

Approved: _____

2-18-99

Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Steve Morris at 10:00 a.m. on February 17, 1999 in Room 423-S of the Capitol.

All members were present except: Senator Christine Downey

Committee staff present: Raney Gilliland, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Nancy Kippes, Committee Secretary

Conferees appearing before the committee:
Kyle Smith, Kansas Bureau of Investigation

Others attending: (See Attached)

Senator Corbin made a motion to approve the minutes of the February 16, 1999 meeting as submitted. Senator Biggs seconded. The motion carried.

Kyle Smith, Kansas Bureau of Investigation, made a presentation before the committee on methamphetamine manufacture and the relationship to agriculture, especially with respect to the use of anhydrous ammonia. He stated that methamphetamine labs are multiplying across the state at an incredible rate, spreading death and destruction. The laboratories are contaminating the soil and water and causing fires and explosions. Mr. Smith noted that the chemicals involved in the methamphetamine manufacture are easy to obtain and are being handled by offenders with no chemistry background, no respect for pollution controls, and no respect for life. A map showing the distribution of the labs seized last year was attached to Mr. Smith's testimony (Attachment 1).

The next meeting will be February 18, 1999.



Kansas Bureau of Investigation

Larry Welch
Director

Carla J. Stovall
Attorney General

TESTIMONY
BEFORE THE SENATE AGRICULTURE COMMITTEE
KYLE G. SMITH
ASSISTANT ATTORNEY GENERAL AND SPECIAL AGENT
KANSAS BUREAU OF INVESTIGATION
FEBRUARY 17, 1999

The safety of the people of Kansas is threatened by an epidemic. The plague is the production of methamphetamine. While manmade, this epidemic is no less deadly than any bacteria known to medical science. Meth labs are multiplying across our state at an incredible rate, spreading death and destruction. Clandestine laboratories producing methamphetamine are contaminating our soil and water, and causing fires and explosions. The people and children of Kansas are not only becoming addicts and dying from its use, but also are being poisoned and injured unknowingly when their neighbors operate these laboratories.

Chemicals involved include anhydrous ammonia, acids, red phosphorus, lye and acetone. These deadly chemicals are being handled by offenders with no chemistry background, no respect for pollution controls, no respect for life. In short, these criminals are contaminating our state and killing our citizens. The anhydrous is normally stolen from farmers causing damage to equipment and risks to the rightful owners who approach a tank in the field unaware of an open or damaged valve.

The 'cooks' at clandestine laboratories are willing to expose their own children to these deadly fumes and explosions in pursuit of satisfying their need for profits and a need to fill their

*Senate Agriculture
2-17-99
Attachment 1*

addiction. In one case in Kansas, a neighbor observed the operators of a methamphetamine laboratory risking their lives to repeatedly enter their burning trailer home to recover their precious equipment and drugs while their children were still trapped inside.

The drug itself is extremely addictive and has a pharmacological side effect of making a person paranoid. In addition, these individuals operate in an underworld where rip-offs are common, competitors are armed and law enforcement is constantly searching for them. Not surprisingly, labs are sometimes booby-trapped and meth dealers are frequently heavily armed. A new dangerous turn is for meth cooks to finish their process on deserted country roads or in public parks to avoid the danger of explosion and fire in their homes. Innocent Kansas citizens traveling those roads, enjoying our parks, are at risk to being shot and killed if they interrupt these operations. After a meth cook has been completed, these hazardous chemicals are dumped on the ground, in street gutters or down waterlines, creating hazardous waste sites and polluting ground water. The cost for the cleanup of these sites runs to the hundreds of thousands of dollars.

How big a problem are we facing? In 1994 there were 4 clandestine laboratories seized in Kansas. In 1995 that number rose to 7. In 1996 it skyrocketed to 71, a hundred-fold increase. In 1997 there were 99 clandestine laboratories seized. Last year there were 189. As of February 11, 1999, 58 labs had been seized. If that pace continues, our law enforcement officers will be risking their lives in over 450 labs this year. Kansas, Missouri, Iowa and California are reported by the DEA to be the top producers of methamphetamine in the nation.

Last year Missouri took steps in their legislature to reverse this trend. Numerous initiatives were adopted by the Missouri legislature trying to attack this epidemic on every possible front. While we applaud Missouri's efforts, the real effect on Kansans is that it makes

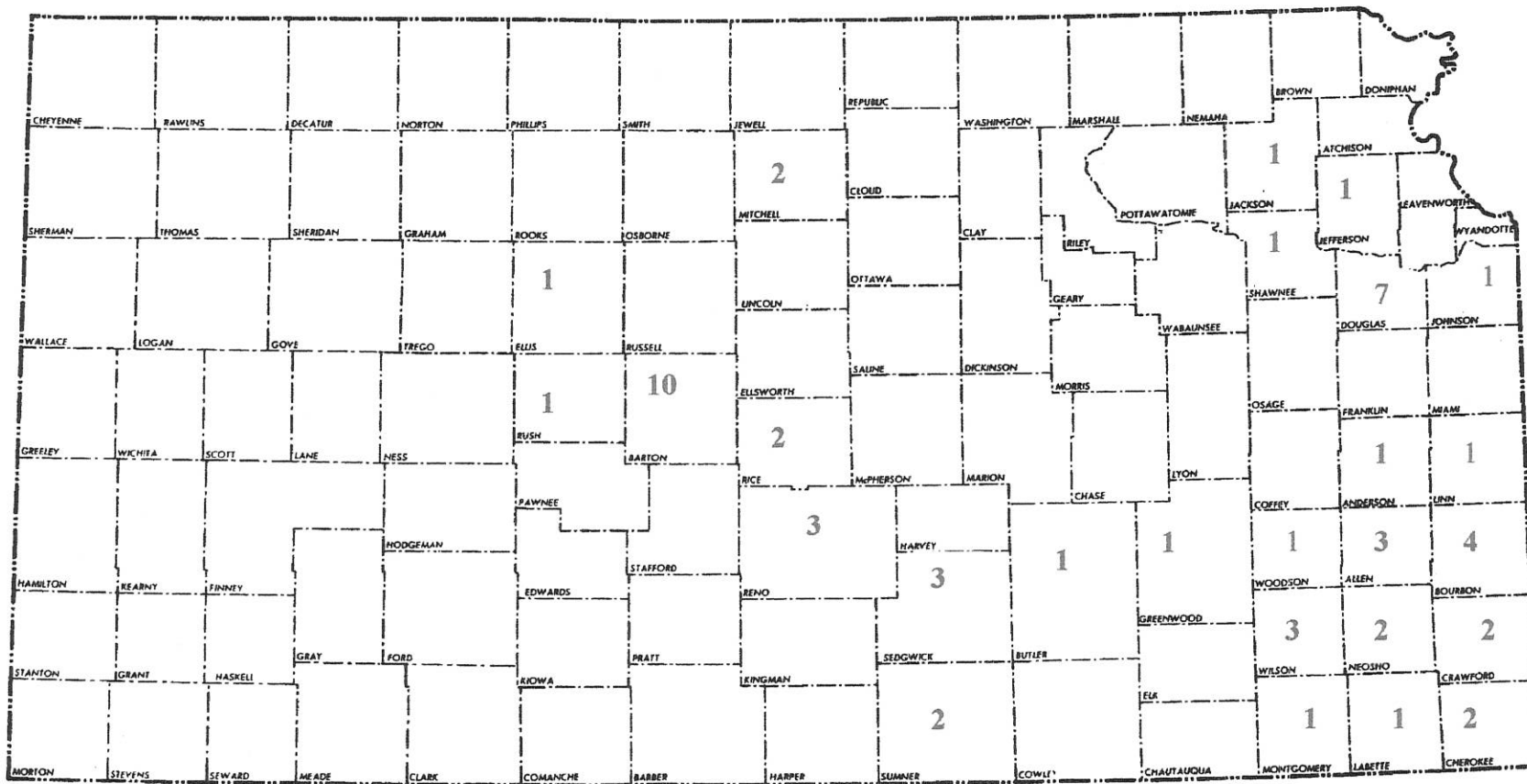
our state even more attractive to these purveyors of death, because of the increased difficulties and penalties now found in our neighbor to the east. It is imperative that Kansans take strong, decisive action in meeting the threat to our safety posed by methamphetamine.

I have a short computerized presentation on the growth and risks involved with methamphetamine production that I gave last December at the Council of State Governments annual meeting in San Antonio. I've added a couple of slides and I hope it will be helpful to the committee in understanding the extent of the problem. Attached to my testimony is a map showing the distribution of the labs seized last year and an excellent article on the problem that appeared in the Wichita Eagle this weekend.

Attorney General Carla Stovall has requested legislation that addresses many of these problems. HB 2469 is currently pending before the House Judiciary. Your interest and support would be greatly appreciated.

With me today is Jim Schieferecke, forensic chemist with the KBI's clandestine lab response team. We would be happy to address your questions.

Kansas Clandestine Methamphetamine Laboratory Seizures



**KBI/DEA/Local Agency
Combined Methamphetamine Labs
(1-1-99 to 2-11-99) - 58**

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Updated SATURDAY February 6, 1999

Crime and Courts

Risks rising as drug labs continue to multiply

As the number of meth labs continues to increase, more people are put in jeopardy by volatile vapors.

By Roy Wenzl and Tim Potter
The Wichita Eagle

On Aug. 22, Ellis County sheriff's officers went to a farmhouse looking for a fugitive, but they found something much more dangerous.

About the same time they found the man, wanted for desecrating a cemetery, they stumbled upon a homemade methamphetamine lab.

In the minutes it took sheriff's officers to realize the danger the lab posed and evacuate the five residents, a deputy suffered serious lung damage after inhaling vapors from ether and anhydrous ammonia used to make the meth, said Undersheriff Bruce Hertel.

Hertel and others in law enforcement point to the incident in western Kansas as an example of how dangerous meth labs can be to public workers or innocent people who stumble upon them.

Particularly at risk are first-responders, including emergency medical technicians and firefighters.

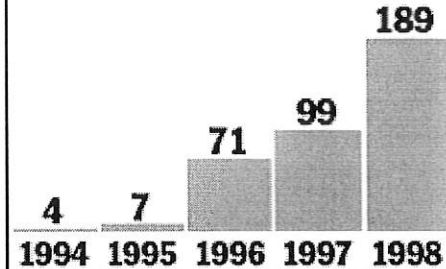
Already this year, the Kansas Bureau of Investigation and other agencies have seized 47 methamphetamine labs, evidence the drug and the labs are rapidly becoming a serious threat to public safety throughout the state.

By this time last year, the KBI had taken down only nine labs.

"Deputies or police are stumbling across these labs, not knowing what they are; but this is becoming a significant health threat for everyone and not just for users or police," said Bruce Coffman, the KBI's senior special agent in charge of meth laboratory investigations. "We're starting to have SRS caseworkers stumble across these labs. Motel clerks are

Meth busts

The number of methamphetamine labs busted up by the Kansas Bureau of Investigation, federal Drug Enforcement Agency and other law enforcement agencies has skyrocketed. There have been 47 busts through Friday, compared to 9 busts by same date last year.



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finding them.

"Because of the fumes and the chemicals, the danger to life and health is immediate and could be very dangerous, even lethal."

In the past year, the KBI has trained 5,000 Kansas first-responders on how to avoid death or illness from the labs, Coffman says. There are tens of thousands first-responders in the state, says Sandi Gonzalez, a KBI intelligence analyst, and all are at risk of stumbling across meth labs because of their work.

No injury tally

Meth labs are multiplying rapidly because drug dealers can make a lot of money from them. Authorities say \$300 worth of ingredients can produce \$3,000 in one night of lab work.

The chemicals used include some of the most toxic and explosive known. KBI and DEA agents never knowingly enter a suspected meth lab unless they wear protective suits and respirators.

No one is keeping a tally on meth injuries in the state, Coffman said, but many more people are likely to be hurt. At least five law enforcement officers, Coffman among them, have been injured, Gonzalez said.

"We've had a couple of filter failures on the respirators we use inside those labs," Coffman said.

"The stuff gets you right away. When I had my problem, I had just taken off my mask; it was hot, I was sweating, and the chemicals go right for your moisture, your nose, lungs or skin. All of a sudden my face just lit up (with burning), and I had to go run to a tank and dunk myself."

Many sheriff's deputies don't have training on how to deal with meth labs, Coffman says, and that makes even a routine traffic stop dangerous.

"A deputy's first move, if he finds a bottle of an unusual chemical, might be to open it and take a sniff; and that could be very dangerous, even fatal."

So far this year, Wichita police have confiscated several labs or supplies of chemicals used to make meth. Wichita, like the rest of the state, also is seeing a marked increase in lab busts, said police Lt. Joe Cutcliff.

Dangerous ingredients

Also known as "speed" or "crank," methamphetamine is an addictive and illegal stimulant whose use is rising rapidly in Kansas. The drug attracts users because for a price comparable to cocaine, meth provides a longer high. An ounce of meth goes for roughly \$900 on Wichita streets, Cutcliff said.

The state Department of Social and Rehabilitation Services treated 187 hard-core meth users in 1994. The number rose to 682 in 1997 and hit 1,030 last year. Of those 1,030, about two-thirds were from rural areas. Sedgwick, Shawnee and Wyandotte counties accounted for the

remaining third.

Homemade labs are simple and often turn up in private homes, motel rooms, camper trailers and even the trunks of cars. Each lab has the danger equivalent of an Environmental Protection Agency toxic waste site, authorities say. Each site costs the Drug Enforcement Administration about \$3,500 to clean up. So the 44 labs seized so far in Kansas this year will cost about \$154,000; the 189 labs seized last year cost about \$661,500.

The cooks generally concoct small batches, a few ounces at a time, to supply themselves and others.

The ingredients include battery acid, several varieties of lye, red phosphorous, cold medicines and anhydrous ammonia, the chemical farmers use to help fertilize some fields.

"The boiling point of anhydrous ammonia is minus 33 degrees centigrade, and it's stored in those tanks you see at co-ops," Coffman said. "The meth makers are stealing the stuff, bleeding some of these tanks of anhydrous ammonia at night and putting it in little containers. If you get a whiff of that, it could kill you instantly."

The KBI has another worry about the labs, Coffman said. Because of the toxic chemicals, and the regular exposure he and the 12 lab agents endure, the agency is concerned exposure could lead to cancer or blood disorders, he said.

In the Ellis County incident where the deputy suffered lung damage, the deputy has recovered enough to return to work, said Hertel, the undersheriff. He declined to name the deputy.

At one point, the meth-lab damage had reduced the deputy's lung capacity 35 percent, Hertel said. The deputy is still receiving treatment, and it is unclear how much lung damage will remain, he said.

"With the fumes in that house," Hertel said, "it's a wonder the whole house didn't blow."

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A new method for making the drug - methamphetamine - is starting to show up in Kansas. One of the main ingredients used is **ANHYDROUS AMMONIA**

The illegal meth lab operators are bringing containers into CO-OP's asking to have them filled with anhydrous ammonia or going directly to the anhydrous tanks in the fields and filling them.

The illegal meth lab operators are storing their anhydrous ammonia in 20 lb. gas bottles like those used on barbecue grills.

The anhydrous ammonia degrades the brass fittings and valves on those bottles turning them blue or green and making them prone to failure.

ANYONE who has come in contact with persons trying to purchase anhydrous ammonia or if your anhydrous ammonia tanks have been tampered with please notify: your local sheriff's office *or the Kansas Bureau of Investigation at 1-800-KS-CRIME in conjunction with Farmland Industries, Inc.*