Boehlert introduced H.R. 798, the Methamphetamine Remediation Research Act of 2005, a bill to establish a federal program of research to support the development of voluntary guidelines on the remediation of former methamphetamine laboratories.

The Environment, Technology, and Standards Subcommittee met on March 15, 2005 to consider H.R. 798. No amendments were offered. Mr. Wu moved that the Committee favorably report the bill, H.R. 798, to the Full Committee on Science, and that staff be instructed to make technical and conforming changes to the bill in accordance with the recommendations of the Subcommittee. The Motion was agreed to by voice vote.

The Full Committee on Science met on March 17, 2005 to consider the bill. A substitute amendment, which made technical, clarifying and conforming changes to the underlying bill, was offered by Ranking Member Gordon. The amendment was adopted by voice vote. Mr. Gordon moved that the Committee favorably report the bill, H.R. 798, as amended, with the recommendation that the bill as amended do pass, that the staff be instructed to make technical and conforming changes to the bill as amended and prepare the legislative report, and that the Chairman take all necessary steps to bring the bill before the House for consideration. With a quorum present, the motion was agreed to by voice vote.

VI. SUMMARY OF MAJOR PROVISIONS OF THE BILL

The bill requires the Assistant Administrator of the Office of Research and Development at the Environmental Protection Agency (EPA) to establish a program of research on residues from the production of methamphetamines.

The bill further requires the Assistant Administrator, in consultation with National Institute for Standards and Technology (NIST), to establish voluntary guidelines for preliminary site assessment and remediation of methamphetamine laboratories.

The bill also requires the Assistant Administrator to convene a meeting of relevant state agencies, individuals and organizations to share best practices and identify research needs.

The bill requires NIST, in consultation with EPA, to support a research program to develop methamphetamine laboratory detec-

tion technologies with an emphasis on field test kits and site detection.

The bill also requires the EPA to enter into an arrangement with the National Academy of Sciences to study the status and quality of research on the residual effects of meth labs, identify research gaps, and recommend an agenda for the EPA research program.

The bill authorizes \$3 million for each of the Fiscal Years 2006 through 2009 for EPA and authorizes \$1.5 million for each of the Fiscal Years 2006 through 2009 for NIST.

VII. SECTION-BY-SECTION ANALYSIS (BY TITLE AND SECTION)

SECTION 1. SHORT TITLE

The Methamphetamine Remediation Research Act of 2005

SECTION 2. FINDINGS

SECTION 3. VOLUNTARY GUIDELINES

Requires the Assistant Administrator for Research and Development at the Environmental Protection Agency (EPA), in consultation with the National Institute of Standards and Technology (NIST), to establish, within one year, voluntary guidelines for the remediation of former methamphetamine labs, including guidelines for preliminary site assessments and the remediation of residual contaminants.

Requires that, in developing the guidelines, the Assistant Administrator consider relevant standards, guidelines and requirements in Federal, State and local laws and regulations; the varying types and locations of former methamphetamine labs; and expected costs.

The voluntary guidelines are to be used to assist state and local governments. Requires the Assistant Administrator to work with state and local governments and other relevant nonfederal agencies and organizations, including through the conference required by section 5, to promote and encourage the appropriate adoption of the voluntary guidelines.

Requires the Assistant Administrator to periodically update the voluntary guidelines, in consultation with states and other interested parties, to incorporate research findings and other new knowledge.

SECTION 4. RESEARCH PROGRAM

Requires the Assistant Administrator to establish a research program of research to support the development and revision of the voluntary guidelines in section 3. Requires research to:

- identify methamphetamine laboratory-related chemicals of concern,
- assess the types and levels of exposure to chemicals of concern that may present a significant risk of adverse effects,
- better address adverse effects and minimize exposures,
- evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques, and
- support other priorities identified by the Assistant Administrator in consultation with states and others.

SECTION 5. TECHNOLOGY TRANSFER CONFERENCE

Requires the Assistant Administrator to convene within 90 days of the date of enactment, and every third year thereafter, a conference of state agencies and other individuals and organizations involved with the impacts of former methamphetamine laboratories. The conference should be a forum for the Assistant Administrator to provide information on the voluntary guidelines and the latest findings of the research program, as well as an opportunity for the nonfederal participants to provide information on their problems, needs and experiences with the voluntary guidelines.

Requires the Assistant Administrator within three months of each conference to submit a report to Congress that summarizes the proceedings of the conference, including any recommendations or concern raised and a description of how the Assistant Administrator intends to respond to them. Requires the report to be made widely available to the general public.

SECTION 6. RESIDUAL EFFECTS STUDY

Requires the Assistant Administrator to enter into an arrangement with the National Academy of Sciences within six months of the date of enactment to study the status and quality of research on the residual effects of methamphetamine laboratories. Requires the study to identify research gaps and recommend an agenda for the research program in section 4. Requires the study to focus on the need for research on the impact of methamphetamine laboratories on residents of buildings where labs are or were located.

SECTION 7. METHAMPHETAMINE DETECTION RESEARCH AND DEVELOPMENT PROGRAM

Requires the Director of NIST, in consultation with the Assistant Administrator, to support a research program to develop new methamphetamine detection technologies, with emphasis on field test kits and site detection and appropriate standard reference materials and validation procedures for methamphetamine detection testing.

SECTION 8. SAVINGS CLAUSE

Provides that nothing in the Act shall be construed to change the regulatory authority of EPA.

SECTION 9. AUTHORIZATION OF APPROPRIATIONS

Authorizes \$3 million for each of Fiscal Years 2006 through 2009 for EPA. Authorizes \$1.5 million for each of Fiscal Years 2006 through 2009 for NIST.

VIII. COMMITTEE VIEWS

The program authorized by this Act requires the Assistant Administrator of the Office of Research and Development at EPA, within one year, to develop voluntary guidelines on preliminary site assessments and the remediation of residual contaminants. The Committee expects the initial voluntary guidelines to be largely based on a review of existing state guidance. For these initial guidelines, the Committee believes the Assistant Administrator

should evaluate the existing science and state guidelines, using resources such as the National Alliance for Model State Drug Laws.

In developing the guidelines, the Committee expects the EPA to take into consideration the estimated cost of carrying out any proposed guidelines. With respect to cost, the Committee believes the Assistant Administrator should remain cognizant of those who bear these costs—property owners in particular. The Committee is concerned that excessive remediation costs could result in the site being left untreated.

The Committee expects the voluntary guidelines to be an evolving document that can offer guidance to states over time by incorporating new research findings as necessary. To that end, the Committee emphasizes the need to use the research program to update and revise the voluntary guidelines, particularly as new knowledge and new research findings become available.

The Act requires the establishment of a federal program of research to support the development and revision of the voluntary guidelines. The Committee recognizes that very little funding—federal, state, local or private—is being directed at the national problem of the remediation of former methamphetamine labs. The Committee expects EPA to move forward rapidly with the research program.

The Act requires the Assistant Administrator to convene a Technology Transfer Conference. The Committee believes the Conference will provide a national forum to share information. Initially, it will provide an opportunity for stakeholders, including states and local governments which have been trying to address the meth issue for years, to inform the drafting of voluntary guidelines. Future Conference meetings should provide a forum to share information on the implementation of the guidelines, disseminate new knowledge and research findings, and to update the research agenda. The Committee expects the Conference to include those involved in activities related to the impacts of former meth labs, including local law enforcement and nonprofit organizations like the National Jewish Medical and Research Center and the National Alliance for Model State Drug Laws.

IX. COST ESTIMATE

A cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted to the Committee on Science prior to the filing of this report and is included in Section X of this report pursuant to House Rule XIII, clause 3(c)(3).

H.R. 798 does not contain new budget authority, credit authority, or changes in revenues or tax expenditures. Assuming that the sums authorized under the bill are appropriated, H.R. 798 does authorize additional discretionary spending, as described in the Congressional Budget Office report on the bill, which is contained in Section X of this report.

X. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, March 31, 2005.

Hon. SHERWOOD L. BOEHLERT,
 Chairman, Committee on Science,
 House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 798, the Methamphetamine Remediation Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susanne S. Mehlman.

Sincerely,

ELIZABETH M. ROBINSON
 (For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 798—Methamphetamine Remediation Research Act of 2005

Summary: H.R. 798 would establish a new research program for the cleanup of closed laboratories that have been used to produce methamphetamine. This legislation would authorize the appropriation of about \$5 million for each of the fiscal years 2006 through 2009 for the Environmental Protection Agency (EPA) and the National Institute of Standards and Technology (NIST) to support such a program. Such efforts by EPA and NIST would include establishing guidelines on assessing sites and cleaning up contaminants, holding a conference to discuss research and guidelines with interested parties, and supporting research for the development of the guidelines and new detection technologies. Finally, the bill would authorize a study by the National Academy of Sciences on the residual effects of methamphetamine.

CBO estimates that implementing H.R. 798 would cost a total of \$20 million over the 2006–2010 period, assuming appropriation of the authorized amounts. Enacting H.R. 798 would not affect direct spending or receipts.

H.R. 798 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA); any standards or guidelines developed by the EPA or NIST for developing and implementing legislation or policies by state and local governments would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 798 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment). For this estimate, CBO assumes that H.R. 798 will be enacted near the start of fiscal year 2006 and that the amounts authorized by the bill will be appropriated near the start of each fiscal year. Estimated outlays are based on historical spending patterns for similar programs.

	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
EPA Research Program:					
Authorization Level	3	3	3	3	0

	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
Estimated Outlays	2	3	3	3	1
NTIS Research Program:					
Authorization Level	2	2	2	2	0
Estimated Outlays	1	2	2	2	1
Spending Under H.R. 798:					
Authorization Level	5	5	5	5	0
Estimated Outlays	3	5	5	5	2

Intergovernmental and private-sector impact: H.R. 798 contains no intergovernmental or private-sector mandates as defined in UMRA; any standards or guidelines developed by the EPA or NIST for developing and implementing legislation or policies by state and local governments would be voluntary.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Leo Lex. Impact on the Private Sector: Jean Talarico.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

XI. COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 798 contains no unfunded mandates.

XII. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

The Committee on Science’s oversight findings and recommendations are reflected in the body of this report.

XIII. STATEMENT ON GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause (3)(c) of House rule XIII, the goal of H.R. 798 is to establish a Federal research program to support the development of voluntary guidelines to help states address the residual consequences of former methamphetamine laboratories.

XIV. CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 798.

XV. FEDERAL ADVISORY COMMITTEE STATEMENT

H.R. 798 does not establish nor authorize the establishment of any advisory committee.

XVI. CONGRESSIONAL ACCOUNTABILITY ACT

The Committee finds that H.R. 798 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

XVII. STATEMENT ON PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any state, local, or tribal law.

XVIII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED
None.

XIX. COMMITTEE RECOMMENDATIONS

On March 17, 2005, a quorum being present, the Committee on Science favorably reported the Methamphetamine Remediation Research Act, by a voice vote, and recommended its enactment.

XX. PROCEEDINGS OF THE MARKUP BY THE SUBCOMMITTEE ON ENVIRONMENT, TECHNOLOGY, AND STANDARDS ON H.R. 798, METHAMPHETAMINE REMEDIATION RESEARCH ACT OF 2005

TUESDAY, MARCH 15, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ENVIRONMENT,
TECHNOLOGY, AND STANDARDS,
COMMITTEE ON SCIENCE,
Washington, DC.

The Subcommittee met, pursuant to call, at 1:04 p.m., in Room 2318 of the Rayburn House Office Building, Hon. Vernon Ehlers [Chairman of the Subcommittee] presiding.

Mr. EHLERS. Good afternoon. I am pleased to welcome you to the first—Subcommittee's first markup of the year. Pursuant to notice, we will consider three important measures today that together underlie the breadth of jurisdiction of the subcommittee. Given the number of bills we need to get through today, my opening statement will be brief, and then I will explain each bill in more detail as it is brought up.

First we will consider H.R. 50, the National Oceanic and Atmospheric Administration Act. This bill, a reintroduction of legislation I authored last Congress, would create an organic act for NOAA. This is a term that puzzled me when I first got here because, to me, organic had something to do with organic chemistry or organic gardening or organic food stores; but an organic act in the Congress is an act which is an original act establishing an agency and outlining its functions and purposes. This organic act for NOAA would provide the underlying statute of missions and functions to be carried out by NOAA, something that has not existed since the agency was formed by executive order in 1970—established by executive order. It has been modified by executive order and by law since, but we have never had an organic act, so today we are trying to remedy that.

Next, we will consider H.R. 250, the Manufacturing Technology Competitiveness Act. This bill is nearly identical to legislation I introduced last Congress and which passed the House last July. Unfortunately, the bill did not receive action in the Senate, and so we are proposing it once again.

The main focus of the bill is an authorization for the Department of Commerce Manufacturing Extension Partnership Program.

And finally, we will consider H.R. 798, the Methamphetamine Remediation Research Act. This bill, introduced by Ranking Mem-

ber Gordon, Representative Calvert, and Chairman Boehlert, would create a research program at the Environmental Protection Agency to study the harmful effects of methamphetamine and to provide important voluntary guidelines for states to use as they try to clean up former meth laboratories. I suspect many people are not aware of the extent of this problem and the dangers involved, but meth labs are springing up, primarily in rural areas, particularly wooded areas—and I know Oregon is having considerable problems with them; we have in Michigan as well because both states have substantial wooded areas where you can conceal a shack and try to manufacture methamphetamine.

There are several aspects of danger there. One is that very frequently, because of the danger of the components—and in fact, the explosive nature of the components—frequently an explosion occurs, which obliterates the shack and the people within it, so we lose a number of young people every year who are engaged in this dangerous pursuit. Even more frequently, they use a particular structure for this; it becomes very—it collects a lot of toxic materials because there is a great deal of toxic material going into the production of methamphetamine. They actually become not quite superfund sites, but pretty close to it, and local governments are having a great deal of trouble cleaning them up to a reasonable standard, and the expense is substantial for small units of government.

Now, I am pleased that Mr. Wu has introduced this bill, which will deal with this problem, not only in Oregon and Michigan, but throughout the country. With that, I am proud to introduce Mr. Wu from Oregon, the Subcommittee's new Ranking Member. I have worked before with Mr. Wu on a number of issues. I know he has a strong interest and considerable experience in the issues before the Subcommittee. I am very happy that he has joined us in this position.

I want to thank Mr. Udall. He is on the way but not here yet. I want to thank Mr. Udall from Colorado, who was a Ranking Member for the past four years. We had a very productive relationship, and now he is Ranking Member of the Space Subcommittee, where spacey Members end up. And I am sorry to lose him for that purpose, but delighted that Mr. Wu is his replacement. I am pleased that Mr. Udall will continue to be a Member of the Subcommittee.

I am now pleased to yield to Mr. Wu for an opening statement. [The prepared statement of Chairman Ehlers follows:]

PREPARED STATEMENT OF CHAIRMAN VERNON J. EHLERS

Good afternoon! Welcome to the Subcommittee's first markup of the year. Pursuant to notice, we will consider three important measures today that together underlie the breadth of jurisdiction of the Subcommittee. Given the number of bills we need to get through today, my opening statement will be brief and then I will explain each bill in more detail as it is brought up.

First, we will consider H.R. 50, the National Oceanic and Atmospheric Administration (NOAA) Act. This bill, a reintroduction of legislation I authored last Congress, would create an "organic act" for NOAA. This organic act would provide the underlying statute of missions and functions to be carried out by the NOAA, something that has not existed since the agency was formed by executive order in 1970.

Next, we will consider H.R. 250, the Manufacturing Technology Competitiveness Act. This bill is nearly identical to legislation I introduced last Congress, and which passed the House last July. The main focus of the bill is an authorization for the Department of Commerce's Manufacturing Extension Partnership (MEP) program.

And finally, we will consider H.R. 798, the Methamphetamine Remediation Research Act. This bill, introduced by Ranking Member Gordon, Representative Calvert and Chairman Boehlert, would create a research program at the Environmental Protection Agency (EPA) to study the harmful effects of methamphetamine and provide important voluntary guidelines for states to use as they try to clean up former "meth" laboratories.

I am proud to introduce Mr. Wu from Oregon, the Subcommittee's new Ranking Member. I know that Mr. Wu has a strong interest and considerable experience in the issues before the Subcommittee, and I am very happy that he has joined us. I want to thank Mr. Udall, from Colorado, who was our Ranking Member for the past four years. We had a very productive relationship and now he is the Ranking Member of our Space Subcommittee. I am pleased he will still be a Member of our subcommittee.

I now yield to Mr. Wu for an opening statement.

Mr. WU. Thank you very much, Mr. Chairman. And I look forward to working with you in a very productive relationship concerning the broad range of this subcommittee's jurisdiction in technology transfer, competitiveness, and other crucial issues for our research, our tech transfer, and our economy. And in your spirit, Mr. Chairman, I will be brief, even laconic. I am very pleased to be here with you to participate in our subcommittee's first markup, markup of the NOAA Organic Act, the Manufacturing Technology Competitiveness Act, and the Methamphetamine Remediation Research Act. And with that, Mr. Chairman, I yield back the balance of my time.

Mr. EHLERS. I thank the gentleman and would just correct myself. I mentioned this was your bill; it is actually Mr. Gordon's bill, joined with the methamphetamine. But it is certainly a bill which is worthy of your attention.

Mister—without object, all Members—all other Members may place statements in the records, and I ask unanimous consent to recess the Subcommittee at any point, and without objection it is so ordered; I hear no objection.

[The prepared statement of Mr. Davis follows:]

PREPARED STATEMENT OF REPRESENTATIVE LINCOLN DAVIS

Good afternoon. Thank you, Mr. Chairman and Ranking Member.

At a recent Science Committee hearing, methamphetamine abuse was discussed in the context of how it has become a health crisis affecting rural areas of our country more than any others.

I believe that Mr. Gordon's bill, H.R. 798, provides a solid foundation to help address this issue. I am pleased with the speed at which the Science Committee has moved on legislation addressing this issue.

As you may know, Tennessee ranks third in the Nation in the total number of meth clandestine incidents reported in 2004. In fact, 75 percent of all the meth lab seizures in the Southeast are in Tennessee.

Congress must take action to address and help resolve this problem. I would like to thank my colleagues on both sides of the aisle for working to move this bill through the Committee, and hopefully, to the President's desk to be signed into law. Lives are depending on it.

Thank you, Mr. Chairman and Ranking Member. I yield back the balance of my time.

Mr. EHLERS. The final bill H.R. 798. We will now consider the bill H.R. 798, the Methamphetamine Remediation Research Act of 2005. H.R. 798 is a bipartisan effort led by Ranking Member Gordon, Mr. Calvert, and Chairman Boehlert to combat the illegal production and use of methamphetamine, a drug that harms human health and poisons the environment.

The bill addresses these concerns by requiring EPA to establish a research program to support development of voluntary cleanup

guidelines to determine when a former meth lab is safe for human habitation. It also supports research to develop methamphetamine lab detection technologies and to better understand the biological effects caused by meth production. H.R. 798 seeks to provide the information and tools necessary to protect human health and the environment and to safeguard our communities.

I recognize Mr. Wu to present his—

Mr. WU. Thank you very much, Mr. Chairman. Meth abuse and production in the United States has grown to epidemic proportions during the past five years. Meth creates havoc in our communities, stretching thin our law enforcement and community service resources. Unlike other drug epidemics, the meth epidemic also leaves toxic mini-waste dumps wherever meth has been produced. In addition, meth is frequently made in residential settings where children are present, and chemical residue can harm the health of future residents.

States are taking action to address this issue. My State of Oregon has been especially active in developing guidelines for the cleanup of former meth labs. I must note that Oregon and Washington have both developed standards; however, the standards are different. States need additional assistance in their efforts, and this is the gap filled by H.R. 798.

This bill would provide the research structure for the development of health-based cleanup guidelines. It also provides for a study of the long-term health effects on children and first responders to—of the meth labs.

I am proud to be an original co-sponsor of this bipartisan legislation and thank the Chairman for his earlier credit—had I thought of it, I would have written the bill, but I am proud to be an original co-sponsor.

I thank the Chairman, and I urge my colleagues to support the legislation and yield back the balance of my time.

Mr. EHLERS. I appreciate the comments of Mr. Wu, and I also support the bill. I ask unanimous consent that the bill is considered as read and open to amendment at any point and that the Members proceed with the amendments in the order of the roster. Without objection, so ordered.

Are there any amendments? Hearing none, the question is on the bill H.R. 798, the Methamphetamine Remediation Research Act of 2005. All those in favor will say aye. All those opposed will say no. In the opinion of the Chair, the ayes have it.

I will now recognize Mr. Wu to offer a motion.

Mr. WU. Mr. Chairman, I move that the Subcommittee favorably report the bill H.R. 798 to the Full Committee. Further, I ask unanimous consent that the staff be instructed to make all necessary technical and conforming changes to the bill, in accordance with the recommendation of the Subcommittee.

Mr. EHLERS. The question is on the motion to report the bill favorably. Those in favor of the motion will signify by saying aye. Those opposed, no. The ayes have it, and the motion is favorably acted upon.

Without objection, the motion to reconsider is laid upon the table. I wish to express my appreciation to all of the Members of the Committee for the rapid action on this group of bills and the good spirit in which we have all approached these bills and tried to im-

prove them. So I appreciate your consideration. I thank the Committee Members for their attendance. This concludes our Subcommittee markup.

[Whereupon, at 1:46 p.m., the Subcommittee was adjourned.]

Appendix:

H.R. 798, SECTION-BY-SECTION ANALYSIS

109TH CONGRESS
1ST SESSION

H. R. 798

To provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2005

Mr. GORDON (for himself, Mr. CALVERT, Mr. BOEHLERT, Mr. DAVIS of Tennessee, Mr. JENKINS, Ms. WOOLSEY, Mr. COOPER, Mr. CASE, Mr. ETHERIDGE, Mr. BAIRD, Mr. WU, Mr. LARSEN of Washington, Mr. MATHESON, Mr. BOSWELL, Mr. LATHAM, Mr. COSTELLO, Mr. MCINTYRE, Mr. UDALL of Colorado, Mr. CRAMER, Ms. BORDALLO, Mr. MELANCON, Mr. AL GREEN of Texas, Mr. CARNAHAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SOUDER) introduced the following bill; which was referred to the Committee on Science

A BILL

To provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

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 “Methamphetamine Re-
5 mediation Research Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Methamphetamine use and production is
2 growing rapidly throughout the United States.

3 (2) Materials and residues remaining from the
4 production of methamphetamine pose novel environ-
5 mental problems in locations where methamphet-
6 amine laboratories have been closed.

7 (3) There has been little standardization of
8 measures for determining when the site of a closed
9 methamphetamine laboratory has been successfully
10 remediated.

11 (4) Initial cleanup actions are generally limited
12 to removal of hazardous substances and contami-
13 nated materials that pose an immediate threat to
14 public health or the environment. It is not uncom-
15 mon for significant levels of contamination to be
16 found throughout residential structures after a
17 methamphetamine laboratory has closed, partially
18 because of a lack of knowledge of how to achieve an
19 effective cleanup.

20 (5) Data on methamphetamine laboratory-re-
21 lated contaminants of concern are very limited, and
22 cleanup standards do not currently exist. In addi-
23 tion, procedures for sampling and analysis of con-
24 taminants need to be researched and developed.

1 (6) Many States are struggling with estab-
2 lishing remediation guidelines and programs to ad-
3 dress the rapidly expanding number of methamphet-
4 amine laboratories being closed each year.

5 **SEC. 3. VOLUNTARY GUIDELINES.**

6 (a) ESTABLISHMENT OF VOLUNTARY GUIDELINES.—
7 Not later than one year after the date of enactment of
8 this Act, the Assistant Administrator for Research and
9 Development of the Environmental Protection Agency (in
10 this Act referred to as the “Assistant Administrator”), in
11 consultation with the National Institute of Standards and
12 Technology, shall establish voluntary guidelines, based on
13 the best currently available scientific knowledge, for the
14 remediation of former methamphetamine laboratories, in-
15 cluding guidelines regarding preliminary site assessment
16 and the remediation of residual contaminants.

17 (b) CONSIDERATIONS.—In developing the voluntary
18 guidelines under subsection (a), the Assistant Adminis-
19 trator shall consider, at a minimum—

20 (1) relevant standards, guidelines, and require-
21 ments found in Federal, State, and local laws and
22 regulations;

23 (2) the varying types and locations of former
24 methamphetamine laboratories; and

1 (3) the expected cost of carrying out any pro-
2 posed guidelines.

3 (c) STATES.—The voluntary guidelines should be de-
4 signed to assist State and local governments in the devel-
5 opment and the implementation of legislation and other
6 policies to apply state-of-the-art knowledge and research
7 results to the remediation of former methamphetamine
8 laboratories. The Assistant Administrator shall work with
9 State and local governments and other relevant non-Fed-
10 eral agencies and organizations, including through the
11 conference described in section 5, to promote and encour-
12 age the appropriate adoption of the voluntary guidelines.

13 (d) UPDATING THE GUIDELINES.—The Assistant
14 Administrator shall periodically update the voluntary
15 guidelines as the Assistant Administrator, in consultation
16 with States and other interested parties, determines to be
17 necessary and appropriate to incorporate research findings
18 and other new knowledge.

19 **SEC. 4. RESEARCH PROGRAM.**

20 The Assistant Administrator shall establish a pro-
21 gram of research to support the development and revision
22 of the voluntary guidelines described in section 3. Such
23 research shall—

24 (1) identify methamphetamine laboratory-re-
25 lated chemicals of concern;

1 (2) assess the types and levels of exposure to
2 chemicals of concern identified under paragraph (1),
3 including routine and accidental exposures, that may
4 present a significant risk of adverse biological ef-
5 fects, and the research necessary to better address
6 biological effects and to minimize adverse human ex-
7 posures;

8 (3) evaluate the performance of various meth-
9 amphetamine laboratory cleanup and remediation
10 techniques; and

11 (4) support other research priorities identified
12 by the Assistant Administrator in consultation with
13 States and other interested parties.

14 **SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.**

15 (a) CONFERENCE.—Not later than 90 days after the
16 date of enactment of this Act, and at least every third
17 year thereafter, the Assistant Administrator shall convene
18 a conference of appropriate State agencies, as well as indi-
19 viduals or organizations involved in research and other ac-
20 tivities directly related to the environmental, or biological
21 impacts of former methamphetamine laboratories. The
22 conference should be a forum for the Assistant Adminis-
23 trator to provide information on the guidelines developed
24 under section 3 and on the latest findings from the re-
25 search program described in section 4, and for the non-

1 Federal participants to provide information on the prob-
2 lems and needs of States and localities and their experi-
3 ence with guidelines developed under section 3.

4 (b) REPORT.—Not later than 3 months after each
5 conference, the Assistant Administrator shall submit a re-
6 port to the Congress that summarizes the proceedings of
7 the conference, including a summary of any recommenda-
8 tions or concerns raised by the non-Federal participants
9 and how the Assistant Administrator intends to respond
10 to them. The report shall also be made widely available
11 to the general public.

12 **SEC. 6. RESIDUAL EFFECTS STUDY.**

13 (a) STUDY.—Not later than 6 months after the date
14 of enactment of this Act, the Assistant Administrator shall
15 enter into an arrangement with the National Academy of
16 Sciences for a study of the status and quality of research
17 on the residual effects of methamphetamine laboratories.
18 The study shall identify research gaps and recommend an
19 agenda for the research program described in section 4.
20 The study shall pay particular attention to the need for
21 research on the impacts of methamphetamine laboratories
22 on—

23 (1) the residents of buildings where such lab-
24 oratories are, or were, located, with particular em-
25 phasis given to biological impacts on children; and

1 (2) first responders.

2 (b) REPORT.—Not later than 3 months after the
3 completion of the study, the Assistant Administrator shall
4 transmit to Congress a report on how the Assistant Ad-
5 ministrator will use the results of the study to carry out
6 the activities described in sections 3 and 4.

7 **SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND**
8 **DEVELOPMENT PROGRAM.**

9 The Director of National Institute of Standards and
10 Technology, in consultation with the Assistant Adminis-
11 trator, shall support a research program to develop—

12 (1) new methamphetamine detection tech-
13 nologies, with emphasis on field test kits and site de-
14 tection; and

15 (2) appropriate standard reference materials
16 and validation procedures for methamphetamine de-
17 tection testing.

18 **SEC. 8. SAVINGS CLAUSE.**

19 Nothing in this Act shall be construed to add to or
20 limit the regulatory authority of the Environmental Pro-
21 tection Agency.

22 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) ENVIRONMENTAL PROTECTION AGENCY.—There
24 are authorized to be appropriated to the Environmental

1 Protection Agency to carry out this Act \$3,000,000 for
2 each of the fiscal years 2006 through 2009.

3 (b) NATIONAL INSTITUTE OF STANDARDS AND
4 TECHNOLOGY.—There are authorized to be appropriated
5 to the National Institute of Standards and Technology to
6 carry out this Act \$1,500,000 for each of the fiscal years
7 2006 through 2009.

SECTION-BY-SECTION ANALYSIS OF H.R. 798,
METHAMPHETAMINE REMEDIATION RESEARCH ACT OF 2005

Section 1. Short title.

The Methamphetamine Remediation Research Act of 2005

Section 2. Findings.

Section 3. Voluntary Guidelines. Requires the Assistant Administrator for Research and Development at the EPA (EPA), in consultation with the National Institute of Standards and Technology (NIST), to establish within one year voluntary guidelines for the remediation of former methamphetamine labs, including preliminary site assessments and the remediation of residual contaminants.

Requires the Assistant Administrator to consider relevant standards, guidelines and requirements in federal, State and local laws and regulations, the varying types and locations of former methamphetamine labs, and the expected cost of carrying out any proposed guidelines in developing the guidelines.

States that the voluntary guidelines are to be used to assist State and local governments in the development and implementation of legislation and other policies to apply state-of-the-art knowledge to the remediation of former labs. Requires the Assistant Administrator to work with State and local governments and other relevant nonfederal agencies and organizations, including through the conference in section 5, to promote and encourage the appropriate adoption of the voluntary guidelines.

Requires the Assistant Administrator to periodically update the voluntary guidelines, in consultation with states and other interested parties, as necessary and appropriate to incorporate research findings and other new knowledge.

Section 4. Research Program.

Requires the Assistant Administrator to establish a program of research to support the development and revision of the voluntary guidelines in section 3. Requires research to identify methamphetamine laboratory-related chemicals of concern, assess the types and levels of exposure to chemicals of concern that may present a significant risk of adverse biological effects, better address biological effects and minimize adverse human exposures, evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques, and support other priorities, identified by the Assistant Administrator in consultation with states and others.

Section 5. Technology Transfer Conference.

Requires the Assistant Administrator to convene within 90 days and every third year thereafter a conference of State agencies and other individuals and organizations involved with the impacts of former methamphetamine laboratories. States that the conference should be a forum for the Assistant Administrator to provide information on the voluntary guidelines and the latest findings of the research program as well as an opportunity for the non-federal participants to provide information on their problems, needs and experiences with the voluntary guidelines.

Requires the Assistant Administrator within three months to submit a report to Congress that summarizes the proceedings of the conference, including any recommendations or concern raised and a description of how the Assistant Administrator intends to respond to them. Requires the report to be made widely available to the general public.

Section 6. Residual Effects Study.

Requires the Assistant Administrator to enter into an arrangement with the National Academy of Science within six months to study the status and quality of research on the residual effects of methamphetamine laboratories. Requires the study to identify research gaps and recommend an agenda for the research program in section 4. Requires the study to focus on the need for research on the impact of methamphetamine laboratories on residents of buildings where labs are or where located, with particular emphasis on the biological effects on children and on first responders.

Section 7. Methamphetamine Detection Research and Development Program.

Requires the Director of NIST, in consultation with the Assistant Administrator, to support a research program to develop new methamphetamine detection technologies, with emphasis on field test kits and site detection and appropriate stand-

ard reference materials and validation procedures for methamphetamine detection testing.

Section 8. Savings Clause.

Provides that nothing in this Act shall be construed to change the regulatory authority of the EPA.

Section 9. Authorization of Appropriations.

Authorizes \$3 million for each of fiscal years 2006 through 2009 for the EPA. Authorizes \$1.5 million for each of fiscal years 2006 through 2009 for NIST.

XXI. PROCEEDINGS OF THE FULL COMMITTEE MARKUP ON H.R. 798,
METHAMPHETAMINE REMEDIATION RESEARCH ACT OF 2005

THURSDAY, MARCH 17, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC.

The Committee met, pursuant to call, at 10:05 a.m., in Room 2318 of the Rayburn House Office Building, Hon. Sherwood L. Boehlert [Chairman of the Committee] presiding.

Chairman BOEHLERT. The Science Committee will come to order.

Pursuant to notice, the Committee on Science meets to consider the following measures: H.R. 1023, *Charles "Pete" Conrad Astronomy Awards Act*; H.R. 1158, *To reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988*; H.R. 28, *High-Performance Computing Revitalization Act of 2005*; H.R. 1215, the *Green Chemistry Research and Development Act of 2005*, and how appropriate that we entertain this on St. Patrick's Day; H.Con.Res. 96, *Recognizing the significance of African American women in the United States scientific community*; and H.R. 798, *Methamphetamine Remediation Research Act of 2005*.

Before we proceed with the markup, however, the Committee must first dispense with some administrative business.

I recognize Mr. Gordon to offer a request regarding Democratic Subcommittee membership.

Mr. Gordon.

Mr. GORDON. Thank you, Mr. Chairman.

By direction of the Democratic caucus of the Science Committee, I ask unanimous consent to ratify the election of Representative Brad Miller of North Carolina to the Subcommittee on Research, thereby filling one of the existing Democratic vacancies.

Chairman BOEHLERT. Without objection, so ordered.

I ask unanimous consent for the authority to recess the Committee at any point during consideration of these matters, and without objection, it is so ordered.

That concludes the Committee's organizational business, and we will now proceed with the markup beginning with opening statements. And I shall begin with mine.

I want to welcome everyone here for our St. Patrick's Day markup. I hope that the markup will leave everyone seeing green, not because we are spending lots of money, but because we are environmentally-friendly and because others should be green with envy

over the ability of this committee to move sensible, bipartisan legislation.

The bills before us today deal with a wide variety of critical problems, including the need to improve our energy efficiency, the need to improve our technological competitiveness, the need to improve our environment, the need to protect our citizens from the impacts of drug abuse, the need to have a more diverse scientific workforce, and the need to increase interest in science among the general public.

All of these bills have broad support. Four of them passed the House last year: the Charles “Pete” Conrad Astronomy Awards, the Steel and Aluminum Energy Conservation and Technology Competitiveness Act, the High-Performance Computing Revitalization Act, and the Green Chemistry Research and Development Act. The Senate ran out of time to take up these bills. They were still pending without prejudice when the clock ran out, and we are optimistic about moving them through the entire process in this Congress.

The other two items before us should also move swiftly: the resolution recognizing African American women in science, and the Methamphetamine Remediation Research Act, which we held a very productive hearing on earlier this month.

I want to move this markup along, so let me just close by thanking all of my colleagues on both sides of the aisle, who introduced and contributed to these important bills.

Mr. Gordon.

[The prepared statement of Chairman Boehlert follows:]

PREPARED STATEMENT OF CHAIRMAN SHERWOOD BOEHLERT

I want to welcome everyone here for our St. Patrick’s Day markup. I hope that the markup will leave everyone seeing green—not because we’re spending lots of money, but because we’re environmentally friendly and because others should be green with envy over the ability of this committee to move sensible, bipartisan legislation.

The bills before us today deal with a wide variety of critical problems, including the need to improve our energy efficiency, the need to improve our technological competitiveness, the need to improve our environment, the need to protect our citizens from the impacts of drug abuse, the need to have a more diverse scientific workforce, and the need to increase interest in science among the general public.

All these bills have broad support. Four of them passed the House last year—the Pete Conrad Astronomy Awards, the Steel and Aluminum energy Conservation Act, the High Performance Computing Revitalization Act, and the Green Chemistry Research and Development Act. The Senate ran out of time to take these bills up—they were still pending without prejudice when the clock ran out—and we’re optimistic about moving them through the entire process this Congress.

The other two items before us should also move swiftly, the resolution recognizing African American women in science, and the Methamphetamine Remediation Research Act, which we held a hearing on earlier this month.

I want to move this markup along, so let me just close by thanking all my colleagues on both sides of the aisle who introduced and contributed to these important bills. Mr. Gordon.

Mr. GORDON. Mr. Chairman, in keeping with the date, you seem to have brought your blarney with you, and I wish to compliment you for this—for the efforts to revisit our unfinished legislative agenda from the past Congress and for your willingness to explore some new legislative areas.

I am especially pleased that Mr. Calvert and my Methamphetamine Remediation Act is getting the rapid consideration it deserves. We thank you and over $\frac{1}{3}$ of our committee’s membership for

signing on as co-sponsors. The methamphetamine epidemic is a scourge on rural America, affecting many of our Congressional Districts that must be addressed. And I will explain more about the importance of this bill later in the markup.

Our committee's legislative environment in high-performance computing goes back at least 20 years. The bipartisan High-Performance Computing Act of 1991 that today's bill amends was instrumental in getting the various departments of the Executive Branch working together to apply the power of supercomputers to our society's major challenges. And we have been working together on today's amendments to the High-Performance Computing Act for really two Congresses now. We on the Democratic side are very supportive of this important legislation.

We will consider another important resolution by Congresswoman Eddie Bernice Johnson, recognizing the significant contributions that African American women have made to science. Given our need to encourage young men and women of all races to enter into the science and technology fields, I compliment Congresswoman Johnson for her advocacy of this resolution.

And our former Committee colleague, Doug Walgren, introduced the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 at that time when the steel industry in the United States was experiencing hard time and high energy costs and consumption. The program established under this act has led a steel industry technology roadmap and 10 cost-sharing projects that have permitted the industry to modernize and to better meet the new higher-weight products needed—or lighter-weight products needed by the auto industry and other industry customers. We on the Democratic side are supportive of the effort of Congresswoman Hart and our new Member, Congressman Lipinski, to reauthorize this important program.

The Green Chemist Research and Development Act is also an important act today, and it is an improved over last introduction. We are pleased it incorporates several Democratic amendments offered during the last consideration. However, the bill still does not do all we should be doing moving into—moving in the right direction for green chemistry practices, and I think we will see some amendments this morning that would improve that bill.

Therefore, I will yield the balance of my time and look forward to moving forward today.

[The prepared statement of Mr. Gordon follows:]

PREPARED STATEMENT OF REPRESENTATIVE BART GORDON

I wish to compliment Mr. Boehlert for his efforts to revisit our unfinished legislative agenda from the past Congress and for his willingness to explore new legislative areas.

I am especially pleased that Mr. Calvert's and my *Methamphetamine Remediation Research Act of 2005* is getting the rapid consideration it deserves. We thank you and over a third of our committee's membership for signing on as co-sponsors.

The methamphetamine epidemic is a scourge on rural America, affecting many of our Congressional districts, that must be addressed. I will explain more about the importance of this bill later in the markup.

Our committee's legislative involvement in high-performance computing goes back at least 20 years. The bipartisan *High-Performance Computing Act of 1991* that today's bill amends was instrumental in getting the various Departments of the Executive Branch working together to apply the power of supercomputers to our society's major challenges.

We have been working together on today's amendments to the High-Performance Computing Act for two Congresses now. We on the Democratic side are very supportive of this important legislation.

We will consider an important resolution by Congresswoman Eddie Bernice Johnson recognizing the significant contributions that African American Women have made to science. Given our need to encourage American young men and women of all races to enter into scientific and technical fields, I compliment Congresswoman Johnson on her advocacy of this resolution.

Our former committee colleague Doug Walgren introduced the *Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988* at a time when the steel industry in the United States was experiencing hard times and high energy costs and consumption.

The program established under this Act has led a steel industry technology road-map and ten cost-shared projects that have permitted the industry to modernize and to better meet the new lighter weight products needed by the auto industry and other industry customers. We on the Democratic side are supportive of the efforts of Congresswoman Hart and our new Member, Congressman Lipinski to reauthorize this important program.

The *Green Chemistry Research and Development Act*, H.R. 1215, is improved over its last introduction.

We are pleased that it incorporates several Democratic amendments offered during its last consideration, including my amendment to establish a grant program to enable colleges and universities to update their curricula to include training in green chemistry. However, the bill still does not do all we should be doing to move green chemistry practices from the laboratory bench into everyday practice. Therefore, we will be offering several amendments today to further improve this legislation.

Chairman BOEHLERT. Thank you very much, Mr. Gordon.

Without objection, Members may place statements in the record at this point.

[The prepared statement of Mr. Costello follows:]

PREPARED STATEMENT OF REPRESENTATIVE JERRY F. COSTELLO

Good morning. Today, the House Science Committee is considering six bills for markup. Most are non-controversial and receive wide bipartisan support.

First, I would like to thank Chairman Boehlert, Ranking Member Gordon, and Representative Calvert for introducing H.R. 798, the *Methamphetamine Remediation Research Act of 2005*. As a proud co-sponsor of H.R. 798, I am pleased the legislation has moved quickly through the Science Committee and am hopeful it will come to the House Floor soon.

This legislation is urgently needed because methamphetamine abuse and addiction continues to grow throughout the United States. In my home State of Illinois, methamphetamine use has significantly increased in the last few years. Alarmingly, almost 10 percent of the meth labs seized by law enforcement officials in 2004 were in Illinois. Clearly, methamphetamine abuse is a very serious problem in my congressional district and I strongly support Ranking Member Gordon's bill because it establishes a federal research program that would develop voluntary standards to help states deal with the challenges associated with methamphetamine abuse. I worked closely with the State and local law enforcement officials in my district to secure funding in 2003 and 2004 for a grant program in Southern Illinois to train approximately 100 law enforcement officials across the region in dismantling and cleaning up meth labs. In addition, Drug Task Forces were formed in Southern Illinois to fight against the methamphetamine problem that has reached epidemic proportions. We cannot allow the methamphetamine problem to overwhelm law enforcement officials and it is critical we implement a strategy to help our communities respond.

Secondly, I would like to thank the Chairman for agreeing to markup H.R. 1158, a bill *To reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1998*. As a Member of the Congressional Steel Caucus, I am pleased this committee is taking an active role to keep the steel industry competitive in today's global marketplace. Many are aware that the steel industry suffered a major crisis a few years back, which caused four steel companies in Illinois to file for bankruptcy, including Laclede Steel and the parent company for Granite City Steel, which are in my district. More than 5,000 steel workers have lost their jobs in Illinois alone. Therefore, I urge my colleagues to support H.R. 1158 to reauthorize important funding measures to improve the health of the domestic steel industry.

Mr. Chairman, I want to thank the Committee for all their hard work on these important issues and look forward to today's proceedings.

[The prepared statement of Mr. Wu follows:]

PREPARED STATEMENT OF REPRESENTATIVE DAVID WU

Meth abuse and production in the U.S. has grown to epidemic proportions during the past five years. Meth creates havoc in our communities—stretching thin our law enforcement and community service resources.

Unlike other drug epidemics, the meth epidemic also leaves toxic waste dumps where ever meth has been produced. In addition, meth is frequently made in residential settings where children are present and chemical residue can harm the health of future residents.

States are taking action to address this issue. My State of Oregon has been especially active in developing guidelines for the cleanup of former meth labs. However, states need additional assistance in their efforts and this is the gap filled by H.R. 798.

H.R. 798 would provide the research structure for the development of health-based clean-up guidelines. It also provides for a study of the long-term health effects on children and first-responders of meth labs.

I am proud to be an original co-sponsor of this bipartisan legislation. I would urge my colleagues to support this bill.

[The prepared statement of Mr. Davis follows:]

PREPARED STATEMENT OF REPRESENTATIVE LINCOLN DAVIS

Good morning. Thank you, Mr. Chairman and Ranking Member.

I want to urge my colleagues to support H.R. 798, as I believe it addresses a health crisis, and time is of the essence. Methamphetamine abuse affects rural areas of our country more than any others.

As you may know, Tennessee ranks third in the nation in the total number of meth clandestine incidents reported in 2004. In fact, 75 percent of all the meth lab seizures in the Southeast are in Tennessee.

I would again like to thank my colleagues on both sides of the aisle for working to quickly move this bill through the Committee, and hopefully, to the President's desk to be signed into law. This bill is very important to me and to many other Members of this committee.

Thank you, Mr. Chairman and Ranking Member. I yield back the balance of my time.

Chairman BOEHLERT. We will now consider H.R. 798, *Methamphetamine Remediation Research Act of 2005*, as amended.

I yield to Mr. Calvert, the lead Republican sponsor of the bill.

Mr. Calvert.

Mr. CALVERT. Thank you, Mr. Chairman.

Mr. Chairman, I just wanted to say I am proud to have joined you and Mr. Gordon on this important effort. The Science Committee is doing its part through H.R. 798, the Methamphetamine Remediation Research Act of 2005, to continue to fight against methamphetamine by attacking this problem head-on. I strongly urge my colleagues to support this common sense legislation, and with you—I want to thank you, Mr. Gordon, and thank you, Mr. Chairman, once again.

And I yield back the balance of my time.

Chairman BOEHLERT. And your partner in this endeavor, Mr. Gordon, and a real leader in the whole effort nationally.

Mr. GORDON. Thank you, Chairman Boehlert.

Let me, I guess, as we are thanking everybody, I want to also throw some thanks back, and that is to thank Representative Calvert and Chairman Boehlert for working with me on this bill, H.R. 798, the *Methamphetamine Remediation Research Act of 2005*. We have really moved this bill with great cooperation and with un-

usual rapidness. And I want to extend, also, my thanks to Kara Haas on the Majority staff, and Deena Contreras in Representative Calvert's office, for their hard work, as well as Mike Quear, who really has done yeomen's work in bringing this before us.

Everyone today that votes on this bill, you can go home tonight knowing that you voted on a bill that is going to save lives and reduce the heartache in a lot of families that are being touched by this methamphetamine problem. So we have all at least done one good thing today.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Gordon follows:]

PREPARED STATEMENT OF REPRESENTATIVE BART GORDON

I will be very brief this morning. Chairman Boehlert has already summarized the provisions in the bill.

I want to thank Rep. Calvert and Chairman Boehlert for working with me on H.R. 798, the *Methamphetamine Remediation Research Act of 2005*. Rep. Calvert and Chairman Boehlert both recognize the challenges facing our local communities caused by meth abuse and production. I also want to thank Kara Haas on the majority staff and Deena Contreras in Rep. Calvert's office for their hard work on this legislation as well.

I just want to say one final thing. We are often hard-pressed in the Science Committee to explain how the Committee's jurisdiction and legislation impact our constituents. H.R. 798 shows how agencies and their research activities can address problems that our communities face now.

Chairman BOEHLERT. Thank you.

Let me once again commend both you and Mr. Calvert for your leadership in this issue.

This issue, as Mr. Calvert knows, was considered in the early stages as sort of a West Coast phenomenon. It no longer is. It is a national problem. And your State of Tennessee has provided some real leadership in dealing very aggressively with it. Methamphetamine is a serious, serious issue for all America, and we better darn well pay attention to it. This committee is trying to provide some leadership in connection with this legislation to authorize research at the Environmental Protection Agency, to authorize continued progress through the National Institute of Standards and Technology that will help us help our law enforcement officials, help all Americans deal in a very responsible, meaningful way with this.

And I know there are a lot of my colleagues who probably wish to speak to this, so the Chair will now recognize Mr. Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman, Ranking Member Gordon, and Representative Calvert, and all of the other bipartisan co-sponsors on H.R. 798.

As a new Member, I am especially proud to be an original co-sponsor of this bill. It will aid our local law enforcement, environmental regulations, health care officials in coping with meth abuse across this country. Currently, the harmful effects of contamination are not even fully realized in first responders, future inhabitants of homes, and sadly children are at risk with developing health problems.

I am very sensitive to this issue because it is so widespread, especially in the rural areas outside of St. Louis. In my home State of Missouri, it is also the home State of Representative Akin on this committee, we have the unfortunate distinction of being the

number one state in the country, by more than double, for methamphetamine lab seizures. Furthermore, in Jefferson County, which is in my District, has the most seizures and arrests related to meth in the State of Missouri. So I am—while I am proud of the job that our local law enforcement has done in coping with this issue, like many others on this committee, we are troubled by the prevalence of meth abuse, especially in the heartland of this country.

So I am pleased that the Congress is going to have an opportunity to work on this and for the work of this committee and would respectfully ask for my fellow Members to support this bill.

Chairman BOEHLERT. Thank you, sir, very much.

Mr. Costa.

Mr. COSTA. Thank you, too, Mr. Chairman, and Ranking Member Gordon, and Congressman Ken Calvert, for introducing this important measure.

The *Methamphetamine Remediation Act of 2005* is, frankly, long overdue. From hearing from the comments of our fellow colleagues, I think it is very clear that the spread of methamphetamines throughout the country is, unfortunately, in many cases, in epidemic proportions in the abuse of this terrible, terrible drug. This bill obviously, I think, really closes a loop. From my previous experience as a member of the California legislature, we, over the last two years, worked hard to combine local and State resources to combat this effort, and I think what this provides is the federal effort to combine those resources on the local and State level by providing not only the development of a national health-based cleanup guideline effort, but also the field test kits to detect these labs and provide a funding of studies for the long-term health effects for law enforcement agencies who are out there trying to clean up these labs and to eliminate them. Too often we see in rural areas trailer homes where children are there and these meth labs are in the middle of their production. And of course, they are impacted as well.

Let me just bring it home locally and why I am proud as well to be a co-sponsor of this original legislation. In the Silicon Valley, where I come from, law enforcement and health officials have been waging this meth production war and cleanup for 20 years. Central California high-intensity drug trafficking area is a nine-county law enforcement task force that is established to identify, arrest, and prosecute methamphetamine manufacturers and distributors. Unfortunately, Members of this committee, I have to report in 2003, in California, 77 percent of the meth lab seizures were defined as super labs. According to the annual report, this coordinated effort in the Valley has been successful with the dramatic reduction of super lab seizures, going from 27 in 2003 to nine in 2004.

All of this, I think, warrants our support for this important legislation, and I applaud the efforts of the Committee and the authors of this measure, and I, too, add my support.

Chairman BOEHLERT. All right. Thank you.

You heard the bell, so let—unless anyone feels compelled to speak—briefly, Dr. Ehlers.

Mr. EHLERS. Thank you, Mr. Chairman.

I support the bill, and I appreciate the sponsors and co-sponsors that have brought it before us.

But I would just like to take a moment to sound a note of regret. This is once a case—once again a case where this nation wants to put resources into cleaning up after drug problems. And this is just one of many such cases. I don't get angry very easily, but my blood boils when people talk about recreational drug use, because there is no such thing. Drug use, of various types, leads to trouble, to problems, societal problems, and generally the Federal Government, State government, local government is left to pick up the pieces, whether it is mental health treatment or the clean up of meth labs or anything in between.

It is a very—a huge frustration to me that this problem exists in our country, and I hope we can really get the message out to the younger people as well as the older people who are involved in this and just indicate the huge problems this creates, and it has so many dimensions. A good share of the cost of the attack on 9/11 was funded with drug money furnished by Americans to purchase drugs from countries that, in fact, diverted those revenues, or individuals who diverted those revenues to the 9/11 attack and other things. We have got to come to our senses on this, and this bill is a good example of why we have to come to our senses.

Chairman BOEHLERT. Thank you so much, and for someone with front-line experience, the Chair recognizes Mr. Reichert for a brief intervention.

Mr. REICHERT. Thank you, Mr. Chairman.

I will keep this very, very short.

I tried to resist saying something, but I have to at least say a couple of words here.

I do have experience in on the front line and in conducting search warrants on these homes and have seen the children in these homes, and, in fact, have seen the effects on the residents, the buildings, the families. My daughter and her husband adopted a little boy who was born to a meth-addicted mother. And so we have a fortunate—we have a child in our home who we were able to save and hopefully keep this cycle from re-occurring. And I think this is a great bill. I am excited to be here as a freshman to support it.

Thank you, sir.

Chairman BOEHLERT. Thank you very much.

And I want to thank all of the Committee Members for the leadership they have provided. And I want to commend everybody for being here where the real action is and not in the government operations where the tabloid activity is going on.

The first amendment on the roster is an amendment in the nature of a substitute offered by the gentleman from Tennessee, Mr. Gordon.

The Clerk shall report the amendment.

Ms. TESSIERI. Amendment in the nature of a substitute to H.R. 798 offered by Mr. Gordon for himself and Mr. Boehlert.

Chairman BOEHLERT. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

The gentleman is recognized to explain the amendment.

Mr. GORDON. Mr. Chairman, this is really just very minor editorial changes for the bill and technical in nature.
[The prepared statement of Mr. Gordon follows:]

PREPARED STATEMENT OF REPRESENTATIVE BART GORDON

This amendment just includes some very minor editorial changes based on comments that we received from witnesses at the hearing. These changes represent close consultation between Chairman Boehlert and me.

This is a good bill that will benefit every community and state where meth is a problem. I would urge a yes vote.

Chairman BOEHLERT. Is there any further discussion on the substitute amendment? Hearing none, the question is on the amendment in the nature of a substitute. All in favor, say aye. Opposed, no. The ayes have it, and the amendment in the nature of a substitute is agreed to.

Are there any other amendments? Hearing none, the vote is on the bill, as amended, H.R. 798, *Methamphetamine Remediation Research Act of 2005*. All of those in favor will say aye. Those opposed, no. In the opinion of the Chair, the ayes have it.

I recognize Mr. Gordon for a motion.

Mr. GORDON. Mr. Chairman, I move that the Subcommittee favorably report the bill, H.R. 798, as amended, to the Full Committee. Further, I ask unanimous consent that the staff be instructed to make all necessary technical and conforming changes to the bill, as amended, in accordance with the recommendations of the—oh, this is the Full Committee. Yeah, the Full Committee.

Chairman BOEHLERT. The question is on the motion to report the bill, as amended, favorably. Those in favor of the motion, signify by saying aye. Opposed, no. The ayes have it, and the bill is favorably reported.

Without objection, the motion to reconsider is laid upon the table. You have 10 minutes and 34 seconds. I move that Members have two subsequent calendar days in which to submit supplemental, Minority, or additional views on the measure. I move pursuant to Clause 1 of Rule 22 of the Rules of the House of Representatives that the Committee authorize the Chairman to offer such motions as may be necessary in the House to adopt and pass H.R. 798, *Methamphetamine Remediation Research Act of 2005*, as amended. Without objection, so ordered.

Let the record reflect that Mr. Johnson would have voted no on the Sherman amendment on H.R. 28.

We don't have to come back after votes. This is it. We are going to take up the Green Chemistry bill, which is going to require a little more time, right after the recess.

Mr. GORDON. Mr. Chairman, if I could just real quickly say, I know that there a lot of Members that have personal interests in this methamphetamine concern. This is just a first start. We will have some additional legislation. I know we rushed through this today, but we will have more for all of us to be involved with later.

Chairman BOEHLERT. And we are going to have it on the Floor with some considerable discussion on it.

Thank you all very much for arriving. I want to thank you for participating.

This concludes our Committee markup.

[Whereupon, at 11:10 a.m., the Committee was adjourned.]

Appendix:

SUBCOMMITTEE ON ENVIRONMENT, TECHNOLOGY, AND STANDARDS
MARKUP MEMORANDUM, H.R. 798, SECTION-BY-SECTION ANAL-
YSIS, AMENDMENT ROSTER

COMMITTEE ON SCIENCE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

March 15, 2005

MEMORANDUM

TO: Sherwood L. Boehlert, Chairman

FROM: Vernon J. Ehlers, Chairman
Subcommittee on Environment, Technology
and Standards

SUBJECT: Subcommittee Markup of H.R. 798, Methamphetamine
Remediation Research Act

On March 15, 2005, the Subcommittee on Environment, Technology, and Standards considered H.R. 798, Methamphetamine Remediation Research Act, and ordered the measure reported, without amendment, by a voice vote.

Attached is a copy of the bill, as well as a section-by-section analysis.

I look forward to working with you to bring this bill before the Committee for consideration.

**COMMITTEE ON SCIENCE
FULL COMMITTEE MARKUP**

March 17, 2005

AMENDMENT ROSTER**H.R. 798, Methamphetamine Remediation Research Act of 2005**

--Motion to adopt the bill, as amended: agreed to by a voice vote.

--Motion to report the bill, as amended: agreed to by a voice vote.

No.	Sponsor	Description	Results
1.	Mr. Gordon/ Mr. Boehlert	Amendment in the Nature of a Substitute to H.R. 798.	--Adopted by a voice vote.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 798
OFFERED BY MR. GORDON (FOR HIMSELF AND
MR. BOEHLERT)**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Methamphetamine Re-
3 mediation Research Act of 2005".

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) Methamphetamine use and production is
7 growing rapidly throughout the United States.

8 (2) Some materials and chemical residues re-
9 maining from the production of methamphetamine
10 pose novel environmental problems in locations
11 where methamphetamine laboratories have been
12 closed.

13 (3) There has been little standardization of
14 measures for determining when the site of a former
15 methamphetamine laboratory has been successfully
16 remediated.



1 (4) Initial cleanup actions are generally limited
2 to removal of hazardous substances and contami-
3 nated materials that pose an immediate threat to
4 public health or the environment. It is not uncom-
5 mon for significant levels of contamination to be
6 found throughout residential structures where meth-
7 amphetamine has been manufactured, partially be-
8 cause of a lack of knowledge of how to achieve an
9 effective cleanup.

10 (5) Data on methamphetamine laboratory-re-
11 lated contaminants of concern are very limited, and
12 uniform cleanup standards do not currently exist. In
13 addition, procedures for sampling and analysis of
14 contaminants need to be researched and developed.

15 (6) Many States are struggling with estab-
16 lishing assessment and remediation guidelines and
17 programs to address the rapidly expanding number
18 of methamphetamine laboratories being closed each
19 year.

20 **SEC. 3. VOLUNTARY GUIDELINES.**

21 (a) ESTABLISHMENT OF VOLUNTARY GUIDELINES.—
22 Not later than one year after the date of enactment of
23 this Act, the Assistant Administrator for Research and
24 Development of the Environmental Protection Agency (in
25 this Act referred to as the “Assistant Administrator”), in



1 consultation with the National Institute of Standards and
2 Technology, shall establish voluntary guidelines, based on
3 the best currently available scientific knowledge, for the
4 remediation of former methamphetamine laboratories, in-
5 cluding guidelines regarding preliminary site assessment
6 and the remediation of residual contaminants.

7 (b) CONSIDERATIONS.—In developing the voluntary
8 guidelines under subsection (a), the Assistant Adminis-
9 trator shall consider, at a minimum—

10 (1) relevant standards, guidelines, and require-
11 ments found in Federal, State, and local laws and
12 regulations;

13 (2) the varying types and locations of former
14 methamphetamine laboratories; and

15 (3) the expected cost of carrying out any pro-
16 posed guidelines.

17 (c) STATES.—The voluntary guidelines should be de-
18 signed to assist State and local governments in the devel-
19 opment and the implementation of legislation and other
20 policies to apply state-of-the-art knowledge and research
21 results to the remediation of former methamphetamine
22 laboratories. The Assistant Administrator shall work with
23 State and local governments and other relevant non-Fed-
24 eral agencies and organizations, including through the



1 conference described in section 5, to promote and encour-
2 age the appropriate adoption of the voluntary guidelines.

3 (d) UPDATING THE GUIDELINES.—The Assistant
4 Administrator shall periodically update the voluntary
5 guidelines as the Assistant Administrator, in consultation
6 with States and other interested parties, determines to be
7 necessary and appropriate to incorporate research findings
8 and other new knowledge.

9 **SEC. 4. RESEARCH PROGRAM.**

10 The Assistant Administrator shall establish a pro-
11 gram of research to support the development and revision
12 of the voluntary guidelines described in section 3. Such
13 research shall—

14 (1) identify methamphetamine laboratory-re-
15 lated chemicals of concern;

16 (2) assess the types and levels of exposure to
17 chemicals of concern identified under paragraph (1),
18 including routine and accidental exposures, that may
19 present a significant risk of adverse biological ef-
20 fects;

21 (3) identify the research efforts necessary to
22 better address biological effects and to minimize ad-
23 verse human exposures;



1 (4) evaluate the performance of various meth-
2 amphetamine laboratory cleanup and remediation
3 techniques; and

4 (5) support other research priorities identified
5 by the Assistant Administrator in consultation with
6 States and other interested parties.

7 **SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.**

8 (a) CONFERENCE.—Not later than 180 days after the
9 date of enactment of this Act, and at least every third
10 year thereafter, the Assistant Administrator shall convene
11 a conference of appropriate State agencies, as well as indi-
12 viduals or organizations involved in research and other ac-
13 tivities directly related to the environmental, or biological
14 impacts of former methamphetamine laboratories. The
15 conference should be a forum for the Assistant Adminis-
16 trator to provide information on the guidelines developed
17 under section 3 and on the latest findings from the re-
18 search program described in section 4, and for the non-
19 Federal participants to provide information on the prob-
20 lems and needs of States and localities and their experi-
21 ence with guidelines developed under section 3.

22 (b) REPORT.—Not later than 3 months after each
23 conference, the Assistant Administrator shall submit a re-
24 port to the Congress that summarizes the proceedings of
25 the conference, including a summary of any recommenda-



1 lions or concerns raised by the non-Federal participants
2 and how the Assistant Administrator intends to respond
3 to them. The report shall also be made widely available
4 to the general public.

5 **SEC. 6. RESIDUAL EFFECTS STUDY.**

6 (a) **STUDY.**—Not later than 6 months after the date
7 of enactment of this Act, the Assistant Administrator shall
8 enter into an arrangement with the National Academy of
9 Sciences for a study of the status and quality of research
10 on the residual effects of methamphetamine laboratories.
11 The study shall identify research gaps and recommend an
12 agenda for the research program described in section 4.
13 The study shall pay particular attention to the need for
14 research on the impacts of methamphetamine laboratories
15 on—

- 16 (1) the residents of buildings where such lab-
17 oratories are, or were, located, with particular em-
18 phasis given to biological impacts on children; and
19 (2) first responders.

20 (b) **REPORT.**—Not later than 3 months after the
21 completion of the study, the Assistant Administrator shall
22 transmit to Congress a report on how the Assistant Ad-
23 ministrator will use the results of the study to carry out
24 the activities described in sections 3 and 4.



1 **SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND**
2 **DEVELOPMENT PROGRAM.**

3 The Director of National Institute of Standards and
4 Technology, in consultation with the Assistant Adminis-
5 trator, shall support a research program to develop—

6 (1) new methamphetamine detection tech-
7 nologies, with emphasis on field test kits and site de-
8 tection; and

9 (2) appropriate standard reference materials
10 and validation procedures for methamphetamine de-
11 tection testing.

12 **SEC. 8. SAVINGS CLAUSE.**

13 Nothing in this Act shall be construed to add to or
14 limit the regulatory authority of the Environmental Pro-
15 tection Agency.

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) ENVIRONMENTAL PROTECTION AGENCY.—There
18 are authorized to be appropriated to the Environmental
19 Protection Agency to carry out this Act \$3,000,000 for
20 each of the fiscal years 2006 through 2009.

21 (b) NATIONAL INSTITUTE OF STANDARDS AND
22 TECHNOLOGY.—There are authorized to be appropriated
23 to the National Institute of Standards and Technology to
24 carry out this Act \$1,500,000 for each of the fiscal years
25 2006 through 2009.

○

SECTION-BY-SECTION ANALYSIS OF H.R. 798,
METHAMPHETAMINE REMEDIATION RESEARCH ACT OF 2005

Section 1. Short title.

The Methamphetamine Remediation Research Act of 2005

Section 2. Findings.

Section 3. Voluntary Guidelines. Requires the Assistant Administrator for Research and Development at the EPA (EPA), in consultation with the National Institute of Standards and Technology (NIST), to establish within one year voluntary guidelines for the remediation of former methamphetamine labs, including preliminary site assessments and the remediation of residual contaminants.

Requires the Assistant Administrator to consider relevant standards, guidelines and requirements in federal, State and local laws and regulations, the varying types and locations of former methamphetamine labs, and the expected cost of carrying out any proposed guidelines in developing the guidelines.

States that the voluntary guidelines are to be used to assist State and local governments in the development and implementation of legislation and other policies to apply state-of-the-art knowledge to the remediation of former labs. Requires the Assistant Administrator to work with State and local governments and other relevant nonfederal agencies and organizations, including through the conference in section 5, to promote and encourage the appropriate adoption of the voluntary guidelines.

Requires the Assistant Administrator to periodically update the voluntary guidelines, in consultation with states and other interested parties, as necessary and appropriate to incorporate research findings and other new knowledge.

Section 4. Research Program.

Requires the Assistant Administrator to establish a program of research to support the development and revision of the voluntary guidelines in section 3. Requires research to identify methamphetamine laboratory-related chemicals of concern, assess the types and levels of exposure to chemicals of concern that may present a significant risk of adverse biological effects, better address biological effects and minimize adverse human exposures, evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques, and support other priorities, identified by the Assistant Administrator in consultation with states and others.

Section 5. Technology Transfer Conference.

Requires the Assistant Administrator to convene within 90 days and every third year thereafter a conference of State agencies and other individuals and organizations involved with the impacts of former methamphetamine laboratories. States that the conference should be a forum for the Assistant Administrator to provide information on the voluntary guidelines and the latest findings of the research program as well as an opportunity for the non-federal participants to provide information on their problems, needs and experiences with the voluntary guidelines.

Requires the Assistant Administrator within three months to submit a report to Congress that summarizes the proceedings of the conference, including any recommendations or concern raised and a description of how the Assistant Administrator intends to respond to them. Requires the report to be made widely available to the general public.

Section 6. Residual Effects Study.

Requires the Assistant Administrator to enter into an arrangement with the National Academy of Science within six months to study the status and quality of research on the residual effects of methamphetamine laboratories. Requires the study to identify research gaps and recommend an agenda for the research program in section 4. Requires the study to focus on the need for research on the impact of methamphetamine laboratories on residents of buildings where labs are or where located, with particular emphasis on the biological effects on children and on first responders.

Section 7. Methamphetamine Detection Research and Development Program.

Requires the Director of NIST, in consultation with the Assistant Administrator, to support a research program to develop new methamphetamine detection technologies, with emphasis on field test kits and site detection and appropriate stand-

ard reference materials and validation procedures for methamphetamine detection testing.

Section 8. Savings Clause.

Provides that nothing in this Act shall be construed to change the regulatory authority of the EPA.

Section 9. Authorization of Appropriations.

Authorizes \$3 million for each of fiscal years 2006 through 2009 for the EPA. Authorizes \$1.5 million for each of fiscal years 2006 through 2009 for NIST.

**COMMITTEE ON SCIENCE
FULL COMMITTEE MARKUP**

March 17, 2005

AMENDMENT ROSTER**H.R. 798, Methamphetamine Remediation Research Act of 2005**

--Motion to adopt the bill, as amended: agreed to by a voice vote.

--Motion to report the bill, as amended: agreed to by a voice vote.

No.	Sponsor	Description	Results
1.	Mr. Gordon/ Mr. Boehlert	Amendment in the Nature of a Substitute to H.R. 798.	--Adopted by a voice vote.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 798
OFFERED BY MR. GORDON (FOR HIMSELF AND
MR. BOEHLERT)**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Methamphetamine Re-
3 mediation Research Act of 2005”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) Methamphetamine use and production is
7 growing rapidly throughout the United States.

8 (2) Some materials and chemical residues re-
9 maining from the production of methamphetamine
10 pose novel environmental problems in locations
11 where methamphetamine laboratories have been
12 closed.

13 (3) There has been little standardization of
14 measures for determining when the site of a former
15 methamphetamine laboratory has been successfully
16 remediated.



1 (4) Initial cleanup actions are generally limited
2 to removal of hazardous substances and contami-
3 nated materials that pose an immediate threat to
4 public health or the environment. It is not uncom-
5 mon for significant levels of contamination to be
6 found throughout residential structures where meth-
7 amphetamine has been manufactured, partially be-
8 cause of a lack of knowledge of how to achieve an
9 effective cleanup.

10 (5) Data on methamphetamine laboratory-re-
11 lated contaminants of concern are very limited, and
12 uniform cleanup standards do not currently exist. In
13 addition, procedures for sampling and analysis of
14 contaminants need to be researched and developed.

15 (6) Many States are struggling with estab-
16 lishing assessment and remediation guidelines and
17 programs to address the rapidly expanding number
18 of methamphetamine laboratories being closed each
19 year.

20 **SEC. 3. VOLUNTARY GUIDELINES.**

21 (a) ESTABLISHMENT OF VOLUNTARY GUIDELINES.—
22 Not later than one year after the date of enactment of
23 this Act, the Assistant Administrator for Research and
24 Development of the Environmental Protection Agency (in
25 this Act referred to as the “Assistant Administrator”), in



1 consultation with the National Institute of Standards and
2 Technology, shall establish voluntary guidelines, based on
3 the best currently available scientific knowledge, for the
4 remediation of former methamphetamine laboratories, in-
5 cluding guidelines regarding preliminary site assessment
6 and the remediation of residual contaminants.

7 (b) CONSIDERATIONS.—In developing the voluntary
8 guidelines under subsection (a), the Assistant Adminis-
9 trator shall consider, at a minimum—

10 (1) relevant standards, guidelines, and require-
11 ments found in Federal, State, and local laws and
12 regulations;

13 (2) the varying types and locations of former
14 methamphetamine laboratories; and

15 (3) the expected cost of carrying out any pro-
16 posed guidelines.

17 (c) STATES.—The voluntary guidelines should be de-
18 signed to assist State and local governments in the devel-
19 opment and the implementation of legislation and other
20 policies to apply state-of-the-art knowledge and research
21 results to the remediation of former methamphetamine
22 laboratories. The Assistant Administrator shall work with
23 State and local governments and other relevant non-Fed-
24 eral agencies and organizations, including through the



1 conference described in section 5, to promote and encour-
2 age the appropriate adoption of the voluntary guidelines.

3 (d) UPDATING THE GUIDELINES.—The Assistant
4 Administrator shall periodically update the voluntary
5 guidelines as the Assistant Administrator, in consultation
6 with States and other interested parties, determines to be
7 necessary and appropriate to incorporate research findings
8 and other new knowledge.

9 **SEC. 4. RESEARCH PROGRAM.**

10 The Assistant Administrator shall establish a pro-
11 gram of research to support the development and revision
12 of the voluntary guidelines described in section 3. Such
13 research shall—

14 (1) identify methamphetamine laboratory-re-
15 lated chemicals of concern;

16 (2) assess the types and levels of exposure to
17 chemicals of concern identified under paragraph (1),
18 including routine and accidental exposures, that may
19 present a significant risk of adverse biological ef-
20 fects;

21 (3) identify the research efforts necessary to
22 better address biological effects and to minimize ad-
23 verse human exposures;




1 (4) evaluate the performance of various meth-
2 amphetamine laboratory cleanup and remediation
3 techniques; and

4 (5) support other research priorities identified
5 by the Assistant Administrator in consultation with
6 States and other interested parties.

7 **SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.**

8 (a) CONFERENCE.—Not later than 180 days after the
9 date of enactment of this Act, and at least every third
10 year thereafter, the Assistant Administrator shall convene
11 a conference of appropriate State agencies, as well as indi-
12 viduals or organizations involved in research and other ac-
13 tivities directly related to the environmental, or biological
14 impacts of former methamphetamine laboratories. The
15 conference should be a forum for the Assistant Adminis-
16 trator to provide information on the guidelines developed
17 under section 3 and on the latest findings from the re-
18 search program described in section 4, and for the non-
19 Federal participants to provide information on the prob-
20 lems and needs of States and localities and their experi-
21 ence with guidelines developed under section 3.



22 (b) REPORT.—Not later than 3 months after each
23 conference, the Assistant Administrator shall submit a re-
24 port to the Congress that summarizes the proceedings of
25 the conference, including a summary of any recommenda-

1 tions or concerns raised by the non-Federal participants
2 and how the Assistant Administrator intends to respond
3 to them. The report shall also be made widely available
4 to the general public.

5 **SEC. 6. RESIDUAL EFFECTS STUDY.**

6 (a) STUDY.—Not later than 6 months after the date
7 of enactment of this Act, the Assistant Administrator shall
8 enter into an arrangement with the National Academy of
9 Sciences for a study of the status and quality of research
10 on the residual effects of methamphetamine laboratories.
11 The study shall identify research gaps and recommend an
12 agenda for the research program described in section 4.
13 The study shall pay particular attention to the need for
14 research on the impacts of methamphetamine laboratories
15 on—

- 16 (1) the residents of buildings where such lab-
17 oratories are, or were, located, with particular em-
18 phasis given to biological impacts on children; and
19 (2) first responders.

20 (b) REPORT.—Not later than 3 months after the
21 completion of the study, the Assistant Administrator shall
22 transmit to Congress a report on how the Assistant Ad-
23 ministrator will use the results of the study to carry out
24 the activities described in sections 3 and 4.



1 **SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND**
2 **DEVELOPMENT PROGRAM.**

3 The Director of National Institute of Standards and
4 Technology, in consultation with the Assistant Adminis-
5 trator, shall support a research program to develop—

6 (1) new methamphetamine detection tech-
7 nologies, with emphasis on field test kits and site de-
8 tection; and

9 (2) appropriate standard reference materials
10 and validation procedures for methamphetamine de-
11 tection testing.

12 **SEC. 8. SAVINGS CLAUSE.**

13 Nothing in this Act shall be construed to add to or
14 limit the regulatory authority of the Environmental Pro-
15 tection Agency.

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) ENVIRONMENTAL PROTECTION AGENCY.—There
18 are authorized to be appropriated to the Environmental
19 Protection Agency to carry out this Act \$3,000,000 for
20 each of the fiscal years 2006 through 2009.

21 (b) NATIONAL INSTITUTE OF STANDARDS AND
22 TECHNOLOGY.—There are authorized to be appropriated
23 to the National Institute of Standards and Technology to
24 carry out this Act \$1,500,000 for each of the fiscal years
25 2006 through 2009.

○