

# STATE OF COLORADO

John W. Hickenlooper, Governor  
Christopher E. Urbina, MD, MPH  
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department  
of Public Health  
and Environment

## AFFIDAVIT OF CYNTHIA SILVA BURBACH

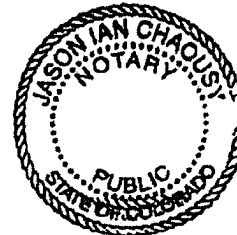
The affiant, being duly sworn, hereby affirms and attests as follows:

On March 9, 2012, it was brought to my attention that a retest of a blood sample originally analyzed by a particular technician [Hereinafter, "technician"], was retested by an independent laboratory with resulting blood alcohol content [BAC] that was significantly higher than the BAC reported by the technician. This blood sample was retested and confirmed the result of the independent laboratory.

As a result of this incident there is an ongoing systematic retest of approximately 1700 blood samples that were analyzed by the technician. As of this date, April 19, 2012, about half of those blood samples have been retested. Of those approximately 850 blood samples, ten have been found to have an actual BAC significantly higher than reported by the technician. Those ten sample results are attached to this affidavit. To date, no retest has resulted in a lower actual BAC than was originally reported.

The error in technician's process has been found. The technician did not follow the standard operating procedure and failed to properly operate a standard piece of equipment. This resulted in a lower volume of blood being analyzed than is proper. This decreased volume, then resulted in a lower reported BAC than the actual BAC. Procedures are in place to ensure that this error is not repeated.

Cynthia Silva Burbach  
Toxicology Laboratory Supervisor  
Colorado Department of Public Health and Environment



Colorado Notary Public  
Subscribed and sworn to me this 19<sup>th</sup> day of April, 2012.

Notary Public  
My commission expires 10/9/2012

TOX Number	Retest BAC	Analyst	Original BAC		Reported BAC	DIFF % (reported:retest)
2011009753	0.141 MD		0.105	0.106	0.082	71.95
			0.122	0.124		
2011009754	0.193 MD		0.164	0.166	0.12	60.83
			0.175	0.177		
2011009755	0.357 MD		0.312	0.315	0.217	64.52
			0.294	0.298		
2011009758	0.254 MD		0.224	0.225	0.181	40.33
			0.234	0.236		
2011008940	0.356 md				0.271	31.37
2011008948	0.152 md				0.121	25.62
2011008540	0.237 HK				0.184	28.80
2011008608	0.136 HK				0.108	25.93
2011008880	0.129 HK				0.104	24.04
2011008878	0.094 HK				0.053	77.36