

## **NUISANCE ABATEMENT ORDER**

### **13.0. INTRODUCTION**

When directed to do so by city officials in a Notice of Public Nuisance and Abatement Order, you are required to hire a Certified Industrial Hygienist to assess your property. A Certified Industrial Hygienist must evaluate the building to ensure it is safe, sanitary, and healthy for remediation activities, and for future occupancy. This testing is necessary to abate public nuisance conditions on your property. You must fully cooperate with the Industrial Hygienist and the assessment process. Further, you must complete any other assessments the Industrial Hygienist finds necessary if those additional assessments are related to indoor cannabis cultivation and remediation.

You must select an Industrial Hygienist certified by the Board for Global EHS Credentialing (formerly the American Board of Industrial Hygiene) to perform the assessments (<https://gobgc.org/>).

**You must provide a copy of the Notice of Public Nuisance and Abatement Order to the Industrial Hygienist before any assessment is performed.**

There must be a minimum of two assessments, as described in this Compliance Guide.

### **13.1. PRELIMINARY / PRE-DEMOLITION ASSESSMENT**

*PRIOR* to performing any demolition activities, you must arrange for a Certified Industrial Hygienist to perform a preliminary / pre-demolition assessment of the building. The Certified Industrial Hygienist must test for the following:

- a. Pesticide contamination testing, in accordance with 13.1.1, in each room, area, building material or system, identified in the Notice of Public Nuisance and Abatement Order.
- b. Heavy metals testing, including Mercury, on floors and other surfaces identified in the Notice of Public Nuisance and Abatement Order.
- c. Asbestos in areas subject to demolition or disturbance.
- d. Lead based paint in areas subject to demolition or disturbance.

#### **13.1.1. MINIMUM PESTICIDE TESTS**

The Certified Industrial Hygienist must test rooms, areas, or building components, identified in the Notice of Public Nuisance and Abatement Order for, at a minimum, the following substances:

- a. Organophosphates
- b. Carbinates
- c. Organochlorines

**13.2. CLEARANCE / POST DEMOLITION ASSESSMENT**

*AFTER* you have performed demolition and/or clean-up activities (removal of gypsum board, HVAC equipment, flooring, etc.), and received an inspection from the assigned City official, and *prior* to installing new building materials, you must arrange for a Certified Industrial Hygienist to perform a clearance / post-demolition assessment of the building. The testing must be performed in all areas of the building identified in the Notice of Public Nuisance and Abatement Order or any supplemental order.

The Certified Industrial Hygienist must test for the following:

- a.  $\Delta 9$  Tetrahydrocannabinol (THC) on building surfaces identified in the Notice of Public Nuisance and Abatement Order.
- b.  $\Delta 9$  Tetrahydrocannabinolic acid (THCA) on building surfaces identified in the Notice of Public Nuisance and Abatement Order.
- c. Cannabis VOC's, including the following at a minimum:
  1. alpha-pinene
  2. beta-mycrene
  3. beta-pinene
  4. Y-caryophyllene
  5. limonene
- d. Mold, mold spores, and microbial VOC's
- e. Indoor air quality, including the following at a minimum:
  1. PM10
  2. PM2.5
  3. EPA TO-15 VOC's
- f. Ozone
- g. Formaldehyde
- h. Acrolein
- i. Pesticides, if pesticides were discovered during the preliminary / pre-demolition assessment.
- j. Heavy metals including mercury, if heavy metals were discovered during the preliminary / pre-demolition assessment.

**13.3. CONTAMINATED MATERIALS AND WASTE**

If the Certified Industrial Hygienist determines the building contains hazardous waste, or that building materials (wall board, countertops, HVAC components, etc.) are contaminated with hazardous waste such as pesticides or other substances, you are required to remove these items from the building.

Hazardous waste must be properly disposed of by a registered hazardous waste transporter. It is a crime for any person to transport hazardous waste unless that person holds a valid registration issued by the California Department of Toxic Substances Control.

For further information, see Compliance *Guide M11 Assessment and removal of hazardous or regulated waste*.

**13.4. REPEAT TESTING**

If any assessment report from your Certified Industrial Hygienist shows abnormal findings or is otherwise unfavorable, you are required to perform further clean-up and abatement activities, and you must arrange for a Certified Industrial Hygienist to perform an additional assessment that demonstrates the abnormal or unfavorable condition no longer exists.

**13.5. APPROVED LABORATORY**

The laboratory used must be accredited by either the AIHA Laboratory Accreditation Program and/or California State ELAP program.

**13.6. CIH REPORT**

The City must receive favorable reports directly from the Certified Industrial Hygienist you retained. The assessment report must be on letterhead and identify the Certified Industrial Hygienist and provide ABIH certification information, and must include the following at a minimum: (1) the address to the property, (2) the types of assessments performed and the results, (3) a reference to the Notice of Violation and Abatement Order, (4) a statement that the purpose of the assessment is for remediation of indoor cannabis cultivation.