

SHORT TITLE: Environment and natural resources; modifying
Laboratory Services and Certifications. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 987

By: Easley

AS INTRODUCED

An Act relating to environment and natural resources; amending Sections 31 and 33, Chapter 145, O.S.L. 1993, Section 34, Chapter 145, O.S.L. 1993, as amended by Section 17, Chapter 324, O.S.L. 1993, and Section 37, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1997, Sections 2-4-101, 2-4-301, 2-4-302 and 2-4-305), which relate to laboratory services and certification; defining terms; modifying list of definitions; designating Department of Environmental Quality as administrative agency for national environmental laboratory accreditation programs; clarifying statutory reference; authorizing Board of Environmental Quality to promulgate certain rules adopting standards of certain national program; updating statutory reference; stating certain cause for suspension, revocation or refusal to renew of laboratory certification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 31, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1997, Section 2-4-101), is amended to read as follows:

Section 2-4-101. As used in this article:

~~1. "Department" means the Department of Environmental Quality;~~

~~2. "Laboratory" means a facility that performs analyses to determine the chemical, physical, or biological properties of air, water, solid waste, hazardous waste, wastewater, or soil or subsoil materials or performs any other analyses related to environmental quality evaluations;~~

~~3. "Parameter" means the characteristics of a laboratory sample determined by an analytic laboratory testing procedure;~~

~~4. "Program" means the State Environmental Laboratory Certification Program;~~

~~5. "Certificate" means that document issued by the Department showing those parameters for which a laboratory has received certification;~~

~~6. "Performance evaluation sample" means a sample submitted to a laboratory by the Department or other designated agent for the purpose of assessing the ability of the laboratory to correctly analyze samples using the approved method;~~

~~7. "Acceptable results" means a result within limits determined on the basis of statistical procedures as prescribed by the Department; and~~

~~8. "Evaluation" means a review of the quality control and quality assurance procedures, recordkeeping, reporting procedures, methodology, personal qualifications, equipment, facilities and analytical technique of a laboratory for measuring or establishing specific parameters~~

"Acceptable results" means a result within limits determined on the basis of statistical procedures as prescribed by the Department;

2. "Certificate" means that document issued by the Department showing those parameters for which a laboratory has received certification;

3. "Certification" means the same as laboratory accreditation and includes primary accreditation and reciprocity accreditation;

4. "Department" means the Department of Environmental Quality;

5. "Evaluation" means a review of the quality control and quality assurance procedures, recordkeeping, reporting procedures, methodology, personal qualifications, equipment, facilities and analytical technique of a laboratory for measuring or establishing specific parameters;

6. "Laboratory" means a facility that performs analyses to determine the chemical, physical, or biological properties of air, water, solid waste, hazardous waste, wastewater, or soil or subsoil materials or performs any other analyses related to environmental quality evaluations; and

7. "Parameter" means the characteristics of a laboratory sample determined by an analytic laboratory testing procedure.

SECTION 2. AMENDATORY Section 33, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1997, Section 2-4-301), is amended to read as follows:

Section 2-4-301. The Department is hereby designated as the administrative agency for national environmental laboratory accreditation programs and shall:

1. Establish and administer the state water quality and environmental laboratory certification ~~program~~ programs for laboratories which apply ~~for certification~~; and

2. Issue, modify, renew, reinstate, revoke, or suspend the certification of a laboratory or deny a new or renewal certification application.

SECTION 3. AMENDATORY Section 34, Chapter 145, O.S.L. 1993, as amended by Section 17, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1997, Section 2-4-302), is amended to read as follows:

Section 2-4-302. A. The Board of Environmental Quality shall promulgate rules for certification of privately and publicly owned laboratories for performance of environmental analyses and for certification of laboratory operators for municipal wastewater works

and municipal waterworks. The Board may also promulgate rules which adopt standards of a national environmental laboratory accreditation program and the United States Environmental Protection Agency by reference, ~~but in any case laboratories meeting such standards shall be certified.~~

B. The Board, pursuant to Section ~~24~~ 2-2-101 of this ~~act~~ title and the Administrative Procedures Act, shall promulgate rules for the assessment of reasonable fees to participating laboratories for the administrative costs of the certification program.

C. Fees charged pursuant to this section shall be paid into the Department of Environmental Quality Revolving Fund and shall only be used by the Department in administering the Department's laboratory certification program ~~pursuant to Section 24 of this act.~~

SECTION 4. AMENDATORY Section 37, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1997, Section 2-4-305), is amended to read as follows:

Section 2-4-305. A. The Department of Environmental Quality may suspend, revoke, or refuse to renew in part or in whole the certification of any laboratory which does not continue to comply with Board of Environmental Quality rules or conditions of certification, or for cause, including but not limited to:

1. The knowing and willful falsification of data submitted to the Department;

2. The misrepresentation or omission of material data in any report submitted to any person relying on such report because of the laboratory's certification;

3. Failure to maintain or utilize approved quality control procedures, recordkeeping, reporting procedures, methodology, personnel requirements, equipment, facilities or analytical techniques on which the certification was issued; ~~or~~

4. Failure to achieve acceptable results on performance evaluation samples; or

5. For laboratories holding Department-issued certification, the expiration, suspension or revocation of the laboratory's reciprocal out-of-state certification.

B. The Department may conduct on-site evaluations of certified laboratories.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-2132

MJM