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September 3, 2020

Ms. Pam Loginsky
Washington Association of Prosecuting Attorneys
206 10th Ave SE
Olympia, WA 98501

Dear Ms. Loginsky:

As a follow up to the "Potential Impeachment Disclosure (PID) of WSP Toxicology Laboratory" dated August 7, 2020, the information contained herein addresses environmental elevated methamphetamine levels in a workspace that was previously part of the Seattle Crime Laboratory. This workspace was used occasionally by Seattle Crime Laboratory chemists upon the move into this facility (August 2002) until June 2018, when the Toxicology Laboratory took custody and control of the workspace.

This laboratory workspace is an enclosed area which is physically separated from the main chemistry laboratory of the Seattle Crime Laboratory where seized drug analysis is performed. Historically, this room was used by forensic scientists occasionally for activities that included the examination of clothing purported to have been exposed to pepper spray and other chemical irritants, the handling of evidence items which were highly odoriferous, and the chemical synthesis of test reagents for blood identification, such as phenolphthalein. The fume hood of this enclosed workspace was also used for methamphetamine synthesis by the WSP Clandestine Lab Response Team or for training of chemists in the analysis of clandestine laboratory forensic evidence. From February 2018 to June 2018, the workspace was used for fire debris (arson) casework prior to use by the Toxicology Laboratory.

In this enclosed workspace, past methamphetamine synthesis occurred up to approximately twenty times from 2002 to 2011. Methamphetamine synthesis in this area decreased after 2007, when the Clandestine Lab Response Team was disbanded. The syntheses likely contributed to some of the environmental background levels of methamphetamine, but based on the recent environmental contamination testing conducted for the Toxicology Laboratory, the *high* environmental level of methamphetamine was located on the *floor*. Methamphetamine synthesis would *not* have affected seized drug casework, which was performed in another area of the crime laboratory. The limited fire debris (arson) and other types of casework performed in that room would *not* have been affected given that the examinations tested for substances not related to controlled substances.

To our knowledge, other sampled areas for background methamphetamine levels in this workspace and associated areas resulted in methamphetamine levels below the level required for decontamination. Elevated levels of methamphetamine above the state threshold were detected on several *floor* areas of a nearby hallway, vestibule, and in several areas of office space, to include a cold air return vent in the ceiling. These areas would *not* have impacted seized drug casework as the background levels identified are below the levels tested during the examination of bulk seized drugs in casework. Additionally, once these test results were obtained, we removed personnel from the area and initiated remediation.



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Methamphetamine synthesis has been required as part of WSP crime laboratory services to state law enforcement agencies in their investigations into clandestine laboratory operations. Methamphetamine synthesis has occurred in all WSP state crime laboratories. Any impact on seized drug casework would have been detected through a stringent Quality Assurance program that has been, and continues to be, in place at all laboratories to identify such issues. The presence of background environmental levels of seized drugs in forensic testing laboratories has been documented¹.

Some of the elements of our WSP Quality Assurance program that are in place during drug analysis take into account the quality considerations of physical space, testing location, personnel health and safety, and the actual sample being tested. Physical space considerations include the individual work areas of our scientists, the required cleaning of the work bench and equipment after each use, and the use of disposable lab bench coverings that are changed between each sample. All reusable sampling devices, such as spatulas, are cleaned using solvent-based cleaning methods. For personnel safety considerations, we provide laboratory coats, disposable gloves minimally changed between each sample, and health and safety aides such as Narcan. For the actual evidentiary item, the laboratory requires two separate sampling events if the amount of evidentiary material is sufficient to do this. Disposable, one-time-use items such as test tubes and sampling sticks are predominantly used to minimize potential contamination. Every analytical technique for drug analysis has a blanking procedure to demonstrate sampling tools and containers, reagents, solvents, consumables, and extractions are free from contamination.

Finally, every seized drug case that is analyzed in the WSP crime laboratory system is technically reviewed by another qualified forensic scientist to ensure that high quality work is performed and that the results reflect the testing process. Our Quality Assurance program also includes an annual internal Quality Audit where auditors review the full process of the laboratory work performed. The WSP Crime Laboratory Division also undergoes ISO accreditation assessments as part of maintaining our ISO accreditation standing. The accreditation assessments include having external technical assessors review all aspects of seized drug casework, including direct observation of testing, in each of our laboratories where this work is performed.

Overall, no evidence of systemic contamination of drug samples has been observed at any of our WSP laboratories. If there were any issues present, our quality assurance program, which contains multiple quality steps and checks throughout the casework testing process, would have identified such issues.

In addition to reviewing the casework impact as identified above, the WSP Crime Laboratory Division is working with the WSP Industrial Hygienist to determine the environmental aspect of drug testing in our laboratories. Although this situation falls outside the purview of our accreditation requirements, the WSP Crime Laboratory has provided a courtesy letter to ANSI National Accreditation Board (ANAB – our accrediting body) indicating casework has not been impacted.

If further questions arise, please contact us.

Sincerely,



Mr. Gene P. Lawrence
Crime Laboratory Division

1. Sisco, E., Najarro, M., Burns, A., "A snapshot of drug background levels on surfaces in a forensic laboratory." Forensic Chemistry 11 (2018), 47-57.