

13 June 2018

Memorandum

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**To:** Councillor Linda Cooper – Chair of the Regulatory Committee

**CC:** Stephen Town – Chief Executive

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**Subject:** Council's approach in the management of methamphetamine contamination following the release of the report by the Prime Minister's Chief Science Advisor

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**From:** Penny Pirrit – Director Regulatory Services

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This memo serves to provide an update on our regulatory management of methamphetamine contamination, following the release of the report by the Office of the Prime Minister's Chief Science Advisor, titled: *Methamphetamine contamination in residential properties: Exposures, risk levels, and interpretation of standards.*

**Executive Summary**

- Auckland Council accepts the key findings of the Chief Science Advisor's report that:
  - there is no adverse health impacts from third hand exposure to methamphetamine use
  - testing is only required for methamphetamine manufacture or where very heavy use is suspected and that in these instances remediation to the NZ Standard will be required.
  - Methamphetamine levels below 15ug /100cm<sup>2</sup> would be highly unlikely to give rise to any health effects and that the current NZ Standard's clean-up level of 1.5ug /100cm<sup>2</sup> is inappropriate.
- Auckland Council will amend its existing processes which will result in no action being taken for notifications relating to the use of methamphetamine (as opposed to manufacture), showing levels of contamination below 15ug/100cm<sup>2</sup>.

Background

Health risks associated with methamphetamine contamination of private properties in Auckland is managed by our Environmental Health Unit, through the provisions of the Health Act 1956. The Health Act places various obligations on councils including the promotion and protection of public health, identifying nuisance and conditions likely to be injurious to health and taking all steps necessary for the abatement of the nuisance or condition.

Summary of existing approach

Auckland Council adopted the NZ Standard NZS8510:2017 in July 2017, as the reference document to be used where a property was found to be contaminated with methamphetamine above the levels recommended in the standard.

Notifications of methamphetamine contamination are managed as follows:

- Existing approach similar for properties used for manufacture or use of methamphetamine. Majority of our notifications are from the police, relating to manufacture of methamphetamine.

- For police notifications or reports received from any other source that shows a property is contaminated with methamphetamine, we write to the owner requesting them to take action to deal with the issue, which may include testing and/or remediation in accordance with the NZ Standard.
- We will also place a tag on the property file advising that contamination is present and this will appear on the Land Information Memorandum (LIM).
- In a number of cases we work proactively with the owner to resolve the issue, however, in certain instances, we issue a Cleansing Order under s41 of the Health Act, which formally requests that work be carried out within 20 working days.
- If the owner does not carry out the requested work we issue a Repair Notice under s42 of the Health Act and the owner has a further 20 working days to comply.
- If the owner does not comply with the Repair Notice we will issue a Closing Order that requires the occupants to vacate the property. Over the past 8 years, Council has issued 3 closing orders - all three orders relate to properties where methamphetamine was manufactured.
- Once the property has been remediated we will update the property file to reflect that the issue has been resolved and no health risk remains in relation to the incident. This will be reflected in any subsequent LIM.
- To date, most of the notifications that we have had are for manufacturing rather than for the use of methamphetamine. Of the 537 notifications, 90% were police notifications for suspected manufacture, 4% exceeded 15ug /100cm<sup>2</sup> and 5% were closed off because of insufficient evidence.

#### Key Findings from the Chief Science Advisor Report

- There is currently no evidence that methamphetamine levels resulting from third hand exposure to smoking residues on household surfaces can elicit an adverse health effect.
- There is no requirement for testing of residential properties where methamphetamine has been used (unless there is evidence of excessive use), that the clean-up level of 1.5ug/100cm<sup>2</sup> is inappropriate in these instances and those properties with levels below 15ug/100cm<sup>2</sup> would be highly unlikely to give rise to any health effects.
- Remediation to the NZ Standard is appropriate for identified former meth labs and properties where excessive methamphetamine use, as indicated by high levels of methamphetamine contamination (in excess of 15ug /100cm<sup>2</sup>), has been determined.

#### Changes to Existing Processes

The following changes will be implemented in line with the recommendations of the report.

- For any notification relating to the use of methamphetamine (as opposed to manufacture), showing levels of contamination below 15ug/100cm<sup>2</sup>, no action will be undertaken and no tags will be placed on the property file.
- Of the 537 properties, 190 properties are currently being investigated. 184 of these properties are referrals for manufacture or properties with methamphetamine levels in excess of 15ug/100cm<sup>2</sup>. For the six remaining properties, 2 have levels below 15ug/100cm<sup>2</sup> and 4 have no records as these were notified by the owner. These 6 property records will be updated; tag removed from the property file and the owners advised that no further action is required.
- There will be no change to our process for any police notifications relating to clandestine drug laboratory (P-Lab) at a property.
- There will be no change to our process for any notifications received where the supporting evidence shows levels of contamination above 15ug/100cm<sup>2</sup>.
- We will also be contacting Local Government New Zealand and the Ministry of Health to discuss updating the existing Standard.

1. 15 µg/100 cm<sup>2</sup> (1.5 micrograms of methamphetamine per 100 square centimetres of surface sampled)

2. 1.5 µg/100 cm<sup>2</sup> (15 micrograms of methamphetamine per 100 square centimetres of surface sampled)