

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 2.1-429.01, relating to*
3 *environmental laboratory certification.*

4 [S 1039]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 2.1-429.01 as follows:**8 *§ 2.1-429.01. Environmental laboratory certification program.*

9 *A. The Division of Consolidated Laboratory Services shall by regulation establish a program for the*
10 *certification of laboratories conducting any tests, analyses, measurements, or monitoring required*
11 *pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1, the Virginia Waste Management Act*
12 *(§ 10.1-1400 et seq.), or the State Water Control Law (§ 62.1-44.2 et seq.). The program shall include,*
13 *but need not be limited to, minimum criteria for: (i) laboratory procedures; (ii) performance*
14 *evaluations; (iii) supervisory and personnel requirements; (iv) facilities and equipment; (v) analytical*
15 *quality control and quality assurance; (vi) certificate issuance and maintenance; (vii) recertification and*
16 *decertification; and (viii) granting partial and full exemptions from the program based on compliance*
17 *and performance. Such regulations shall be promulgated only after adoption of national accreditation*
18 *standards by the National Environmental Laboratory Accreditation Conference sponsored by the United*
19 *States Environmental Protection Agency. The purpose of the program shall be to ensure that*
20 *laboratories provide accurate and consistent tests, analyses, measurements and monitoring so that the*
21 *goals and requirements of Chapter 13 of Title 10.1, the Virginia Waste Management Act, and the State*
22 *Water Control Law may be met.*

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

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

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

36 *E. Without limiting other penalties available under this chapter, laboratories found to be falsifying*
37 *any data or providing false information to support certification shall be decertified or denied*
38 *certification.*

39 **2. That the provisions of the first enactment of this act shall become effective on January 1, 1998.**

40 **3. That the Division of Consolidated Laboratory Services shall report to the Governor and the**
41 **General Assembly no later than December 20, 1997, on the estimated costs and personnel**
42 **requirements for establishing and administering the laboratory certification program.**

ENROLLED

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