

**REPORT OF THE  
DEPARTMENT OF GENERAL SERVICES, DIVISION  
OF CONSOLIDATED LABORATORIES ON**

**ESTIMATED COSTS AND PERSONNEL  
REQUIREMENTS FOR ESTABLISHING  
AND ADMINISTERING THE  
ENVIRONMENTAL LABORATORY  
CERTIFICATION PROGRAM**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**SENATE DOCUMENT NO. 19**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1998**



**REPORT OF THE DEPARTMENT OF GENERAL SERVICES,  
DIVISION OF CONSOLIDATED LABORATORY SERVICES  
TO  
ESTIMATED COSTS AND PERSONNEL REQUIREMENTS FOR  
ESTABLISHING AND ADMINISTERING THE ENVIRONMENTAL  
LABORATORY CERTIFICATION PROGRAM  
PURSUANT TO THE CODE OF VIRGINIA, TITLE 2.1, CHAPTER 32,  
ARTICLE 1, § 2.1-429.01  
TO  
THE HONORABLE GEORGE F. ALLEN, GOVERNOR OF VIRGINIA  
AND  
THE HONORABLE MEMBERS OF THE GENERAL ASSEMBLY OF VIRGINIA**

**DECEMBER 20, 1997**

**ESTIMATED COSTS AND PERSONNEL REQUIREMENTS FOR  
ESTABLISHING AND ADMINISTERING THE ENVIRONMENTAL  
LABORATORY CERTIFICATION PROGRAM**

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## EXECUTIVE SUMMARY

The Department of General Services (DGS), Division of Consolidated Laboratory Services (DCLS), provides scientific analyses for the health, environmental, and consumer protection programs of state and local governments, and local water authorities. DCLS also provides a laboratory certification program for laboratories under the Federal Safe Drinking Water Act. This certification of public laboratories is provided through a general fund appropriation. The certification of private laboratories and out-of-state laboratories is supported by fees.

§2.1-429.01 of the Code of Virginia(COV) requires that the Division of Consolidated Laboratory Services establish an Environmental Laboratory Certification Program for the certification of laboratories conducting any tests, analyses, measurements, or monitoring required by Chapter 13 (§10.1-1300 et seq.) of Title 10.1, the Virginia Waste Management Act (§10.1-1400 et seq.) and the State Water Control Law (§62.1-44.2 et seq.). Certification services will be supported by fees. DCLS is also required to establish fee categories based on the types of substances for which tests, analyses, measurements or monitoring are performed. All fees will be based on program costs to implement and maintain the certification program, and will depend on the number of laboratories seeking accreditation, and the number and type of tests performed in those laboratories.

The purpose of the Environmental Laboratory Certification Program is to ensure that laboratories provide accurate and consistent tests, analyses, measurements, and monitoring to meet the goals and requirements of Chapter 13 of Title 10.1, the Virginia Waste Management Act, and the State Water Control Law. To meet reciprocity requirements between states, laboratories must meet the established standards of the National Environmental Laboratory Accreditation Conference (NELAC). Customers of laboratory services will be assured that those laboratories with Virginia accreditation have met the rigorous NELAC standards.

Laboratories requesting certification must participate in an approved proficiency testing program and have an on site inspection of their facility and methods by a qualified third party provider. The results of the proficiency testing and on site inspection will be reviewed by DCLS. If the criteria are met, accreditation will be given for a two year period.

Workload projections are based on experience of the Department of Environmental Quality (DEQ). DEQ currently conducts data audits on laboratories that submit data under the DEQ monitoring programs.

The attached spreadsheets (Attachment B) show data from DEQ conducted audits for fiscal years 1996 and 1997. The data show that DEQ conducted audits on 627 in-house laboratories and 51 commercial laboratories in FY 96 for a total of 678 laboratories. In

FY97 the totals were 633 in-house laboratories and 43 commercial laboratories for a total of 676 laboratories. These laboratory audits are conducted every three years.

We used these workload numbers and information provided by DEQ to project workload for the accreditation program. Based on the DEQ laboratory audit data, we can conservatively estimate 600 audits, or 1,800 laboratories (ie. 600 audits X 3 year audit cycle) or over 1800 laboratories currently supplying data to the monitoring programs. DEQ also estimates there are between 800 and 1000 laboratories currently supplying data under the Virginia Waste Management Act and State Water Control Law who will elect to participate in the accreditation program.

The accreditation program will certify laboratories every two years. Based on DCLS certification experiences with the Safe Drinking Water Act and the Milk Certification Program, and the estimated number of laboratories currently providing data to DEQ, we project a workload of from 400 to 500 laboratories per year. We estimate that this workload will require a staff of 8.0 positions to support the environmental accreditation program, when fully implemented.

Staffing levels will be driven by the number of laboratories applying for accreditation. DCLS will add staff to meet the number of laboratories applying for certification. If the total number of laboratories we project do, in fact, apply for the program, the estimated annual cost will be approximately \$404,000.

## **MAJOR ISSUES AND FINDINGS**

The Environmental Laboratory Certification program will be an enterprise activity funded entirely through fees from laboratories requesting certification. The resources required will depend on the final version of the program regulations and the number of laboratories to be certified.

The issue that remains to be resolved before this program is implemented is:

Of the 800-1000 laboratories currently supplying data to DEQ under the Virginia Waste Management Act and State Water Control Law, how many laboratories will request certification? Until the number of laboratories who will seek certification is known, the fee collected from each laboratory to assure the program is self supporting cannot be determined.

## **RECOMMENDATIONS**

DGS recommends that, due to the uncertainty regarding the scope of the program, language be included to the Governor's Budget authorizing the program, and establishing a sum sufficient appropriation not to exceed 8.00 FTE and \$403,927 annually.

The language should also require DGS to submit a revised resource estimate to the Department of Planning and Budget, the House Appropriations Committee and the Senate Finance Committee once the administrative process requirements have been satisfied but prior to implementation of the program.



**ATTACHMENT A**

**THE CODE OF VIRGINIA, TITLE 2.1, CHAPTER 32,**

**ARTICLE 1, § 2.1-429.01**

§ 2.1-429.01 ADMINISTRATION OF GOVERNMENT GENERALLY § 2.1-429.4

representative to witness the test or analysis. (1977, c. 672; 1984, c. 275; 1986, c. 610; 1989, cc. 53, 409; 1990, c. 825; 1992, cc. 747, 873; 1996, c. 355.)

The 1998 amendment added subsection D.

§ 2.1-429.01. (Effective January 1, 1998) Environmental laboratory certification program. — A. The Division of Consolidated Laboratory Services shall by regulation establish a program for the certification of laboratories conducting any tests, analyses, measurements, or monitoring required pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1, the Virginia Waste Management Act (§ 10.1-1400 et seq.), or the State Water Control Law (§ 62.1-44.2 et seq.). The program shall include, but need not be limited to, minimum criteria for: (i) laboratory procedures; (ii) performance evaluations; (iii) supervisory and personnel requirements; (iv) facilities and equipment; (v) analytical quality control and quality assurance; (vi) certificate issuance and maintenance; (vii) recertification and decertification; and (viii) granting partial and full exemptions from the program based on compliance and performance. Such regulations shall be promulgated only after adoption of national accreditation standards by the National Environmental Laboratory Accreditation Conference sponsored by the United States Environmental Protection Agency. The purpose of the program shall be to ensure that laboratories provide accurate and consistent tests, analyses, measurements and monitoring so that the goals and requirements of Chapter 13 of Title 10.1, the Virginia Waste Management Act, and the State Water Control Law may be met.

B. Once the certification program has been established, laboratory certification shall be required before any tests, analyses, measurements or monitoring performed by a laboratory may be used for the purposes of Chapter 13 of Title 10.1, the Virginia Waste Management Act, and the State Water Control Law.

C. The Division shall by regulation establish a fee system to offset the costs of the certification program. The regulations shall establish fee categories based upon the types of substances for which tests, analyses, measurements or monitoring are performed. Such fees shall be used solely for offsetting the costs of the laboratory certification program.

D. The Division shall develop procedures for determining the qualifications of laboratories located in jurisdictions outside of Virginia to conduct tests, analyses, measurements or monitoring for use in Virginia. Laboratories located outside of Virginia that are certified or accredited under a program determined by the Division to be equivalent to the program established under this section shall be deemed to meet the certification requirements established hereunder.

E. Without limiting other penalties available under this chapter, laboratories found to be falsifying any data or providing false information to support certification shall be decertified or denied certification. (1997, c. 652.)

Editor's note. — Acts 1997, c. 652, cl. 3, provides: "That the Division of Consolidated Laboratory Services shall report to the Governor and the General Assembly no later than December 20, 1997, on the estimated costs and

personnel requirements for establishing and administering the laboratory certification program."

Effective date. — This section is effective January 1, 1998.

**ATTACHMENT B**

**ANNUAL INSPECTION SUMMARY**

**JULY 1, 1995- JUNE 30, 1996**

**July 1, 1996- June 30, 1997**

**THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIVISION  
 INSPECTION PROGRAM - ANNUAL SUMMARY  
 JULY 1, 1995 - JUNE 30, 1996

Performed Inspections - Projected Inspections

	<u>SWRO</u>	<u>PRO</u>	<u>VRO</u>	<u>NRO</u>	<u>WCRO</u>	<u>TRQ</u>
Mun Major	16/10	11/11	11/11	12/16	13/17	8/5
Ind Major	1/1	11/13	7/8	5/5	12/13	12/11
Fed Major	0/0	1/1	0/0	2/2	3/3	6/4
Mun Minor	37/36	27/27	26/26	6/19	14/16	8/6
Ind Minor	6/6	10/11	19/27	4/10	12/15	24/22
Fed Minor	0/0	0/0	1/1	3/0	0/0	1/1
Mun Small	68/64	15/36	19/22	6/22	3/12	9/1
Ind Small	52/43	59/17	17/16	9/24	6/11	42/30
Fed Small	2/2	0/0	0/0	0/0	0/0	1/0
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Total Tech	182/162	134/116	100/111	47/98	63/87	111/80
VPA HP	11/9	13/29	17/20	1/5	26/28	35/39
VPA LP	11/8	24/30	5/7	0/0	8/6	25/11
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Unscheduled Inspections	3	24	4	0	19	75
Commercial Labs	11	7	4	3	6	20
Lab Inspections	123	105	142	37	57	163
Sampling Inspections	1	19	64	0	20	20
Compliance Inspections	115	103	111	66	127	153
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REGIONAL TOTAL	457	429	447	154	326	602

AGENCY TOTALS

Technical: 637/654  
 Laboratory: 627  
 Commercial Laboratory: 51  
 Sampling: 124  
 Compliance: 675  
 NDC/VPA: 176/192  
 Unscheduled: 125  
 Grand Total: 2415

DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIVISION  
ANNUAL INSPECTION SUMMARY  
JULY 1, 1996 - JUNE 31, 1997

Performed Inspections / Projected Inspections						
	SWRO	PRO	VRO	NRO	WCRO	TRO
Municipal Major	11/8	11/11	11/12	16/16	15/16	11/9
Industrial Major	1/1	13/14	9/7	6/5	9/12	14/10
Federal Major	0/0	1/1	0/0	1/1	1/1	5/4
Municipal Minor	36/25	17/19	31/29	5/6	8/9	6/4
Industrial Minor	6/3	11/13	22/23	4/3	8/9	32/21
Federal Minor	0/0	0/0	1/1	2/2	0/0	7/6
Municipal Small	79/42	12/8	23/9	16/33	7/5	21/16
Industrial Small	56/38	13/11	4/4	9/14	10/16	41/24
Federal Small	3/2	0/0	0/0	1/0	0/0	0/0
Total Tech. Inspect.	192/119	78/77	101/85	60/80	58/70	137/94
VPA High Priority	14/13	25/31	22/22	3/1	25/32	30/40
VPA Low Priority	13/12	7/15	3/3	0/0	2/1	16/16
Unscheduled	17	92	28	4	12	141
Commercial Lab	9	0	5	6	8	15
Permittee Lab	139	103	108	48	52	183
Sampling	0	8	51	0	1	30
Compliance	187	104	51	13	0	95
Regional Total	571	417	369	134	158	647

AGENCY INSPECTION TOTALS	
Technical	626/525
Permittee Lab	633
Commercial Lab	43
Sampling	90
Compliance	450
VPA	160/186
Unscheduled	294

