

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

RULE IMPACT STATEMENT

Before the Water Quality Management Advisory Council on July 8, 2014.

Before the Environmental Quality Board on November 13, 2014

1. **DESCRIPTION:** This Chapter will provide standards for the voluntary accreditation of privately and publicly owned laboratories to perform analyses of water and wastewater, solid and hazardous waste, soil, sludge and petroleum hydrocarbons consistent with The NELAC Institute (TNI) standards.

This rule adoption is progressing in tandem with revocation of Chapter 303, TNI Laboratory Accreditation. Chapter 303 is being replaced with Chapter 307 due to inconsistency with TNI Standards language and difficulty in enforcing the rule as previously written.

2. **CLASSES OF PERSONS AFFECTED:** In-state and out-of-state laboratories that are required to be accredited in order to submit public water supply and wastewater data to the DEQ, as well as other laboratories who voluntarily choose to be accredited, may be affected by this rule.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The cost of the laboratory accreditation program is funded through user fees charged to participants.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** None received to date.
5. **CLASSES OF PERSONS BENEFITTED:** There should be a positive effect on data quality from commercial laboratories that will now meet standards consistent with TNI, and will have reciprocity with other TNI states. In addition some laboratories may realize a fee reduction through paying a single fee for accreditation both by the State of Oklahoma and the National Environmental Laboratory Accreditation Program.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The cost of the laboratory accreditation program is funded through user fees charged to participants.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** None.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** Accreditation fees for Chapter 307 are essentially flat as compared to current accreditation fees. Some laboratories may experience more administrative costs but the expense should be minor for those that have fully implemented all accreditation requirements of Chapter 301, Laboratory Accreditation. This rule over time has incrementally implemented the TNI standards, minimizing additional costs.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee changes in these rules. In 2008, fees were

adjusted and a provision was added including periodic increase for the Consumer Price Index as provided for in OAC 252:301-1-109.

10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:**
The DEQ may need to contract some on-site laboratory evaluations due to manpower limitations.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:**
The cost of the laboratory accreditation program is funded through user fees charged to participants.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** None.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** None.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The DEQ has developed Chapter 302, Field Laboratory Accreditation specifically for small laboratories that perform certain limited tests and are not subject to the strenuous standards of TNI. For those labs that seek TNI accreditation, the Laboratory Accreditation Program over time has incrementally implemented the TNI standards, minimizing additional costs.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** There are no other such methods of achieving the purpose of the proposed rulemaking.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:** Consistent national standards and enforcement will ensure accurate data analysis which will indirectly affect the public health, safety and environment from the adoption of these rules.
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:** See #17 above.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** See #17 above.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES, INCLUDING QUANTIFIABLE DATA WHERE POSSIBLE:** The implementation of TNI standards should have minimal impact on laboratories since the DEQ

has adopted many of those standards in the current rules, i.e., Chapter 301, and the labs are already complying with those standards.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: May 5, 2014
MODIFIED ON: