



Bureau of Laboratories

Proposed Rulemaking: Environmental Laboratory Accreditation *25 Pa. Code Chapter 252*

Environmental Quality Board Meeting

May 17, 2016

Tom Wolf, Governor

John Quigley, Secretary

Background

- Environmental Laboratory Accreditation Act, June 29, 2002, 27 Pa C.S. § 4103(a) – “The department shall establish an accreditation program for environmental laboratories.”
- 25 Pa. Code Chapter 252
 - Promulgated January, 28, 2006
 - Updated April 10, 2010

Regulation Development

- Laboratory Accreditation Advisory Committee (LAAC)
 - PA Water Environment Association (PWEA)
 - PA Rural Water Association
 - Small Environmental Laboratory
 - Commercial Environmental Laboratory
 - Public Water Supply
 - Industrial Laboratory
 - Academic Laboratory
 - Wastewater Treatment Plant Laboratory
 - Environmental Engineering Firm
 - Large NELAP Laboratory
 - General Public
- LAAC met throughout 2014 and 2015 in public meetings
- Unanimous approval of Draft Proposed Rulemaking – December 2, 2015

Objectives

- Add necessary standards for accreditation
- Clarify existing requirements
- Amend cost prohibitive requirements
- Amend fee structure

Stakeholders Affected

- Scope of the regulation remains unchanged
 - No new regulated entities
- >4000 registered laboratories
 - ABR parameters only, no fees, no applications
- 311 state accredited laboratories
 - 250 small labs
 - 46 medium labs
 - 15 large labs
- 125 NELAP accredited laboratories
 - 33 primary NELAP labs
 - 92 secondary NELAP labs

Summary of Changes

- Necessary additions to the regulation:
 - Credit hours for microbiology supervisor
 - Qualifications for WETT supervisor
 - Sample acceptance and handling requirements
 - Analytical test report requirements
 - Temperature distribution studies for incubators
 - Criteria for establishing acceptance limits
 - Explanation of DEP's authority to suspend, revoke, or deny accreditation based on non-compliance found during on-site assessments
 - NELAP equivalency sections

Summary of Changes

- Clarifications to current regulation:
 - Procedures for recordkeeping
 - College-semester credit hours must be from an accredited college or university
 - Requirements for microbiology quality control checks
 - Corrective action report requirements
 - Requirements for evaluating and reporting drinking water compliance testing results

Summary of Changes

- Amendment of Cost Prohibitive Requirements:
 - Reduce amount of hands-on experience requirements for microbiology and inorganic non-metals supervisors
 - Allow college credit hours in health physics for radiochemistry supervisors
 - Allow a lab supervisor to be absent for 21 days instead of limiting to 16 days
 - Define “working-day” for monitoring refrigerators and freezers
 - Allow DEP to develop procedures for offsite assessments
 - Allow DEP to suspend a lab’s accreditation for some violations instead of requiring revocation

Summary of Changes

- Fee structure changes:
 - Increased initial and renewal fees for all laboratories
 - Increased each category fee by \$100-250
 - Added a fee category for complicated microbiology testing
 - Increased the travel reimbursement rate for out-of-state on-site assessments

Accreditation Fee Analysis

- Lab Accreditation Fee Report presented to Board on April 19, 2016
- 25 Pa. Code Chapter 252: Fees - § 252.204(a)

	FY 13-14	FY 14-15	FY 15-16*	FY 16-17*
Fee Collections	\$1,658,783.55	\$1,519,882.97	\$1,550,000.00	\$1,550,000.00
Program Costs	\$1,606,203.61	\$1,585,8688.40	\$1,675,044.00	\$1,708,545.00

*Projected Amounts

Accreditation Fee Analysis

- Factors Impacting Revenues:
 - Wage and benefit increases for program and support staff
 - Overall increases in operational expenses: rent, travel expenses, information technology, etc.
 - Reduction in secondary NELAP applications
 - Consolidation of operations within corporate laboratory locations

Examples of Laboratory Fees

Small POTW Laboratory

Current Fee Structure:

Renewal Application Fee	\$500
Basic NPW Fee	\$750
Total	\$1250

Proposed Fee Structure:

Renewal Application Fee	\$700
Basic NPW Fee	\$850
Total	\$1550

Difference in Fee = \$300 per year

Examples of Laboratory Fees

Medium Laboratory

Current Fee Structure:

Renewal Application Fee	\$500
Micro (2 Matrices)	\$950
Non-Metals (2 Matrices)	\$1150
Trace Metals (2 Matrices)	\$1050
Volatiles (2 Matrices)	\$1250
Total	\$4900

Proposed Fee Structure:

Renewal Application Fee	\$700
Basic Micro (2 Matrices)	\$1350
Non-Metals (2 Matrices)	\$1550
Trace Metals (2 Matrices)	\$1350
Volatiles (2 Matrices)	\$1550
Total	\$6500

Difference in Fee = \$1600 per year

Examples of Laboratory Fees

Large NELAP Laboratory

Current Fee Structure:

Renewal Application Fee	\$2000
Micro (3 Matrices)	\$1350
Non-Metals (3 Matrices)	\$1650
Trace Metals (3 Matrices)	\$1500
Volatiles (3 Matrices)	\$1800
Semi-Volatiles (3 Matrices)	\$4200
Total	\$12500

Proposed Fee Structure:

Renewal Application Fee	\$2750
Micro (3 Matrices)	\$1800
Non-Metals (3 Matrices)	\$2150
Trace Metals (3 Matrices)	\$1900
Volatiles (3 Matrices)	\$2200
Semi-Volatiles (3 Matrices)	\$4800
Total	\$15600

Difference in Fee = \$3100 per year

Recommendation to EQB

- Approval of Proposed Rulemaking
- 30-day Comment Period



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



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