

US EPA ARCHIVE DOCUMENT

**TESTIMONY OF  
JAMES MACDONALD  
FEDERAL ON-SCENE COORDINATOR  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE SUBCOMMITTEE ON CRIMINAL JUSTICE,  
DRUG POLICY AND HUMAN RESOURCES  
COMMITTEE ON GOVERNMENT REFORM  
UNITED STATE HOUSE OF REPRESENTATIVES**

**June 28, 2004**

Mr. Chairman and members of the Subcommittee, my name is Jim Mac Donald. I am an On Scene Coordinator in EPA's Region 7 and have personal experience in responding to human health and environmental threats posed by methamphetamine production. Thank you for inviting an EPA representative to appear today to discuss the Agency's efforts regarding cleanup issues associated with methamphetamine production. My testimony will describe in general EPA's emergency response program, and EPA's experience with methamphetamine labs, as well as EPA's criminal enforcement role.

**Emergency Response**

Each year, more than 20,000 emergencies involving the release, or threatened release, of oil and hazardous substances are reported in the United States, potentially affecting both large and small communities and the surrounding natural environment. Reports in the local news often report the timely, effective response of local firefighters and other emergency officials. Behind the scenes, however, an integrated National Response System (NRS) involving federal, state, and local officials is at work supporting the men and women on the front lines.

The U.S. Environmental Protection Agency plays a leadership role in this national system, chairing the National Response Team and directing its own Emergency Response Program. Its goal is the protection of the public and the environment from immediate threats posed by emergencies involving hazardous substances and oil. The program's primary objectives are to take reasonable steps to prevent such emergencies; to prepare emergency response personnel at the federal, state, and local levels for such emergencies; and to respond quickly and decisively to such emergencies wherever and whenever they occur within our national borders.

The Emergency Response Program is a coordinated effort among EPA organizations and its 10 Superfund Regions. The EPA Headquarters component includes:

- The Office of Emergency Prevention, Preparedness, and Response which has primary responsibility for preparing and planning for chemical emergencies through a network of state and local emergency planning organizations, and provides oversight of EPA International emergency response support and assistance and coordination of National Security response issues and key Agency and interagency leadership roles as part of the NRS and the Federal Response Plan (FRP). The Office also manages implementation of

domestic emergency response including the two major components of the National Response System program, the Superfund Removal Program (Hazardous Substances), and the Oil Program, as well as disaster response under the Stafford Act through the Federal Response Plan (FRP).

The Office derives its authority from laws and regulations passed by Congress to specifically address the country's ability to reduce or eliminate the threats to human life and the environment posed by the handling, storage, and use of hazardous substances and oil. EPA gets its primary authority for responding to hazardous substance releases from the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which is better known as the Superfund law. The Superfund law defines as a CERCLA hazardous substance more than 800 substances, pollutants, and contaminants that threaten human health and the environment, and directs EPA to respond to their uncontrolled release, or the threat of such release.

### **Methamphetamine Labs - EPA Role**

Local responders often take the lead role in the National Response System. As firefighters and local police are usually the first responders at the scene of an incident, they are the first to assess the situation, identify the hazards, and take emergency measures, such as fighting a fire, identifying potential hazards, securing the area, or re-routing traffic.

The identification and cleanup of the vast majority of methamphetamine labs is done by local and state governments. EPA typically responds in a small percentage of instances when local or state resources cannot address the problem. The human health and environmental threat posed by a methamphetamine lab seldom rises to the level that would trigger response under the Superfund law. In addition to EPA cleanup response, the Agency provides training for thousands of state and local responders each year. EPA offers a wide range of technical and management courses designed to aid responders in identifying and implementing appropriate actions to eliminate the threats from hazardous substances.

To help local governments cover the costs of their response activities, EPA has a program that can offer financial support. Local governments can get help paying for emergency response actions through EPA's Local Governments Reimbursement program. The Local Governments Reimbursement Program provides federal funds to local governments for costs related to temporary emergency measures conducted in response to releases or threatened releases of hazardous substances, including the cleanup of methamphetamine labs. The program serves as a "safety net" to provide supplemental funding to local governments that do not have funds available to pay for these response actions. Eligible local governments may submit applications to EPA for reimbursement of up to \$25,000 per incident. To date, EPA has provided local governments more than \$3 million dollars through this program

### **EPA Criminal Enforcement Program**

EPA's Criminal Enforcement Program investigates the most significant violators of environmental laws that pose a significant threat to human health and the environment; and to provide state-of-the-art training to our employees and our partners in international, federal, tribal, state, local law enforcement, regulatory and intelligence agencies. EPA's Office of Criminal Enforcement, Forensics and Training administers this program through its Criminal Investigation Division.

EPA has Criminal Investigation offices located in 15 Area Offices and 29 Resident Offices throughout the country. EPA participates nationwide in a multitude of environmental crime task forces. Our partners in these task forces consist of other federal law enforcement agencies, Offices of the U.S. Attorney, as well as state and local law enforcement and regulatory agencies. EPA works with many of these partners in their efforts to arrest and prosecute producers of methamphetamine who not only violate state and federal narcotics laws but also federal hazardous waste laws.

### **Conclusion**

While the response to methamphetamine labs is led principally by local and state efforts, EPA's Superfund response program has completed cleanups in instances where local and state resources cannot address the problem. EPA also provides training for local and state responders and provides funding assistance to local governments to reimburse them for cleanup costs. In addition, EPA's Criminal Enforcement Program works with local, state, and other federal law enforcement agencies to investigate and prosecute criminals involved in the production of methamphetamine. EPA will continue to help local, state and other federal agencies address the problems associated with methamphetamine production.

