Proposed Rulemaking: Environmental Laboratory Accreditation

25 Pa. Code Chapter 252

Environmental Quality Board Meeting

May 17, 2016
• 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
• 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)

<table>
<thead>
<tr>
<th></th>
<th>FY 13-14</th>
<th>FY 14-15</th>
<th>FY 15-16*</th>
<th>FY 16-17*</th>
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</thead>
<tbody>
<tr>
<td>Fee Collections</td>
<td>$1,658,783.55</td>
<td>$1,519,882.97</td>
<td>$1,550,000.00</td>
<td>$1,550,000.00</td>
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<td>Program Costs</td>
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<td>$1,585,868.40</td>
<td>$1,675,044.00</td>
<td>$1,708,545.00</td>
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</table>

*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

<table>
<thead>
<tr>
<th>Current Fee Structure:</th>
<th>Proposed Fee Structure:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renewal Application Fee</td>
<td>Renewal Application Fee</td>
</tr>
<tr>
<td>$500</td>
<td>$700</td>
</tr>
<tr>
<td>Basic NPW Fee</td>
<td>Basic NPW Fee</td>
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<tr>
<td>$750</td>
<td>$850</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>Total</strong></td>
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<tr>
<td><strong>$1250</strong></td>
<td><strong>$1550</strong></td>
</tr>
</tbody>
</table>

**Difference in Fee = $300 per year**
## Examples of Laboratory Fees

### Medium Laboratory

<table>
<thead>
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<th>Current Fee Structure:</th>
<th>Proposed Fee Structure:</th>
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</thead>
<tbody>
<tr>
<td>Renewal Application Fee</td>
<td>$500</td>
</tr>
<tr>
<td>Micro (2 Matrices)</td>
<td>$950</td>
</tr>
<tr>
<td>Non-Metals (2 Matrices)</td>
<td>$1150</td>
</tr>
<tr>
<td>Trace Metals (2 Matrices)</td>
<td>$1050</td>
</tr>
<tr>
<td>Volatiles (2 Matrices)</td>
<td>$1250</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4900</strong></td>
</tr>
</tbody>
</table>

Difference in Fee = $1600 per year
### Examples of Laboratory Fees

#### Large NELAP Laboratory

<table>
<thead>
<tr>
<th>Current Fee Structure:</th>
<th>Proposed Fee Structure:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renewal Application Fee</td>
<td>Renewal Application Fee</td>
</tr>
<tr>
<td>Micro (3 Matrices)</td>
<td>$2750</td>
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<tr>
<td>Non-Metals (3 Matrices)</td>
<td>$1800</td>
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<tr>
<td>Trace Metals (3 Matrices)</td>
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<td>Volatiles (3 Matrices)</td>
<td>$1900</td>
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<td>Semi-Volatiles (3 Matrices)</td>
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<tr>
<td>Total</td>
<td>$4800</td>
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Total $12500

Total $15600

Difference in Fee = $3100 per year
Recommendation to EQB

• Approval of Proposed Rulemaking
• 30-day Comment Period
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