

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 307. TNI LABORATORY ACCREDITATION**

**RULE IMPACT STATEMENT**

Before the Water Quality Advisory Council, January 11, 2022  
Before the Environmental Quality Board, February 2022

1. **DESCRIPTION:** The gist of these rules and the underlying reason for this rulemaking is to update incorporations by reference for the TNI Standard and EPA methodologies, and to make other amendments for conformity with the updated incorporations by reference. Updates include the most recent EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods and EPA Test Procedures for the Analysis of Pollutants, and the 2016 TNI Standard. A significant result of these updates to EPA test procedures and TNI Standards is the addition of alternate testing methods, clearer language, and reduced requirements which will apply to all permittees and accredited laboratories.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of laboratories that are DEQ TNI accredited under the Department's TNI Laboratory Accreditation Program and their customers. Participation in the TNI program is voluntary.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The classes of persons who will bear costs are the owners of laboratories that are accredited by the DEQ Laboratory Accreditation Program to perform environmental analyses, and potentially their customers.
4. **INFORMATION ON COST IMPACTS FROM PUBLIC/PRIVATE ENTITIES:** The DEQ has not received any information from other public or private entities concerning the cost impacts of the proposed regulation.
5. **CLASSES OF PERSONS BENEFITTED:** Oklahoma laboratories analyzing compliance samples will benefit through the clarification of accreditation requirements through experienced observers reviewing the analytical processes, clarifying laboratories responsibilities to the DEQ, reduced time for correction failing proficiency tests and the utilization of alternative test methods.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The probable economic impact is negligible. The changes allow laboratories to serve their client more efficiently with additional alternate test methods and reduction of time to correct their accreditation status. With added clarifying language that will explain laboratories responsibilities of dispute and correct language of suspension to meet TNI requirements.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department does not foresee any economic impact on political subdivisions due to this rulemaking.

8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** The Department anticipates no adverse effects on small businesses.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** No additional fee changes are within this proposed rule amendment.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** No additional costs. Benefits to DEQ include clarification of language in rules. The proposed rulemaking ensures that environmental analyses comply with current federal Clean Water Act, National Primary Drinking Water Act, and other national regulations.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There will be no costs to other agencies, however they may benefit with the ability to utilize compliance data produced utilizing the most recent approved analytical test methods.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** The Laboratory Accreditation Program is funded by fees charged to the laboratories that choose to participate.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** The Department anticipates no change in revenue from the user fees with the accreditation standards utilized in the accreditation of laboratories. Benefit to the DEQ and other agencies is the assurance of laboratory competency and confidence that the laboratory generated data are of known and documented quality.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Implementation and enforcement of this rule would be handled solely by the Department, and no cooperation by other political subdivisions would be required.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The Department evaluated its state programs to ensure Oklahoma's program costs are adequate and appropriate.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** The Department has determined this method to be the least intrusive and least costly for each category of affected facility to achieve the purpose of the proposed rule.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:** The Department has determined this rulemaking would not have an effect on public health, safety, and environment.

18. **IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK:** This proposed rulemaking is not intended to reduce significant risks to public health, safety, and environment.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** The proposed rulemaking would not have any detrimental effect on public health, safety, or environment if not implemented.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The Department has determined this rulemaking would allow the ability to utilize and provide benefits to laboratories that may elect to use alternate test procedures.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** October 21, 2021