

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 301. LABORATORY ACCREDITATION**

**SUMMARY OF COMMENTS AND RESPONSES**

**COMMENT PERIOD:** December 3, 2018 through January 2, 2019

**1. COMMENT:** 252:301-1-7 General water quality laboratory

AEP:PSO noted that the section includes all the parameters that certification is required, and temperature is not listed.

**RESPONSE:** DEQ agrees and proposes to revise this rulemaking to include the following language at **252:301-1-7. General water quality laboratory, (b) Basic environmental laboratory analytes.** Basic environmental laboratory analytes include: temperature, five day biochemical oxygen demand, carbonaceous biochemical oxygen. . .

**2. COMMENT:** OAC 252:301-7-2 Participation Required

AEP:PSO agrees with deletion of the reference to the "National Environmental Laboratory Accreditation Conference (NELAC)", because the language is unnecessary.

**RESPONSE:** DEQ thanks you for your agreement.

**3. COMMENT:** OAC 252:301-5-4 On-site ~~inspections~~-evaluation

AEP:PSO is concerned the new language at subsection (f) is ambiguous, " ... granting accreditation for an additional field accreditation ..." We suggest the following language: "(f) Prior to granting any amendment to an existing accreditation, DEQ may perform an onsite evaluation of the laboratory ... "

**RESPONSE:** DEQ disagrees with the comment. The proposed rule addresses fields of accreditation rather than field accreditation. "Field accreditation." is not a part of the proposed language. The term "field of accreditation" used in the proposed language means analytes or category of analytes." We believe the language in section (f) requires no additional clarification.

## COMMENTS RECEIVED AFTER THE COMMENT PERIOD

**4. COMMENT:** OAC 252:301-1-9 Fees

Red River Environmental Laboratory objects to the proposed rule changes for 252:301-1-9 Fees (11) and (e) regarding on-site evaluation. This is a state lab accreditation program. This program is supported by the state tax funding plus we pay an annual fee (about \$2800 each year) to renew our certificate. The extra charge for the assessors' time for reviewing document, report, travel, and time-on-site as listed in 252:301-1-9 Fees (e) is not fair and reasonable for the lab at all.

**RESPONSE:** The fees associated with this rulemaking are intended to make program fees more closely approximate program costs for accreditation. Currently, on-site evaluation expense is partly paid by state appropriated funds. The expense of on-site assessment has increased as state appropriation has continued to decrease. Costs associated with the evaluation process have increased as the complexity and competency of assessment has increased. The fee for onsite assessment will be calculated at actual time and labor cost and invoiced after the assessment. Total assessment cost is directly related to the adequacy and timeliness of pre-assessment documentation and laboratory competency.

**5. COMMENT:** OAC 252:301-9-57 Support Equipment

Red River Laboratory suggests this new section is not clear and difficult to implement without definition for Support Equipment. Everything in the lab could be support equipment. Please specify or make it more clear.

**RESPONSE:** Support equipment would include all devices that may not include the actual test instrument but are necessary to support laboratory operations. These include but are not limited to balances, ovens, refrigerators, thermometers, volumetric dispensing devices, etc. DEQ's proposed rule is consistent with the guidance posted at DEQ's certification website for many years: "Guidance Document for Ensuring Traceability of Measurement".

**6. COMMENT:** OAC 252:301-1-7 Fees

Environmental Resource Technologies expressed general opposition to the proposed fee because of increased costs being borne by the laboratories;

Expressed concern for removal of Chapter 301, laboratory accreditation program to be replaced with only Chapter 307, TNI laboratory accreditation; expressed concern that the addition of marijuana and similar additions to accreditation is not tolerable and rising cost to support these programs creates a burden on existing laboratories not involved with these issues.

**RESPONSE:** DEQ recognizes the fee changes will result in increases to laboratories. See Response to Comments #4, above.

OAC 252:301 and OAC 252:307 are both available to laboratories for accreditation. No change can be made to either program without prior notice and rulemaking.

Marijuana is not addressed in this rulemaking. Current fee rulemaking supports actual costs of on-site assessment for the current program.

**7. COMMENT:** OAC 252:301-1-9 (c) Public water supply system fee exemption

The City of Tulsa, Water and Sewer Department, Water Quality Assurance asks how we determine whether a laboratory is fee exempt.

The City of Tulsa also asks whether or not “support equipment” can be defined, as OAC 252:301-9-57 doesn’t provide any definition nor is it in 252:301-1-3.

**RESPONSE:** A review of 301-1-9 (c) Public Water Supply Exemption reveals there is no laboratory accreditation fee for public water supply systems that pay the minimum annual public water supply regulatory service rate fee in accordance with 27A O.S. §2-6-306 and Public water Supply annual service fees Chapter 631-3-21. DEQ Laboratory Accreditation Program currently does not have an accredited laboratory within the program that would qualify for an exemption.

The clarification of support equipment is made in Response to Comments # 5, above.