

**SUBCHAPTER A: GENERAL PROVISIONS**

**§§25.1, 25.2, 25.4, 25.6, 25.8**

**Effective October 7, 2010**

**§25.1. Purpose.**

This chapter describes requirements for accreditation and certification of environmental testing laboratories. Accreditation is voluntary; however, the commission may accept environmental testing laboratory data and analyses for use in commission decisions regarding any matter under the commission's jurisdiction relating to permits or other authorizations, compliance matters, enforcement actions, or corrective actions only if the data and analyses are prepared by an environmental testing laboratory accredited by the commission under this chapter, except as provided in §25.6 of this title (relating to Conditions Under Which the Commission May Accept Analytical Data).

Adopted September 15, 2010

Effective October 7, 2010

**§25.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) **Accreditation**--An authorization granted by the executive director to an environmental testing laboratory that meets requirements of this subchapter and Subchapter B of this chapter (relating to Environmental Testing Laboratory Accreditation).

(2) **Accreditation body**--An agency recognized by the National Environmental Laboratory Accreditation Program (NELAP) that grants accreditation on behalf of a state, territory, or federal agency.

(3) **Analyte**--A constituent for which an environmental sample is analyzed.

(4) **Certification**--An authorization granted by the executive director to an environmental testing laboratory that analyzes drinking water and which meets requirements of this subchapter and Subchapter C of this chapter (relating to Environmental Testing Laboratory Certification).

(5) **Corrective action report**--A report prepared by an environmental testing laboratory and submitted to the executive director that describes the specific actions taken or planned to address negative findings (deficiencies) contained in an environmental testing laboratory assessment report, actions taken or planned to prevent recurrence, the timetable for completing each action, and the means to be used to document completion of each action.

(6) **Environmental testing laboratory**--A scientific laboratory that performs analyses to determine the chemical, molecular, or pathogenic components of environmental media for regulatory compliance.

(7) **Environmental testing laboratory assessment**--The process used by an accrediting or certifying body to measure the performance, effectiveness, and conformity of an environmental testing laboratory to the standards for accreditation as specified in §25.9 of this title (relating to Standards for Environmental Testing Laboratory Accreditation) or certification as specified in §25.50 of this title (relating to Standards for Environmental Testing Laboratory Certification) and the requirements of this chapter. An environmental testing laboratory assessment may include a physical inspection of a laboratory and its operations.

(8) **Fields of accreditation**--The matrix, technology, method, and analyte or analyte group for which an environmental testing laboratory may be accredited.

(9) **Fields of certification**--The methods and analytes for which an environmental testing laboratory may be certified. The methods and analytes are used in a commission decision relating to compliance with the Safe Drinking Water Act.

(10) **In-house environmental testing laboratory**--An environmental testing laboratory that provides analytical data to its operator for a commission decision relating to:

(A) permits or other authorizations issued to the laboratory's operator;

(B) compliance matters and enforcement actions taken concerning the laboratory's operator; or

(C) corrective actions taken by the laboratory's operator to satisfy statutes, rules, or commission orders.

(11) **Laboratory personnel**--Individuals who manage, perform, maintain, or verify the work or the quality of the work at the environmental testing laboratory.

(12) **Matrix**--Sample type, including drinking water; nonpotable water; solid and chemical materials; air and emissions; and biological tissue.

(13) **Mobile environmental testing laboratory**--An environmental testing laboratory capable of being moved from one site to another site.

(14) **National Environmental Laboratory Accreditation Program (NELAP)**--The voluntary organization of state, territorial, and federal accreditation bodies whose primary purpose is to grant mutually acceptable accreditations to environmental testing laboratories.

(15) **On-site environmental testing laboratory**--An in-house environmental testing laboratory located at a regulated entity.

(16) **Operator**--An individual authorized to act on behalf of the environmental testing laboratory.

(17) **Primary accreditation**--Accreditation of an environmental testing laboratory according to the standards for accreditation as specified in §25.9 of this title and the requirements of this chapter.

(18) **Proficiency test sample**--A sample, the composition of which is unknown by an environmental testing laboratory or the individual performing the analysis. The sample is used to evaluate whether the laboratory and analyst can produce results within the specified acceptance criteria.

(19) **Quality system**--A structured and documented management system describing the policies, objectives, principles, organizational authority, responsibilities, accountability, and implementation plan of an organization for ensuring the quality of its work processes, products, and services. The quality system provides the framework for planning, implementing, and assessing work performed by the environmental testing laboratory for quality assurance and quality control.

(20) **Same site**--All structures, other appurtenances, and improvements located on one or more contiguous properties.

(21) **Secondary accreditation**--Accreditation granted by the executive director to an environmental testing laboratory that has been granted primary accreditation by another National Environmental Laboratory Accreditation Program accreditation body.

Adopted September 15, 2010

Effective October 7, 2010

#### **§25.4. Applicability.**

(a) An environmental testing laboratory must be accredited according to this chapter, except as provided in §25.6 of this title (relating to Conditions Under Which the Commission May Accept Analytical Data), if the laboratory provides analytical data which is used for a commission decision relating to a:

- (1) permit;
- (2) authorization;
- (3) compliance action;
- (4) enforcement action;
- (5) corrective action;
- (6) characterization of an environmental process or condition; or
- (7) assessment of an environmental process or condition.

(b) An in-house environmental testing laboratory is to be accredited if it provides analytical data to a third party and the data is used for a commission decision relating to a:

- (1) permit;
- (2) authorization;
- (3) compliance action;
- (4) enforcement action;
- (5) corrective action;
- (6) characterization of an environmental process or condition; or
- (7) assessment of an environmental process or condition.

(c) Subsections (a) and (b) of this section apply only to environmental testing laboratory results prepared and submitted to the commission on or after July 1, 2008.

(d) An environmental testing laboratory that provides analytical data used for a commission decision relating to the Safe Drinking Water Act must be:

- (1) accredited according to this subchapter and Subchapter B of this chapter (relating to Environmental Testing Laboratory Accreditation); or
- (2) certified by the United States Environmental Protection Agency.

Adopted September 15, 2010

Effective October 7, 2010

**§25.6. Conditions Under Which the Commission May Accept Analytical Data.**

The commission may accept analytical data provided by an environmental testing laboratory, for any matter under the commission's jurisdiction relating to permits or other authorizations, compliance matters, enforcement actions, or corrective actions, that is not accredited according to this chapter if the laboratory:

- (1) is an on-site or in-house environmental testing laboratory that is:
  - (A) inspected at least every three years by the executive director;
  - (B) located in another state and accredited or periodically inspected by that state; or
  - (C) inspected at least every three years by the executive director and is performing work:
    - (i) for another company with a unit located on the same site; or

(ii) without compensation for a governmental agency or a charitable organization.

(2) is accredited under federal law, including certification by the United States Environmental Protection Agency to provide analytical data for decisions relating to compliance with the Safe Drinking Water Act;

(3) provides analytical data necessary for emergency response activities and the required analytical data are not otherwise available from an environmental testing laboratory accredited according to this chapter or federal law; or

(4) provides analytical data for which the commission does not offer accreditation.

Adopted July 27, 2005

Effective August 24, 2005

**§25.8. Contracting.**

The executive director may contract with persons to provide services required by this chapter. The executive director may authorize contractors to collect reasonable fees for the services provided.

Adopted August 21, 2002

Effective September 12, 2002