

# HOUSE BILL No. 5742

April 1, 2004, Introduced by Rep. Caul and referred to the Committee on Commerce.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding sections 20505, 20506,  
20507, 20508, and 20509.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 20505. (1) The department shall enter into reciprocity  
2 agreements with an agency of another state or with another third  
3 party entity, such as NELAC, for the purpose of recognizing  
4 out-of-state accreditation of out-of-state laboratories if the  
5 department determines that accreditation standards of the third  
6 party program are equivalent to or exceed the accreditation  
7 standards of this part.

8       (2) Fees required for initial accreditation or renewal or  
9 augmentation of accreditation through a reciprocity agreement  
10 under this section are governed by section 20508.

1           Sec. 20506. (1) The department shall do all of the  
2 following:

3           (a) Develop an accreditation manual detailing the regulations  
4 and procedures and providing guidance for accreditation under  
5 this part.

6           (b) Define the categories, parameters, analytes, and  
7 acceptable analytical methods for which a laboratory may become  
8 accredited.

9           (c) Compile and maintain a list of accredited laboratories  
10 that includes the name of each laboratory, the name of the  
11 laboratory director, the mailing address and telephone number of  
12 the laboratory, and the categories for which the laboratory is  
13 accredited. The department shall revise the list at least  
14 annually and shall provide a copy of the list on request without  
15 charge.

16           (2) The department may do 1 or more of the following:

17           (a) Approve the use of performance-based measurement systems  
18 that are approved by the United States environmental protection  
19 agency for a similar use.

20           (b) Allow other analytical methods on a case-by-case basis.  
21 A request to use an alternate analytical method shall be in  
22 writing and include valid scientific reasons for proposing the  
23 analytical method and a description of its potential scope of  
24 use. The department shall provisionally approve or deny the  
25 request within 90 days based on a demonstrated need for the  
26 alternate analytical method. If the request is provisionally  
27 approved, the department shall establish criteria for validating

1 the analytical method. If the analytical method validation  
2 satisfies the validation criteria, the department shall allow the  
3 use of the analytical method.

4 (c) Approve an analytical method if there is no other  
5 department-approved analytical method.

6 (d) Undertake double blind PT studies of accredited  
7 laboratories through the use of samples from a PT program or  
8 samples from other qualified sources. The department may use the  
9 results of such PT samples to select laboratories for further  
10 inspection or as a basis for requiring analysis of additional PT  
11 samples, requiring corrective action, revoking accreditation  
12 subject to the administrative procedures act of 1969, 1969 PA  
13 306, MCL 24.201 to 24.328, or requesting the attorney general to  
14 commence a civil action as described in section 20512.

15 (e) Enter into agreements with other agencies of this state,  
16 agencies of other states, federal agencies, interstate agencies,  
17 political subdivisions, educational institutions, local health  
18 departments, or other public or private organizations, or  
19 individuals for the administration of this part.

20 Sec. 20507. (1) A laboratory shall participate in PT for  
21 all categories, parameters, analytes, and methods for which the  
22 laboratory is accredited or seeks accreditation and for which a  
23 PT program exists.

24 (2) The department or a department representative shall  
25 conduct an on-site evaluation of laboratories applying for  
26 accreditation to confirm compliance with the requirements of this  
27 part, unless the department waives the requirement for on-site

1 evaluation. Beginning 5 years after the effective date of this  
 2 part, the department shall schedule the on-site assessment of a  
 3 laboratory within 90 days after the laboratory applies, in  
 4 writing, for accreditation, unless a later date is agreed upon by  
 5 the laboratory and the department. The laboratory shall respond  
 6 to and correct the deficiencies cited in the assessment report  
 7 prior to receiving accreditation.

8 (3) The department shall issue the requested accreditation  
 9 within 20 business days after the laboratory successfully  
 10 completes the on-site assessment or the department waives the  
 11 on-site assessment.

12 Sec. 20508. (1) The department shall charge the following  
 13 fees for initial accreditation or to renew or augment  
 14 accreditation:

15 <u>Fee item</u>	<u>Fee</u>
16 Accreditation base fee	\$800.00
17 Reciprocity fee	\$800.00
18 Initial application fee	\$300.00
19 Revised/renewal application fee	\$150.00
20 Category 1 - Oxygen utilization	\$100.00
21 Category 2 - Nitrogen	\$100.00
22 Category 3 - Phosphorus	\$100.00
23 Category 4 - Physical	\$100.00
24 Category 5 - General I	\$200.00
25 Category 6 - General II	\$200.00
26 Category 7 - General III	\$200.00
27 Category 8 - Metals I	\$200.00

1	Category 9 - Metals II	\$200.00
2	Category 10 - Organics: Purgeables	\$200.00
3	Category 11 - Organics: Semivolatiles by GC	\$200.00
4	Category 12 - Organics: Semivolatiles by GC/MS	\$200.00
5	Category 13 - Organics: Liquid chromatography	\$200.00
6	Category 14 - Organics: Pesticides	\$200.00
7	Category 15 - Organics: Petroleum hydrocarbons	\$200.00
8	Category 16 - Organics: Organochlorine compounds	\$200.00
9	Category 17 - Organics: Dioxins	\$600.00
10	Category 18a - Nitrate/Nitrite only	\$100.00
11	Category 18b - Nitrate/Nitrite and fluoride only	\$200.00
12	Category 19 - Any single analyte	\$200.00
13	Category 20 - Whole effluent toxicity	\$1,400.00
14	Category 21 - Immunoassay	\$200.00
15	Minimum annual fee	\$1,200.00

16           (2) A fee charged under subsection (1) is nonrefundable  
 17 except to the extent of an overpayment.

18           (3) In addition to the fees assessed by the department, a  
 19 laboratory applying for accreditation shall pay the fees required  
 20 for the on-site assessment as established by the department, and  
 21 any fees associated with PT.

22           (4) Fees collected under this part shall be deposited in the  
 23 fund.

24           Sec. 20509. (1) The laboratory accreditation fund is  
 25 created within the state treasury.

26           (2) Fees received under this part shall be deposited in the  
 27 fund. The state treasurer may receive money or other assets from

1 any source for deposit in the fund.

2 (3) The state treasurer shall direct the investment of the  
3 fund. The state treasurer shall credit to the fund interest and  
4 earnings from fund investments.

5 (4) Money in the fund at the close of the fiscal year shall  
6 remain in the fund and shall not lapse to the general fund.

7 (5) The department shall expend money from the fund, upon  
8 appropriation, only for the purpose of administering this part.

9 Enacting section 1. This amendatory act does not take  
10 effect unless all of the following bills of the 92nd Legislature  
11 are enacted into law:

12 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5744  
13 (request no. 06433'04 \*\*).

14 (b) Senate Bill No. 1135 or House Bill No. \_\_\_\_\_  
15 (request no. 06495'04 \*\*).

16 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 5743  
17 (request no. 06497'04 \*\*).