

The Consumer Healthcare Product Association (CHPA) and Appriss, Inc., are both touting a report produced earlier this year by the Kentucky Legislative Research Commission (LRC) titled *Controlling Access to Methamphetamine Precursors in Kentucky*. Our opponents are conveniently referencing a small section in the 100 page report that indicates PSE smurfing in Kentucky could be 2.2% of PSE sales. What they aren't mentioning is the flawed research methodology that was used and partially noted in the report. A legislative committee hearing on January 13, 2011, discussed the report findings and voted to not approve the report stating "the issue merits further study." [http://www.lrc.ky.gov/minutes/prog\\_rev/110113ok.htm](http://www.lrc.ky.gov/minutes/prog_rev/110113ok.htm). Of course, our opponents are also failing to mention this fact.

Counter arguments to the report:

1. The committee did not approve the report because of several issues, not the least of which was the 2.2% PSE smurfing estimate. As previously mentioned, the committee stated more research was necessary.
2. The LRC took the number of meth labs seized in Kentucky and determined how much PSE was needed to operate those labs for one batch of meth. The LRC then took the calculated amount of required PSE and divided that amount by the total amount of PSE sold in Kentucky. That computation produced the 2.19% figure. The research methodology contained two major flaws:
  - a. The LRC assumed Kentucky seized every meth labs that was in operation. While no one can estimate what percentage of meth labs was actually seized, it's universally agreed that we only seize a small percentage of meth labs.
  - b. The LRC assumed the seized meth labs were only operated one time in a year. We know that cooking meth is an obsession or compulsion with these people – not a pastime. Whether one is talking about the Kentucky "One Pot" or "Shake and Bake" labs or the CA Super Labs – these are continuous operations. Those using the "One Pot" or "Shake and Bake" methods to make small batches of meth quickly use or sell the meth before the repeating the cycle every few days or weekly. As for the Mexican Drug Trafficking Organizations operating Super Labs, they have large numbers of customers throughout the U.S. they continuously serve and a disruption in production results in the loss of substantial revenue. They, just like any good supplier, don't let that happen.
  - c. So, using the LRC numbers, but applying a more realistic methodology – the results are startling and consistent with our estimates. Even ignoring the meth labs that were not seized in Kentucky, but using the same estimated numbers provided by the LRC, the following is a comparison:

LRC report findings:

59,778,000 mg PSE (amount needed for labs) ÷ 2,725,202,632 mg (amount of PSE sold in KY)  
= .0219 or 2.19%

Adjusted findings assuming those labs operated for 2/3 of the year (35 weeks):

59,778,000 x 35 = 2,092,230,000 mg ÷ 2,725,202,632 mg = .767 or 77%

I am attaching Appendix A of the report that explains how the LRC arrived at its calculations for estimating the amount of PSE needed to fuel the seized meth labs. Beyond the flaws I noted, the LRC methodology seems reasonable. That's what makes using the numbers against the report finding so useful.

Acknowledgment:

This document is based on my opinions and research. It is not a product of the Kentucky State Police (KSP) and I do not speak on KSP's behalf. However, I want to acknowledge that I could not have produced this document without the wisdom of Colonel Joe Williams, KSP.

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