

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

April 27, 2012

Vincent C. Todd
12600 West Colfax Ave., Suite C400
Lakewood, Colorado 80215-3761

RE: Colorado Open Records Act Request

Dear Mr. Todd:

The Colorado Department of Public Health and Environment is in receipt of your Colorado Open Records Act request dated April 23, 2012. A response to each request is set forth below.

Request 1: The written protocols of the CDPHE which demonstrate how Mr. Fox-Rivera was directed to perform the tests in question.

Response: Standard operating procedures are being provided.

Request 2: The complete package on the five samples referenced in Ms. Burbach's e-mail, including all reports produced, the complete packet of supporting data, including controls (both as to the originally reported result and any retests).

Response: The Department is not releasing its investigatory files pursuant to C.R.S. § 24-72-204(2)(a)(I). Litigation packets contain personally identifying information and are not subject to disclosure pursuant to C.R.S. § 24-72-204(3)(a)(IV).

Request 3: The complete package on any additional samples from the retesting reference in Ms. Burbach's e-mail, including all reports produced, the complete packet of supporting data, including controls (both as to the originally reported result and any retests).

Response: The Department is not releasing its investigatory files pursuant to C.R.S. § 24-72-204(2)(a)(I). Litigation packets contain personally identifying information and are not subject to disclosure pursuant to C.R.S. § 24-72-204(3)(a)(IV).

Request 4: Any correspondence with, or reports made to, any agency or organization providing the CDPHE Laboratory with any certification, license or accreditation, or to which the CDPHE has applied for the same in the past five years, reporting the mistakes referenced in Ms. Burbach's e-mail.

Response: One responsive document is being provided.

Request 5: Any working memos showing hypothesis testing or possible explanations for the discrepancies referenced in Ms. Burbach's e-mail.

Response: The Department has no responsive documents.

Request 6: Any protocol of the laboratory for informing prosecutors in individual cases, as well as the Division of Motor Vehicles, when laboratory errors are detected.

Response: The Department has no responsive documents.

If you wish to receive a CD containing the responsive, public documents described above, please remit payment in accord with the attached invoice.

This concludes the department's good faith effort to respond to your Colorado Open Records request. If you have further questions, I may be reached at 303-692-3472 or ann.hause@state.co.us.

Sincerely,



Ann Hause, Director
Office of Legal and Regulatory Affairs

cc: Cindy Burbach, Laboratory Services Division
Dave Butcher, Laboratory Services Division
Jennifer Weaver, First Assistant Attorney General, State Services Section, Colorado Department of Law