

FREQUENTLY ASKED QUESTIONS

Q - What is a Certificate of Fitness?

A - A Certificate of Fitness is a document issued to a property owner by the Department of Human Services (DHS) certifying that a drug lab property was assessed and decontaminated as necessary according to DHS rules. It indicates that the property is fit for re-occupancy or use.

Q - Who may do the cleanup of a drug lab property?

A - A licensed Clandestine Drug Lab (CDL) decontamination contractor must be retained for the cleanup. The owner may be allowed to participate in the cleanup under the supervision of a licensed CDL contractor if the site meets the criteria for an owner assisted cleanup. Interested owners may discuss this option with a licensed CDL cleanup contractor. The contractor will submit a Work Plan to DHS for approval and include the owner's request to participate.

Q - How much does the cleanup cost?

A - Costs can vary depending on the extent of the contamination found and the size of the property. There are separate costs for both the CDL contractor and the Department of Human Services. DHS fees break down as follows: Site Assessment Fee \$300, Work Plan Fee \$900, Certificate of Fitness Application Fee \$200. DHS recommends contacting multiple CDL Contractors for estimates, as this may result in a lower cost.

Q - Does homeowners insurance cover any of the cleanup costs?

A - Some homeowners do have insurance that pays for at least part of the costs of property assessment and cleanup. You will need to check your individual policy to determine this.

Q - What can I do if I purchased or rented property that I now suspect was a drug lab, but police were not involved in investigating the site to confirm an illegal lab?

A - The owner will need to determine if there are "reasonable grounds to believe that the property has been used as an illegal drug manufacturing site" (See [ORS 453.861](#)). If there are, it should come through the Department of Human Services cleanup program and receive a Certificate of Fitness. Lacking "reasonable grounds," the owner will need to decide the best approach to ensure the health and safety of future occupants and to limit

his/her potential liability.

Q - Can contents of drug lab properties (appliances, furniture, personal belongings, etc.) owned by the property owner or renter be removed from the drug lab site?

A - Renters and property owners may contact a licensed CDL contractor who will coordinate removal of personal belongings with the Department of Human Services and other appropriate parties. Furniture and other personal belongings generally require inspection and decontamination before being removed from the property.

Q - What does a property assessment and cleanup usually involve?

A - The initial **property assessment** involves an inspection of the property and grounds by a licensed CDL contractor for evidence of damage or contamination related to the drug lab. Generally, sampling for contamination is performed during this assessment. A written report of the results of this inspection are sent to the Department of Human Services for review. The **cleanup/decontamination** usually involves a thorough and systematic cleaning of all surfaces in the contaminated structure(s), including removing all porous materials such as carpets, draperies, bedding, etc. A structure may also be demolished as a means of decontamination. Any form of cleanup undertaken must be performed by a licensed CDL contractor, and must follow a Work Plan that the Department of Human Services has approved.

Q - Are there penalties for unauthorized use or cleanup of drug lab properties?

A - Yes. The law outlines criminal penalties for illegally using a drug lab property. Unauthorized cleanup may result in Civil Penalties of up to \$2000. For a complete list of penalties refer to ([ORS 453.995](#)). Additional penalties that may apply are found in [ORS 164.255](#) and [ORS 419B.502](#).

Q - If I buy a property that was a drug lab and it has not been cleaned up and issued a Certificate of Fitness, am I under the same obligations for cleanup as the party who sold me the property?

A - Yes.

Q - May I sell my property that has been declared an illegal drug lab before it has a Certificate of Fitness?

A – Yes. Properties that have been determined as Unfit for Use and has not received a Certificate of Fitness may be sold as long as there is full written disclosure. Please refer to ([ORS 453.870](#)) and ([OAR 333-040-0100](#)) for the specific procedures. The owner of a drug lab property is under no obligation to sell their property, but may do so if they so choose.

Q - How can I find out if a property has been declared an illegal drug lab site?

A - The Building Code Division's web site lists properties that have been declared drug lab sites and have not been cleaned up. Once cleaned the properties are removed from the list. You can access that list by going to <http://www.oregonbcd.org/druglabs/druglabs.html>

Inquiries to the Drug Lab Cleanup Program should be directed to:

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