

**DIVISION 10
REGULATION OF DRUG MANUFACTURING
SITES**

918-010-0000**Purpose and Scope of Rule**

This rule carries out the division's responsibilities under ORS 453.879 and 453.906. It is intended for use in connection with OAR 333, division 040, rules of the Health Division relating to cleanup of toxic contamination from illegal drug manufacturing.

Stat. Auth.: ORS 453.864

Stats. Implemented: ORS 453.864

Hist.: BCA 15-1990(Temp), f. 6-27-90, cert. ef. 7-1-90; BCA 29-1990, f. 12-21-90, cert. ef. 12-30-90; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98, Renumbered from 918-010-0010

918-010-0005**Reasonable Notice to Interested Parties**

(1) There is created an interested parties mailing list, maintained by the division, to receive notices of properties placed on the "Unfit for Use" list.

(2) Before the adoption, amendment or repeal of this rule, notice will be given to the persons on the interested parties list established according to OAR 918-001-0210.

Stat. Auth.: ORS 453.855 - 453.992

Stats. Implemented: ORS 453.855 - 453.992

Hist.: BCA 15-1990(Temp), f. 6-27-90, cert. ef. 7-1-90; BCA 29-1990, f. 12-21-90, cert. ef. 12-30-90; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98

918-010-0015**Registry of Property "Unfit for Use"**

(1) As required by ORS 453.879, there is created within the Building Codes Division, a registry of property "Unfit for Use."

(2) The registry shall list property determined as "unfit for use" under ORS 453.876 and under the rules of the Health Division.

(3) Property declared "unfit for use" shall be listed in the registry only when the Health Division advises the division that action has been taken to declare the property as not fit for use. The listing will show the information provided by the Health Division.

(4) Property listed in the registry will be removed from the registry when:

(a) The division receives a certificate of fitness from the Health Division;

(b) The division is formally advised by a certified copy of a final court judgment that the initial "unfit for use determination" was by administrative action, a certified copy of the final division order; or

(c) The division is provided with confirmed evidence, including proof or an affirmation that all

lawful requirements were followed, that the contaminated property has been destroyed.

Stat. Auth.: ORS 453.879

Stats. Implemented: ORS 453.879

Hist.: BCA 29-1990, f. 12-21-90, cert. ef. 12-30-90; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98

918-010-0020**Notice of Listing in the Registry**

(1) The registry is a public record open to inspection by the public during normal business hours.

(2) Copies of documents adding to or removing property from the list will be provided to any person upon request. Persons requesting copies must designate whether the request covers all transactions within the state, only transactions within a particular jurisdiction or a particular transaction.

(3) Notification of addition to or removal from the list will be provided to the building official with jurisdiction or the local city or county government involved, if there is no building official and the local health department.

Stat. Auth.: ORS 453.855 - 453.992

Stats. Implemented: ORS 453.855 - 453.992

Hist.: BCA 29-1990, f. 12-21-90, cert. ef. 12-30-90; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98

918-010-0025**Condemnation, Demolition and Vacation of Property and Removal of Contents**

(1) Once property is designated as "unfit for use," procedures for requiring removal of contents or vacation of the premises may be started.

(2) The standards in the 1988 Edition of the **Uniform Code for the Abatement of Dangerous Buildings** published by the International Conference of Building Officials are adopted under ORS 453.906 as the uniform standards whereby local building code enforcement agencies may act to condemn, demolish, and require the vacation of the property or removal of contents. The "Dangerous Building Section," Section 302 of the Uniform Code, may only be used when the conditions or defect results from, or is made more dangerous to, the life, health, property or safety of the public or its occupants because of the use of the property or its status as an illegal drug manufacturing site.

(3) Nothing in this rule prohibits any local jurisdiction from adopting the procedures provided in The Uniform Code for the Abatement of Dangerous Buildings.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.906

Stats. Implemented: ORS 453.906

Hist.: BCA 29-1990, f. 12-21-90, cert. ef. 12-30-90; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98