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## SENATE BILL NO. 1039

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee  
on February 22, 1997)

(Patron Prior to Substitute—Senator Mayre)

A *BILL* to amend the Code of Virginia by adding a section numbered 2.1-429.01, relating to environmental laboratory certification.

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 2.1-429.01 as follows:**

**§ 2.1-429.01. 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.

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

**3. 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.**