

# A clandestine drug laboratory has been detected on my property – what happens now?

Clandestine drug laboratories (clan labs) are premises or vehicles in which unlawful manufacture or attempted manufacture of controlled drugs such as methamphetamine have occurred, or where chemicals, equipment or waste materials related to unlawful manufacture of a controlled drug have been located.



Clan labs that are detected by police are notified to public health authorities.

The unlawful manufacture of controlled drugs can result in long-term contamination of premises. As this contamination is potentially hazardous to human health, the property owner must ensure premises where a clan lab has been detected is safe before they can be reoccupied.

## Why are clan labs a risk to public health?

Clan lab operators use improvised equipment, materials and methods during the drug manufacture process and may illegally dispose of waste products. This can result in significant and widespread chemical contamination throughout a property. Exposure to these chemicals is considered a serious risk to health as many of the chemicals are toxic, flammable and/or corrosive. Short-term exposure to these chemicals can result in nausea, vomiting, headaches and chest tightness, while long-term exposure can result in severe skin irritation, insomnia, irritability, hyperactivity, behavioural changes, and adverse cardiovascular effects.

Given the health risks posed by these chemicals, it is important that occupation of premises where a clan lab has been detected is prevented until the nature and extent of the chemical contamination is assessed and any required remediation has been completed.

## What happens when a clan lab is detected?

When a clan lab is detected, the police will investigate and seize equipment and other items as evidence to support any legal proceedings. The police then notify the relevant public health authority to ensure any potential public health risks in the property are addressed.

If a clan lab is identified on a property, **do not touch it or attempt to shut it down.** Immediately contact police by telephoning triple zero (000) so that experts who are properly trained in the safe dismantling and handling of equipment and products used in the manufacturing process may be dispatched. Attempts to shut down or dismantle an active clan lab may result in injury or death.

## What happens when public health authorities are notified?

A site assessment notice under the *South Australian Public Health Act 2011* will be issued on the property owner by the relevant public health authority (usually the local council), requiring the property owner to:

- > **prevent occupancy** of the premises. The relevant public health authority may also work in partnership with the Housing Safety Authority to ensure occupancy of residential premises is prevented; and



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- > **assess the level of chemical contamination present** in the premises by engaging a suitably qualified expert to conduct a sampling program and prepare a report on the methods and findings of the sampling program and, if necessary, provide remediation recommendations (a remediation action plan).

If the report indicates that contamination is present and remediation is required, a site remediation and validation notice under the *South Australian Public Health Act 2011* will be issued on the property owner by the relevant public health authority requiring the property owner to:

- > **remediate the premises** by engaging a suitably qualified expert to clean and/or remove contaminated materials.
- > **confirm that the remediation was successful** by engaging a suitably qualified expert to conduct further sampling to make sure the contamination has been removed and the premises is safe to reoccupy.

Penalties apply for non-compliance with a notice (maximum penalty \$25,000). Also, if the requirements of a notice are not complied with, the relevant authority may take any action specified in the notice and recover the costs from the owner of the premises.

To prevent the inadvertent/unwitting purchase or rental of a property that has been used as a clan lab and has not yet been assessed or remediated, SA Health and the Housing Safety Authority flag all notified clan labs on the South Australian Integrated Land Information System (SAILIS).

Local councils may also flag notified premises for the purposes of section 7 searches under the *Land and Business (Sale and Conveyancing) Act 1994*. Flagging these properties means that prospective buyers of properties may be made aware of the potential ongoing health risks associated with the property and are duly informed of any legal obligations they may take on in relation to the assessment and remediation of the premises.

The Housing Safety Authority will place the property on the Substandard Properties Register and may also take formal action to prevent the occupation of the premises until it is deemed safe.

### How do I find someone to assess chemical contamination?

As residual contamination may be present even when there is no apparent odour or visible staining associated with the drug manufacturing process, specialist technical expertise and equipment is required for the assessment of clan labs.

To ensure a clan lab assessment is conducted appropriately and in accordance with legislative requirements, it must be performed by a suitably qualified expert (assessor) with experience in the fields of environmental engineering, environmental science, environmental health, or occupational hygiene, and who is in possession of **tertiary qualifications in one of these disciplines** from a recognised educational institution (a recognised university).

Assessors can be found through:

- > an internet search
- > relevant certified membership organisation such as the Australian Institute of Occupational Hygienists <https://www.aioh.org.au/resources/consultants/>

It is important to confirm that the qualifications and experience of prospective assessors meet the mandatory requirements of the relevant South Australian legislation.

If your property is insured, you should check with your insurance provider to determine if your policy covers you in these circumstances. Your insurance provider may also be able to recommend a suitable assessor.

## How do I find someone to remediate (clean) chemical contamination?

As the remediation of clan labs involves specialist techniques (which extend beyond a general clean), it is important that remediation service providers (specialist industrial cleaners) are sufficiently knowledgeable and experienced to undertake the work required as per the remediation recommendations made by the assessor. Suitable remediation service providers can be found through an internet search.

To prevent conflicts of interest, remediation service providers should have no association with the assessor(s) and should not be engaged by the assessor. Similarly, remediation service providers should not engage the assessor to perform post remediation validation sampling.

## How is contamination of my property assessed?

To assist in determining the presence and degree of any chemical contamination, there are [National Guidelines](#) that outline the sampling program that must be undertaken by an assessor. In summary, the sampling program must include (as a minimum):

- > taking at least five surface samples from within the premises and submitting them to a suitable laboratory for quantitative assessment.
- > taking and testing surface samples from areas that show evidence of contamination, surfaces used in the drug manufacturing process and any room inhabited by a child less than 16 years of age.
- > testing for volatile organic compounds throughout the premises.
- > taking at least two soil samples from areas where there is evidence of soil contamination or near well-travelled paths.

Assessors must follow the sampling program described in the National Guidelines and provide the premises owner with a written report which outlines the results and the remediation steps to be implemented to reduce the health risks to acceptable levels. To assist in the development of the sampling plan, local council officers and premises owners are encouraged to provide the assessment service provider with any relevant available background information on the clan lab (e.g., the notice and attachments issued by the local health authority).

## What services should I expect from an assessor?

- > Preliminary assessment – At least five surface samples from within the premises will be taken and tested, testing will be undertaken for volatile organic compounds (VOCs) throughout the premises and soil samples (minimum of two) will be taken for testing from areas where there is evidence of soil contamination or near well-travelled paths. Indoor and outdoor areas of the property will be assessed, after which a detailed preliminary assessment report will be provided.
- > Remediation action plan (RAP) – When a preliminary assessment report shows that investigation levels have not been exceeded, remediation is not required. However, it is recommended that the property is generally cleaned. If the preliminary assessment report shows investigation levels (detailed on page 28 of the National Guidelines) have been exceeded, a RAP will be developed by the assessor detailing all the actions recommended to reduce risks to acceptable levels and establish safeguards to complete the remediation in an environmentally acceptable manner.
- > Post clean/remediation assessment – Once the clean has been completed, the assessor will conduct a site validation to ensure that the objectives stated in the RAP have been achieved. The assessment will include but not be limited to the following: a general inspection of the site, re-sampling of all surfaces from which initial samples were taken where results exceeded investigation levels, sampling of areas which are expected to have frequent contact (for example kitchens and bathrooms) and sampling for VOCs where required. Ideally, the same assessor will conduct the pre and post remediation assessments.

- > Validation report – The details of the site validation and clean up report are compiled and presented in a validation report. This report will be assessed by the public health authority to ensure the property has been remediated successfully and the post remediation sample results are below the investigation levels. A satisfactory report will result in the removal of notices and the flags placed on the property on SAILIS by SA Health, the local council, and the Housing Safety Authority, and the property will be removed from the Substandard Properties Register.

## Where can I find more information about clan labs?

### The 'South Australian Public Health (Clandestine Drug Laboratories) Policy 2016' and the 'Practice Guideline for the Management of Clandestine Drug Laboratories under the South Australian Public Health Act 2011'

These documents describe the legal framework for how public health authorities resolve the public health risks associated with clan labs in South Australia.

- > Available at: [Clandestine drug laboratories | SA Health](#)

### The National Clandestine Drug Laboratory Remediation Guidelines

- > The National Guidelines provide the framework in which clan labs should be assessed by suitably qualified experts. It also contains the investigation levels for methamphetamine and other contaminants which are used to determine if further assessment and remediation are required. Your assessor and remediation company must comply with the National Guidelines, and it is important that you confirm this with them.
- > Available at: <https://www.ag.gov.au/sites/default/files/2022-09/crime-clandestine-drug-laboratory-remediation-guidelines.pdf>

### US EPA Voluntary Guidelines for Methamphetamine and Fentanyl Laboratory Cleanup

- > Whilst not an Australian publication, this is a comprehensive guideline which describes clan lab remediation methods and techniques.
- > Available at: [https://www.epa.gov/sites/default/files/documents/meth\\_lab\\_guidelines.pdf](https://www.epa.gov/sites/default/files/documents/meth_lab_guidelines.pdf)

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## For more information

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