



Coalition of Alcohol and Drug Educators

**Dalgarno**

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# Is Your Rental Property Toxic? Baking Bad: Home Drug use & Residential Drug Labs on the Rise.

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*The problem is only getting worse. “We’ve seen properties that have been 15,000 to 20,000 times over the safe level”*

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JOSH MARSDEN - METH LAB CLEANERS AUSTRALIA

# BAKING BAD: RESIDENTIAL DRUG LABS ON THE RISE

Drug use, manufacture and property damage are back in the headlines and the problem is quite literally<sup>1</sup> causing major headaches for tenants and homeowners that is adding pressure on real estate agents and insurance companies<sup>2</sup> to seriously address the problem.

Post covid, this issue is exacerbated as multiple unforeseen circumstances continue unfolding including increased drug trafficking, drug use and homelessness requiring the urgent need for safe housing from a health risk-based approach.<sup>3</sup> This is particularly urgent for infants and young children who interact more closely with hard surfaces and absorb more contaminants.<sup>4</sup> While the effects on older children include a range of behavioural and learning difficulties.<sup>5</sup>

According to one commercial meth lab cleaner, *Decon Solutions*, it's a national phenomenon.

Decontamination requests since the start of 2021 are split between the states as follows:

- NSW 8%
- QLD 32%
- SA 12%
- VIC 12%
- WA 36%

This is consistent with data from other commercial drug lab cleaners that generally show an increase in illicit drug labs year on year,<sup>6</sup> with WA and Queensland noticeably higher than other states.

However, this figure is likely severely underreported as it is estimated with police estimated to only finding 1 in 10 illicit drug laboratories.<sup>7</sup>

## ***Thousands spent on drug remediation works in Qld public housing | The Courier Mail (5/4/21)***

*Hundreds of thousands of dollars has been forked out on contracts that involve drug remediation works and treatment in Queensland's public housing.*

*The state's Housing Department spent more than \$300,000 on at least 24 contracts that involved drug remediation works in the 6 months to December 31 last year.*

*The department has confirmed all of the contracts related to remediation works for "drug use residue", and that some included swab testing to identify chemical staining following notifications from police.*

*The contracts ranged in value from about \$10,300 to over \$17,000, with a department spokeswoman saying remediation work – including drug remediation work – was sometimes required to maintain a "safe property".*

*The department spokeswoman said Queensland Police Service data showed there were two drug labs identified in public housing last financial year – compared to 66 in the private market.*

Given this background it seems sensible for anyone seeking to rent or buy a property to have proper testing regulations for homes not dissimilar to contracts subject to termite inspections.

Whilst alarmism and hyperbole are unhelpful in any context<sup>8</sup>, erring on the side of more robust scrutiny is the wise course of any resident concerned with health, safety, and well-being.

But somewhat predictably some drug information organisations are not only downplaying fears but also fail to disclose the full extent surrounding the wider collateral issues around the substantial concerns regarding drug labs manufacture on building and property contamination together with the flow on effects causing serious human health hazards.<sup>9</sup>

*The Dalgarno Institute* as an advocacy and education provider works to promote protective factors and safety of all our citizens, but particularly for the overwhelming majority of non-illicit drug users.

Unwanted and uninformed participation in 'secondary drug use' is dangerous and unfair for those subjected to it. This is no different to *QUIT* campaigns targeting the dangers from passive smoking.<sup>10</sup> Yet unlike cigarettes and cannabis that are easier to smell and notice, the manufacture of newer drugs such as ice are less obvious but far more porous and dangerous in homes even up to three years after drugs are produced.<sup>11</sup>

## CIVIL AND CRIMINAL LIABILITY

Concerns about use of illicit drugs, particularly growing or manufacturing in a residential home has legal support under property law with potential liabilities for non-disclosure that is subject to serious [legal consequences](#).

That level of concern about property habitability is not based on anecdotes or sporadic cases. REIV professionals have noted the increasing dire health problems and financial costs<sup>12</sup> associated with residential drug labs as detailed in the article below.



### **Rental Home Made Family Sick – Shocked by Test Results**

*“Well, my 13-year-old daughter's bedroom was 80 times the safe level”.. Josh Marsden of Meth Lab Cleaners Australia told Seven News the problem is only getting worse. “We've seen properties that have been 15,000 to 20,000 times over the safe level”.*<sup>13</sup>

But drug lab problems are certainly not limited to rentals. Dream homes, Airbnb's<sup>14</sup> and public housing is rendered uninhabitable without expensive remediation that in one instance saw the [Queensland government spending over \\$600,000 in three years](#) to repair damage from meth lab activity to public housing.

Queensland has wrestled publicly with this issue from as early as 2014 while trying to place it on the federal government's radar to develop national regulations protecting property owners and tenants, as detailed in the following report.

## **Queensland police are campaigning for national laws to protect residents from the toxic side effects of clandestine drug laboratories.**

*The state is Australia's methamphetamine production capital, according to police, with more than 600 undercover drug operations uncovered in homes, rental properties and businesses over the past two years. Detective Acting Inspector Geoff Marsh, from Queensland police state drug command, said the illicit substances were being cooked using makeshift equipment and a toxic cocktail of chemicals.*

*"They're made of acids [and] they're made of bases like a caustic soda, hydrochloric acid, acetone, peroxide - all the chemicals that you'd normally associate with industrial cleaning are utilised in the production of methamphetamine," he said.*

*Cleaners have long recognised the potentially deadly effects of these chemicals, and many are becoming certified to clean a property after police have finalised their investigation.*

*Methamphetamine contamination can linger for years. Jenny Boymal, from cleaning education company Jena Dyco, said without remediation, methamphetamine contamination could linger for years.*

*"The by-products of this chemical reaction don't occur in natural life, so there's no reason to put those chemicals together for any other purpose," she said.*

*It's not OK to say 'I have been cooking meth in this property - I'm going to paint the walls and she'll be right', because it won't be fine. [National Crime and Corruption guidelines](#) and [Queensland Health guidelines](#) specify property owners should make their building safe for future tenants, but Detective Acting Inspector Marsh said that was not being enforced.*

*"They are only guidelines, it's not legislation," he said.*

*If you look at the statistics, we've had over 300 meth labs for the last four years in a row. It would be a naive person to suggest that there are no houses out there that are contaminated.*

*"An owner of a property has an obligation to ensure that the priority is safe and secure and free of any of these hazards or toxic chemicals, but as to how many are doing it, I don't have those statistics."*

*He said there was no obligation to disclose information about past meth labs when a house goes on the market or is re-tenanted, meaning people could be living in contaminated properties.*

## DRUG LABS TOXICITY IN HOMES



Substantiated concerns over passive chemical toxicity are magnified in infants and young children that are in critical physical and mental developmental stages and particularly vulnerable to absorbing more acute levels of noxious substances.

This was reinforced by recent research published in the *International Journal of Environmental Research and Public Health*, highlighting the validity of these concerns, particularly in relation to methamphetamine use.

### **Contamination of residential homes with methamphetamine is an emerging issue of significant concern to public health.**

*Cooking or smoking methamphetamine in a residential property contaminates the house, furnishings and personal possessions within it, with subsequent exposure through ingestion, dermal absorption and/or inhalation causing adverse health effects. Current guidelines identifying levels of methamphetamine contamination that require remediation vary between countries.*

*There is also no international standard protocol for measuring levels of contamination and research has shown that different materials give rise to different recovery rates of methamphetamine. There are a number of currently used remediation methods; however, they have varying levels of success with limited studies comparing their long-term efficacies.*

*Most importantly, there are few guidelines available that are based on a transparent, health risk-based approach, and there are many uncertainties on exposures and health effects, making it difficult to ensure the health of people residing in homes that have been used to cook or smoke methamphetamine are sufficiently protected.*

Although Queensland and WA have held the unenviable position of having most residential drug labs, with Australia's ranked as the world's fourth leading consumers of methamphetamines,<sup>15</sup> the contagion of residential drug labs is expected to keep rising and spread to other states. More disturbingly for Queensland (and indeed other states) these labs and their contaminations have an accompanying toll of family violence, abuse and neglect leading to an acceleration of ['Kincare' and the further fiscal and familial toll this takes](#).

Researchers recently determined South Australia as the state with the largest methamphetamine water contamination.<sup>16</sup> Unsurprisingly, the state has also experienced an increase with methamphetamine drug lab related property harms. Such is the concern that in 2017 one innovative company, [SwabFirst](#) created a tool allowing greater capacity for property and occupier protection as explained here:

*Public health toxicologists in Adelaide, South Australia, have developed illicit drug detection kits that will analyse samples within 48 hours.*

*The first kits will test for seven drugs: cocaine, heroin, cannabis, nicotine, amphetamine, methamphetamine (ice and speed) and MDMA (ecstasy). However, Swab First director Dr Len Turczynowicz said the technology was capable of testing for 47 substances.*

*Dr Turczynowicz said the innovative dry swab sampling device had been developed and patented by Swab First while the instrumentation was similar to what was used at airports to test samples for explosive residue testing.*

*He said industry professionals such as real estate agents would be trained as authorised collectors to ensure samples were collected correctly from household surfaces as part of routine inspections.<sup>17</sup>*

The West Australian government is proactively working to expose the dangers, creating an online platform to inform and warn the community not only on methamphetamine related drug labs but the [dangers of growing cannabis in homes](#). A recent study showed marijuana vaping and dabbing indoor particulate concentrations were equivalent to dangerous air pollution similar to those seen in extreme air pollution events like wildfires and severe industrial pollution. Exposure at these concentrations can cause cardiovascular and respiratory disease.<sup>18</sup>

And while the real estate industry has strenuously addressed this issue, it remains an ongoing concern as one agent told *Dalgarno Institute*, "It worries the hell out of you, thinking that you may have been partly responsible for putting a family in a toxic environment, without even knowing it."



Reemphasising the issue of lingering harmfulness briefly mentioned earlier, it is important to underscore that toxins remain high even after significant time has elapsed as these Victorian residents discovered.

*“Although the time since the cooking had taken place was significant, the levels of contamination were extremely high in both household items that were part of the house when cooking was taking place, such as blinds, carpets, walls, and also in articles brought to the house post-cooking, including rugs, toys, beds.”<sup>19</sup>*

This was the emphasis of a 2009 US video produced by Partnership for **A Drug Free America: Jamies Drug Problem**, clearly showing the impact of drug labs on health, safety and well-being.<sup>20</sup>

Yet despite the growing public and residential health concerns Australian national standards have lagged.

For example, the Victorian government released their over 500-page [Residential Tenancies Regulations 2021](#) detailing greater rights for tenants but not a single mention of the property and health risks posed from residential drug labs.

It is clear that nationally applied standards and regulations must be established to ensure protection of not just property, but more vitally, the tenants and their families.

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*It worries the hell out of you, thinking that you may have been partly responsible for putting a family in a toxic environment, without even knowing it.*

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MELBOURNE REAL ESTATE AGENT



# RECOMMENDATIONS

Considering the available evidence to date,

***The Dalgarno Institute*** submits the following proposals for consideration:

- *National strategy and regulatory vehicle established with consistent nation-wide application across all real-estate markets.*
- *Standard toxin testing written into every rental and purchase agreement.*
- *Standard Tenancy Agreements have drug toxic testing as part of every routine inspection. Positive tox screen report, receive first and final warning. Second time sees lease agreement terminated.*
- *All remediation works undertaken are remitted to the tenant and/or other parties who have caused, created or otherwise precipitated damage from drug manufacture.*

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4. <https://www.mdpi.com/2305-6304/8/3/61/htm> "This study has identified a range of health effects that occur while residing in contaminated properties, which include behavioural effects or issues, sleep issues, respiratory effects, skin and eye effects, and headaches. In addition, methamphetamine was also detected in the analysis of hair samples collected from a number of individuals, including children exposed at these properties. In general, higher levels of methamphetamine were reported in hair samples from individuals exposed in properties with higher levels of environmental methamphetamine contamination."  
  
"CS14: This case study involved exposure of a young child to residues in the mother's home in an urban area during visitation over a period of just over 2 years. The mother and father were separated, and the child was spending equal time between the mother and father. The mother was known to be using methamphetamine in the home when the child was not present. The father was on a methadone program. The father was concerned about the child being exposed to methamphetamine in the home whenever he was residing with the mother. He noticed that the health and behaviour of the child was different or poor whenever the child had spent time at the mother's property. Testing of the child's hair identified trace levels of methamphetamine. The presence of methamphetamine in the child's hair was of concern to the mother and father and resulted in the mother ceasing methamphetamine use and moving out of the contaminated property. The child's health has improved significantly."
5. <https://www.mdpi.com/2305-6304/8/3/61/htm> "CS23: This case study involved a family of 2 adults, 2 children, and their full time nanny, who lived in a family-owned suburban home. The father was found to be using methamphetamine over a number of years. The parents were in the process of separation at the time of this study, with the father having moved out of the home. The mother was concerned about the health of the children living in the property, with a number of behavioural issues observed in the children whenever living at the property. The property was tested and was found to be contaminated."
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8. In this instance the NZ report highlights the dangers of meth drug labs compared with smoking. The latter instance was used to spend millions of dollars in drug detection services and unnecessarily evict residents who were erroneously believed to be exposed to unwarranted health dangers.  
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