

1999 DRAFTING REQUEST

Bill

Received: **09/18/98**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Grinde**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact: **DNR**

Alt. Drafters:

Subject: **Environment - miscellaneous**

Extra Copies: **DNR**

Topic:

DOA:.....Grinde - National accrediting authority for laboratory certification

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	traderc 09/30/98	gilfokm 10/6/98	jfrantze 10/6/98	_____	lrb_docadmin 10/6/98		State
/1	traderc 10/26/98	chanaman 10/26/98	martykr 10/27/98	_____	lrb_docadmin 10/27/98		

FE Sent For:

<END>

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dm 10/27

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **09/18/98**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Natural Resources**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - miscellaneous**

Extra Copies:

Topic:

National accrediting authority for laboratory certification

Instructions:

See Attached

Drafting History:

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/P1	traderc 09/30/98	gilfokm 10/6/98	jfrantze 10/6/98	_____	lrb_docadmin 10/6/98		State

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National accrediting authority for laboratory certification

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1?	traderc	1/11-10-5 kmg	2/10/6	2/6/98 KM			

FE Sent For:

<END>

1999-2001 Statutory Language Proposals

Division: Enforcement & Science

Bureau: Integrated Science Services

Issue/Topic: National Accrediting Authority for Laboratory Certification

Proposed Change: Modify Section 299.11 of the Wisconsin Statutes to allow the state of Wisconsin to become a National Accrediting Authority for certified and registered laboratories. See attached summary.

Explanatory Note: Currently the statutes provide for the Department of Natural Resources to certify and register laboratories. The state program was initiated as directed in s. 299.11 Wis stats in 1986. Since the early 1990s, work has been progressing on a National Program for Laboratory Accreditation. Starting in 1998, states may begin application to become Nationally Accredited through the National Environmental Laboratory Accreditation Program (NELAP). The statutes need to be modified to clearly allow the department to become nationally accredited if it so chooses. It is anticipated that the National Program will be more expensive to run, but accurate cost estimates are not yet available. Since laboratory certification or accreditation is a fee-funded program, the increased expenses will be passed on to participating laboratories.

The process of becoming an accrediting authority is not automatic. In order to present a credible application, the Department will need to make internal changes and at least begin revising its administrative rules to comply with the national standards. At the current time, a Technical Advisory Committee is finalizing recommendations on needed changes in data standards and policies. A statutory language change will enable the Department to begin this process.

Desired Effective Date: Upon passage of the budget.

Contact Person: Joy Stewart 266-2159

Proposed Statutory Language to Allow Department Participation in the
National Environmental Accreditation Program

Create 299.11(1)(am) to read:

“Accredited laboratory” means a laboratory which is accredited under sub. 8m, or receives recognition as an accredited laboratory under sub. (5).

Create 299.11(1)(em) to read:

“NELAC” means the National Environmental Laboratory Accreditation Conference.

Create 299.11(1)(eq) to read:

“NELAP” means the National Environmental Laboratory Accreditation Program.

Amend 299.11(3) to read:

(3) CERTIFICATION STANDARDS REVIEW COUNCIL. The council shall review the laboratory certification, ~~and~~ registration and accreditation program and shall make recommendations to the department concerning the specification of test categories, reference sample testing and standards for certification, registration, accreditation, suspension and revocation and other aspects of the program.

Amend 299.11(4) Introduction to read:

(4) DEPARTMENT MAY REQUIRE ACCREDITATION, CERTIFICATION OR REGISTRATION.

Amend 299.11(4) to read:

(a) Applicability. Except as provided in subs. (5) and (6), if results from a test in a specified test category in a covered program are required to be submitted to the department, the department may require by rule that the test be conducted by a laboratory which is accredited, certified or registered to conduct tests in that specified category. The department may require that tests be conducted by a certified laboratory if the requirements for registration do not meet the requirements of an applicable federal law.

or accredited?

Amend 299.11(4)(c) to read:

(c) Delayed effective date. A rule identifying specified test categories for which tests are required to be conducted by a an accredited, certified or registered laboratory may not take

effect until at least 120 days after publication. The department may not require a person to resubmit results of tests which were not required to be conducted by ~~a~~ an accredited, certified or registered laboratory at the time of the original submission merely because of that fact.

Amend 299.11(5) Introduction to read:

(5) RECOGNITION OF OTHER ACCREDITATION, CERTIFICATION, REGISTRATION.

Amend 299.11(5)(b) Introduction to read:

(b) Reciprocity with laboratories accredited, certified or registered by other governments.

Amend 299.11(5)(b) to read:

The department may recognize the accreditation, certification, registration, licensure or approval of a laboratory by another state, an agency of the federal government if the standards for accreditation, certification, registration, licensure or approval are substantially equivalent to those established under this section. The department shall negotiate with and attempt to enter into acceptable agreements with federal agencies and agencies of other states for the purpose of reciprocal recognition of laboratory accreditation, certification and registration under this section. The department may not recognize the accreditation, certification, registration, licensure or approval of a laboratory by another state or an agency of the federal government unless that state or federal agency recognizes laboratories accredited, certified, or registered under this section. The department may accept the results of any tests conducted by a laboratory which it recognizes under an agreement. The department shall publish periodically a list of those agencies whose accreditations, certifications, approvals or registrations it accepts. Any laboratory which is accredited, registered, certified or approved by any such agency may apply to the department to have the same recognized under this section.

Is there an agreement?

Create 299.11(5)(cm) to read:

The department may cooperate, and enter into agreements with other state or federal agencies and private organizations, including applying for recognition as an accrediting authority under the National Environmental Laboratory Accreditation Program (NELAP).

Put in (cm)?

Amend 299.11(5)(d) to read:

(d) Discretionary acceptance. The department may accept the results of a test in a specified test category even though the test was not conducted by ~~a~~ an accredited, certified or registered laboratory. The department may charge an extra fee if it is necessary to verify the results of a test submitted under this paragraph.

Amend 299.11(6) to read:

(6) NOT APPLICABLE TO OTHER PROGRAMS. No laboratory is required to be accredited, registered or certified under this section for any purpose other than the submission of results under a covered program.

Create 299.11(8am) to read:

mandatory
After considering recommendations by the council, the department shall promulgate by rule criteria to be used to evaluate laboratories for accreditation. Criteria shall be consistent with NELAC standards.

*permissive
that will be
set approved by NELAC*
Amend 299.11(9) to read:

(9) FEES. The department shall promulgate by rule a graduated schedule of fees for accredited, certified and registered laboratories which are designed to recover the costs of administering this section.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0239/P1

SOON

RCT:....

King

This is expected to become a budget draft

DNote

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{Don't Gen. Cat.} relating to: the budget.

Analysis by the Legislative Reference Bureau

of the Department of agriculture, trade and consumer protection (DATCP)

ENVIRONMENT
OTHER ENVIRONMENT

Under current law, the department of natural resources (DNR) may require tests related to programs administered by DNR to be conducted by laboratories certified or registered by DNR or certified or registered by another state or a federal agency that recognizes this state's laboratory certification and registration program and that uses standards equivalent to this state's standards.

by DNR

This bill authorizes DNR to apply to the federal environmental protection agency to be approved to accredit laboratories under a national environmental laboratory accreditation program. If DNR is approved to accredit laboratories under the national program, an accredited laboratory may conduct tests that currently must be conducted by a certified or registered laboratory. If DNR is approved to accredit laboratories under the national program, this state must accept test results from laboratories accredited by other accrediting authorities and other accrediting authorities must accept test results from laboratories accredited by DNR.

FES

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 299.11 (1) ^e of the statutes is created to read:

Section #. RN; 299.11(1)(a); 299.11(1)(am)

1 299.11 (1) ^(ae) ~~(am)~~ "Accredited" means accredited under sub. (8^m) or recognized
 2 as accredited under sub. (5).[✓]

3 **SECTION 2.** 299.11 (1) (b) of the statutes is amended to read:

4 299.11 (1) (b) "Certified laboratory" means a laboratory which performs tests
 5 for hire in connection with a covered program and which receives certification
 6 certified under sub. (7) or ~~receives recognition~~ recognized as a certified laboratory
 7 under sub. (5).

History: 1983 a. 410; 1985 a. 22 s. 11; 1985 a. 29 s. 3202 (39); 1985 a. 84 s. 8; 1985 a. 182 s. 57; 1989 a. 31; 1991 a. 32, 39; 1993 a. 27, 491; 1995 a. 27; 1995 a. 227 s. 818; Stats. 1995 s. 299.11; 1995 a. 417 s. 52.

8 **SECTION 3.** 299.11 (1) (em) of the statutes is created to read:

9 299.11 (1) (em) "National environmental laboratory accreditation conference"
 10 means the voluntary association of state and federal officials, sponsored by the
 11 federal environmental protection agency, with the purpose of establishing national
 12 performance standards for environmental laboratories.

13 **SECTION 4.** 299.11 (1) (eq) of the statutes is created to read:

14 299.11 (1) (eq) "National environmental laboratory accreditation program"
 15 means the ^{program of the} federal environmental protection agency's ~~program~~ that oversees the
 16 implementation of national performance standards established by the national
 17 environmental laboratory accreditation conference and determines whether to
 18 approve state and federal agencies as accrediting authorities for environmental
 19 laboratories.

20 **SECTION 5.** 299.11 (1) (g) of the statutes is amended to read:

21 299.11 (1) (g) "Registered laboratory" means a laboratory which is registered
 22 under sub. (8) or ~~receives recognition~~ recognized as a registered laboratory under
 23 sub. (5).

History: 1983 a. 410; 1985 a. 22 s. 11; 1985 a. 29 s. 3202 (39); 1985 a. 84 s. 8; 1985 a. 182 s. 57; 1989 a. 31; 1991 a. 32, 39; 1993 a. 27, 491; 1995 a. 27; 1995 a. 227 s. 818; Stats. 1995 s. 299.11; 1995 a. 417 s. 52.

1 SECTION 6. 299.11 (3) of the statutes is amended to read:

2 299.11 (3) CERTIFICATION STANDARDS REVIEW COUNCIL. The council shall review

3 the laboratory certification and ^g registration ^{and accreditation} program and shall make

4 recommendations to the department concerning the specification of test categories,

5 reference sample testing and standards for certification, registration, ^{accreditation} suspension

6 and revocation and other aspects of the program.

History: 1983 a. 410; 1985 a. 22 s. 11; 1985 a. 29 s. 3202 (39); 1985 a. 84 s. 8; 1985 a. 182 s. 57; 1989 a. 31; 1991 a. 32, 39; 1993 a. 27, 491; 1995 a. 27; 1995 a. 227 s. 818; Stats. 1995 s. 299.11; 1995 a. 417 s. 52.

7 SECTION 7. 299.11 (4) (title) and (a) of the statutes are amended to read:

8 299.11 (4) (title) DEPARTMENT MAY REQUIRE ^{accreditation,} CERTIFICATION OR REGISTRATION.

History: 1983 a. 410; 1985 a. 22 s. 11; 1985 a. 29 s. 3202 (39); 1985 a. 84 s. 8; 1985 a. 182 s. 57; 1989 a. 31; 1991 a. 32, 39; 1993 a. 27, 491; 1995 a. 27; 1995 a. 227 s. 818; Stats. 1995 s. 299.11; 1995 a. 417 s. 52.

9 ~~NO~~ (a) *Applicability.* Except as provided in subs. (5) and (6), if results from a test

10 in a specified test category in a covered program are required to be submitted to the

11 department, the department may require by rule that the test be conducted by a

12 laboratory which is ^{accredited,} certified or registered to conduct tests in that specified category.

13 The department may require that tests be conducted by ^{an accredited or} a certified laboratory if the

14 requirements for registration do not meet the requirements of an applicable federal

15 law.

History: 1983 a. 410; 1985 a. 22 s. 11; 1985 a. 29 s. 3202 (39); 1985 a. 84 s. 8; 1985 a. 182 s. 57; 1989 a. 31; 1991 a. 32, 39; 1993 a. 27, 491; 1995 a. 27; 1995 a. 227 s. 818; Stats. 1995 s. 299.11; 1995 a. 417 s. 52.

16 SECTION 8. 299.11 (4) (c) of the statutes is amended to read:

17 299.11 (4) (c) *Delayed effective date.* A rule identifying specified test categories

18 for which tests are required to be conducted by ^{an accredited,} a certified or registered laboratory

19 may not take effect until at least 120 days after publication. The department may

20 not require a person to resubmit results of tests which were not required to be

21 conducted by ^{an accredited,} a certified or registered laboratory at the time of the original

22 submission merely because of that fact.

History: 1983 a. 410; 1985 a. 22 s. 11; 1985 a. 29 s. 3202 (39); 1985 a. 84 s. 8; 1985 a. 182 s. 57; 1989 a. 31; 1991 a. 32, 39; 1993 a. 27, 491; 1995 a. 27; 1995 a. 227 s. 818; Stats. 1995 s. 299.11; 1995 a. 417 s. 52.

~~§~~ comma

1 SECTION 9. 299.11 (5) (title) of the statutes is amended to read:

2 299.11 (5) (title) accreditation RECOGNITION OF OTHER CERTIFICATION OR REGISTRATION.

History: 1983 a. 410; 1985 a. 22 s. 11; 1985 a. 29 s. 3202 (39); 1985 a. 84 s. 8; 1985 a. 182 s. 57; 1989 a. 31; 1991 a. 32, 39; 1993 a. 27, 491; 1995 a. 27; 1995 a. 227 s. 818; Stats. 1995 s. 299.11; 1995 a. 417 s. 52.

3 SECTION 10. 299.11 (5) (cm) of the statutes is created to read:

4 299.11 (5) (cm) *Reciprocity for national accreditation.* If the department is
5 approved as an accrediting authority under sub. (8m) (a) and another accrediting
6 authority under the national environmental laboratory accreditation program
7 recognizes accreditation by the department under sub. (8m), the department shall
8 recognize the accreditation of a laboratory by that other accrediting authority.

9 SECTION 11. 299.11 (5) (d) of the statutes is amended to read:

10 299.11 (5) (d) *Discretionary acceptance.* The department may accept the
11 results of a test in a specified test category even though the test was not conducted
12 by an accredited certified or registered laboratory. The department may charge an extra fee if
13 it is necessary to verify the results of a test submitted under this paragraph.

History: 1983 a. 410; 1985 a. 22 s. 11; 1985 a. 29 s. 3202 (39); 1985 a. 84 s. 8; 1985 a. 182 s. 57; 1989 a. 31; 1991 a. 32, 39; 1993 a. 27, 491; 1995 a. 27; 1995 a. 227 s. 818; Stats. 1995 s. 299.11; 1995 a. 417 s. 52.

14 SECTION 12. 299.11 (6) of the statutes is amended to read:

15 299.11 (6) NOT APPLICABLE TO OTHER PROGRAMS. No laboratory is required to be
16 accredited registered or certified under this section for any purpose other than the submission
17 of results under a covered program.

History: 1983 a. 410; 1985 a. 22 s. 11; 1985 a. 29 s. 3202 (39); 1985 a. 84 s. 8; 1985 a. 182 s. 57; 1989 a. 31; 1991 a. 32, 39; 1993 a. 27, 491; 1995 a. 27; 1995 a. 227 s. 818; Stats. 1995 s. 299.11; 1995 a. 417 s. 52.

18 SECTION 13. 299.11 (8m) of the statutes is created to read:

19 299.11 (8m) ACCREDITATION. (a) The department may apply to be approved as
20 an accrediting authority under the national environmental laboratory accreditation
21 program.

22 (b) If the department is approved as an accrediting authority under par. (a), the
23 department shall, after considering recommendations by the council, promulgate ~~by~~ ✓

1 ^a rule ^{prescribing} criteria to be used to evaluate laboratories for accreditation. ^{and the procedures for} ^{accrediting laboratories} The criteria shall
 2 be consistent with the standards established by the national environmental
 3 laboratory accreditation conference.

4 SECTION 14. 299.11 (9) of the statutes is amended to read:

5 299.11 (9) FEES. The department shall promulgate by rule a graduated
 6 schedule of fees for ^{accredited} certified and registered laboratories which are designed to
 7 recover the costs of administering this section.

History: 1983 a. 410; 1985 a. 22 s. 11; 1985 a. 29 s. 3202 (39); 1985 a. 84 s. 8; 1985 a. 182 s. 57; 1989 a. 31; 1991 a. 32, 39; 1993 a. 27, 491; 1995 a. 27; 1995 a. 227 s. 818; Stats. 1995 s. 299.11; 1995 a. 417 s. 52.

8

(END)

ONote

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0239/P1dn

RCT:....
kmq

This is a preliminary version of the laboratory accreditation draft. I have made several changes to the proposed language.

This draft amends the definitions of "certified laboratory" and "registered laboratory" because the statute sometimes uses "certified" and "registered" without "laboratory".

Please review the treatment of s. 299.11 (4) (a). I added "accredited" to the last sentence.

I thought that the draft worked better by creating s. 299.11 (5) (cm) for accreditation rather than adding accreditation to s. 299.11 (5) (b). For one thing, it does not look to me as though NELAP contemplates agreements with other accrediting authorities. The provision that was proposed for s. 299.11 (5) (cm) appears in s. 299.11 (8m) (a).

Please consider whether any of the following statutes should be amended because of the changes made by this draft: s. 93.12 (9), ~~s. 97.12 (9)~~, s. 281.75 (6) (a), ~~s. 299.07 (1) (a) 11.~~ *697.34(2)(d) or*

Please let me know if you have any questions or redraft instructions for this draft.

Rebecca C. Tradewell
Assistant Chief Counsel
266-7290

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0239/P1dn
RCT:kmg:jf

October 6, 1998

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This draft amends the definitions of "certified laboratory" and "registered laboratory" because the statute sometimes uses "certified" and "registered" without "laboratory".

Please review the treatment of s. 299.11 (4) (a). I added "accredited" to the last sentence.

I thought that the draft worked better by creating s. 299.11 (5) (cm) for accreditation rather than adding accreditation to s. 299.11 (5) (b). For one thing, it does not look to me as though NELAP contemplates agreements with other accrediting authorities. The provision that was proposed for s. 299.11 (5) (cm) appears in s. 299.11 (8m) (a).

Please consider whether any of the following statutes should be amended because of the changes made by this draft: s. 93.12 (9), 97.34 (2) (d), 281.75 (6) (a) or 299.07 (1) (a) 11.

Please let me know if you have any questions or redraft instructions for this draft.

Rebecca C. Tradewell
Assistant Chief Counsel
266-7290

10/22/98 TC with Joe Renville + Alfredo Sodomeyro - DNK
in response to DNote on /P1:

1. Amend the statute referenced in DNote
2. In 299.11 (3) Add that recommendations about accreditation must be consistent with NELAC
3. In s. 299.11 (5) (cm) - clarify that we only recognize accreditation in categories that they are accredited for by other accrediting authority

J J J PJT



State of Wisconsin
1999 - 2000 LEGISLATURE
SO ON

LRB-0239/11 redraft
RCT:kmj:jf make/ run

This is now a DUB draft

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WPO's: Ensure that draft has DOA & budget tags.

J-KSH

do not gen cat.

1 **AN ACT**; relating to: the budget.

Analysis by the Legislative Reference Bureau

**ENVIRONMENT
OTHER ENVIRONMENT**

Under current law, the department of natural resources (DNR) may require tests related to programs administered by DNR to be conducted by laboratories certified or registered by DNR or the department of agriculture, trade and consumer protection (DATCP) or certified or registered by another state or a federal agency that recognizes laboratory certification by DNR and that uses standards equivalent to this state's standards.

This bill authorizes DNR to apply to the federal environmental protection agency to be approved to accredit laboratories under a national environmental laboratory accreditation program. If DNR is approved to accredit laboratories under the national program, an accredited laboratory may conduct tests that currently must be conducted by a certified or registered laboratory. If DNR is approved to accredit laboratories under the national program, this state must accept test results from laboratories accredited by other accrediting authorities and other accrediting authorities must accept test results from laboratories accredited by DNR.

~~For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.~~

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insert - 0239/MS

1 SECTION 1. 299.11 (1) (a) of the statutes is renumbered 299.11 (1) (am).

2 SECTION 2. 299.11 (1) (ae) of the statutes is created to read:

3 299.11 (1) (ae) "Accredited" means accredited under sub. (8m) or recognized as
4 accredited under sub. (5).

5 SECTION 3. 299.11 (1) (b) of the statutes is amended to read:

6 299.11 (1) (b) "Certified laboratory" means a laboratory which performs tests
7 for hire in connection with a covered program and which receives certification
8 certified under sub. (7) or receives recognition recognized as a certified laboratory
9 under sub. (5).

10 SECTION 4. 299.11 (1) (em) of the statutes is created to read:

11 299.11 (1) (em) "National environmental laboratory accreditation conference"
12 means the voluntary association of state and federal officials, sponsored by the
13 federal environmental protection agency, with the purpose of establishing national
14 performance standards for environmental laboratories.

15 SECTION 5. 299.11 (1) (eq) of the statutes is created to read:

16 299.11 (1) (eq) "National environmental laboratory accreditation program"
17 means the program of the federal environmental protection agency that oversees the
18 implementation of national performance standards established by the national
19 environmental laboratory accreditation conference and determines whether to
20 approve state and federal agencies as accrediting authorities for environmental
21 laboratories.

22 SECTION 6. 299.11 (1) (g) of the statutes is amended to read:

23 299.11 (1) (g) "Registered laboratory" means a laboratory which is registered
24 under sub. (8) or receives recognition recognized as a registered laboratory under
25 sub. (5).

Recommendations concerning accreditation shall be consistent with the standards established by the national environmental laboratory accreditation conference.

1 **SECTION 7.** 299.11 (3) of the statutes is amended to read:

2 299.11 (3) **CERTIFICATION STANDARDS REVIEW COUNCIL.** The council shall review
3 the laboratory certification ~~and~~, registration and accreditation program and shall
4 make recommendations to the department concerning the specification of test
5 categories, reference sample testing and standards for certification, registration,
6 accreditation, suspension and revocation and other aspects of the program.

7 **SECTION 8.** 299.11 (4) (title) and (a) of the statutes are amended to read:

8 299.11 (4) (title) DEPARTMENT MAY REQUIRE ACCREDITATION, CERTIFICATION OR
9 REGISTRATION. (a) *Applicability.* Except as provided in subs. (5) and (6), if results from
10 a test in a specified test category in a covered program are required to be submitted
11 to the department, the department may require by rule that the test be conducted
12 by a laboratory which is accredited, certified or registered to conduct tests in that
13 specified category. The department may require that tests be conducted by a an
14 accredited or certified laboratory if the requirements for registration do not meet the
15 requirements of an applicable federal law.

16 **SECTION 9.** 299.11 (4) (c) of the statutes is amended to read:

17 299.11 (4) (c) *Delayed effective date.* A rule identifying specified test categories
18 for which tests are required to be conducted by a an accredited, certified or registered
19 laboratory may not take effect until at least 120 days after publication. The
20 department may not require a person to resubmit results of tests which were not
21 required to be conducted by a an accredited, certified or registered laboratory at the
22 time of the original submission merely because of that fact.

23 **SECTION 10.** 299.11 (5) (title) of the statutes is amended to read:

24 299.11 (5) (title) **RECOGNITION OF OTHER ACCREDITATION, CERTIFICATION OR**
25 **REGISTRATION.**

1 **SECTION 11.** 299.11 (5) (cm) of the statutes is created to read:

2 299.11 (5) (cm) *Reciprocity for national accreditation.* If the department is
3 approved as an accrediting authority under sub. (8m) (a) and another accrediting
4 authority under the national environmental laboratory accreditation program
5 recognizes accreditation by the department under sub. (8m), ^{test} the department shall

6 recognize ~~the accreditation of a~~ ^{a laboratory as accredited to conduct tests in any category for which the} laboratory by that other accrediting authority. _{is accredited}

7 **SECTION 12.** 299.11 (5) (d) of the statutes is amended to read:

8 299.11 (5) (d) *Discretionary acceptance.* The department may accept the
9 results of a test in a specified test category even though the test was not conducted
10 by a an accredited, certified or registered laboratory. The department may charge
11 an extra fee if it is necessary to verify the results of a test submitted under this
12 paragraph.

13 **SECTION 13.** 299.11 (6) of the statutes is amended to read:

14 299.11 (6) NOT APPLICABLE TO OTHER PROGRAMS. No laboratory is required to be
15 accredited, registered or certified under this section for any purpose other than the
16 submission of results under a covered program.

17 **SECTION 14.** 299.11 (8m) of the statutes is created to read:

18 299.11 (8m) ACCREDITATION. (a) The department may apply to be approved as
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20 program.

21 (b) If the department is approved as an accrediting authority under par. (a), the
22 department shall, after considering recommendations by the council, promulgate a
23 rule prescribing criteria to be used to evaluate laboratories for accreditation and the
24 procedures for accrediting laboratories. The criteria shall be consistent with the

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0239/lins
RCT:.....

1 **SECTION 1.** 93.12 (9) of the statutes is amended to read:

2 93.12 (9) The department shall recognize the accreditation, certification or
3 registration of a laboratory by the department of natural resources under s. 299.11
4 and shall accept the results of any test conducted by a laboratory accredited, certified
5 or registered to conduct that category of test under that section.

History: 1975 c. 39, 198, 224; 1977 c. 29; 1979 c. 34; 1981 c. 291; 1983 a. 410; 1991 a. 178; 1993 a. 16; 1993 a. 27 s. 303; Stats. 1993 s. 252.22; 1995 a. 27 ss. 6324g to 6324k; Stats. 1995 s. 93.12; 1995 a. 227.

6 **SECTION 2.** 97.34 (2) (c) of the statutes is amended to read:

7 97.34 (2) (c) The department may require testing of bottled drinking water for
8 substances subject to any standard under par. (b) and for any other substance if the
9 department determines that the water system used as the source of the bottled
10 drinking water has a potential of being contaminated, based on contamination of
11 other water systems or groundwater in the vicinity. The department shall adopt by
12 rule requirements for periodic sampling and analysis for the purposes of this
13 subsection. The department shall require all analyses to be conducted by a
14 laboratory accredited or certified under s. 299.11.

History: 1973 c. 126; 1981 c. 79 s. 17; 1983 a. 410; 1987 a. 27, 399; 1995 a. 227, 378; 1997 a. 35.

15 **SECTION 3.** 281.75 (6) (a) of the statutes is amended to read:

16 281.75 (6) (a) Contamination of a private water supply, as defined under sub.
17 (1) (b) 1. or 2., is required to be established by analysis of at least 2 samples of water,
18 taken at least 2 weeks apart, in a manner which assures the validity of the test
19 results. The samples shall be tested by a laboratory accredited or certified under s.
20 299.11.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27.

21 **SECTION 4.** 299.07 (1) (a) 11. of the statutes is amended to read:

22 299.07 (1) (a) 11. A certification, accreditation or registration under s. 299.11.

History: 1997 a. 237.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0239/1
RCT:kmg&ksh:km

DOA:.....Grinde – National accrediting authority for laboratory certification
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

OTHER ENVIRONMENT

Under current law, the department of natural resources (DNR) may require tests related to programs administered by DNR to be conducted by laboratories certified or registered by DNR or the department of agriculture, trade and consumer protection (DATCP) or certified or registered by another state or a federal agency that recognizes laboratory certification by DNR and that uses standards equivalent to this state's standards.

This bill authorizes DNR to apply to the federal environmental protection agency to be approved to accredit laboratories under a national environmental laboratory accreditation program. If DNR is approved to accredit laboratories under the national program, an accredited laboratory may conduct tests that currently must be conducted by a certified or registered laboratory. If DNR is approved to accredit laboratories under the national program, this state must accept test results from laboratories accredited by other accrediting authorities and other accrediting authorities must accept test results from laboratories accredited by DNR.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 93.12 (9) of the statutes is amended to read:

2 93.12 (9) The department shall recognize the accreditation, certification or
3 registration of a laboratory by the department of natural resources under s. 299.11
4 and shall accept the results of any test conducted by a laboratory accredited, certified
5 or registered to conduct that category of test under that section.

6 **SECTION 2.** 97.34 (2) (c) of the statutes is amended to read:

7 97.34 (2) (c) The department may require testing of bottled drinking water for
8 substances subject to any standard under par. (b) and for any other substance if the
9 department determines that the water system used as the source of the bottled
10 drinking water has a potential of being contaminated, based on contamination of
11 other water systems or groundwater in the vicinity. The department shall adopt by
12 rule requirements for periodic sampling and analysis for the purposes of this
13 subsection. The department shall require all analyses to be conducted by a
14 laboratory accredited or certified under s. 299.11.

15 **SECTION 3.** 281.75 (6) (a) of the statutes is amended to read:

16 281.75 (6) (a) Contamination of a private water supply, as defined under sub.
17 (1) (b) 1. or 2., is required to be established by analysis of at least 2 samples of water,
18 taken at least 2 weeks apart, in a manner which assures the validity of the test
19 results. The samples shall be tested by a laboratory accredited or certified under s.
20 299.11.

21 **SECTION 4.** 299.07 (1) (a) 11. of the statutes is amended to read:

22 299.07 (1) (a) 11. A certification, accreditation or registration under s. 299.11.

23 **SECTION 5.** 299.11 (1) (a) of the statutes is renumbered 299.11 (1) (am).

24 **SECTION 6.** 299.11 (1) (ae) of the statutes is created to read:

1 299.11 (1) (ae) “Accredited” means accredited under sub. (8m) or recognized as
2 accredited under sub. (5).

3 **SECTION 7.** 299.11 (1) (b) of the statutes is amended to read:

4 299.11 (1) (b) “Certified laboratory” means ~~a laboratory which performs tests~~
5 ~~for hire in connection with a covered program and which receives certification~~
6 ~~certified~~ under sub. (7) or ~~receives recognition~~ recognized as a certified laboratory
7 under sub. (5).

8 **SECTION 8.** 299.11 (1) (em) of the statutes is created to read:

9 299.11 (1) (em) “National Environmental Laboratory Accreditation
10 Conference” means the voluntary association of state and federal officials, sponsored
11 by the federal environmental protection agency, with the purpose of establishing
12 national performance standards for environmental laboratories.

13 **SECTION 9.** 299.11 (1) (eq) of the statutes is created to read:

14 299.11 (1) (eq) “National environmental laboratory accreditation program”
15 means the program of the federal environmental protection agency that oversees the
16 implementation of national performance standards established by the National
17 Environmental Laboratory Accreditation Conference and determines whether to
18 approve state and federal agencies as accrediting authorities for environmental
19 laboratories.

20 **SECTION 10.** 299.11 (1) (g) of the statutes is amended to read:

21 299.11 (1) (g) “Registered laboratory” means ~~a laboratory which is registered~~
22 ~~under sub. (8) or receives recognition~~ recognized as a registered laboratory under
23 sub. (5).

24 **SECTION 11.** 299.11 (3) of the statutes is amended to read:

1 299.11 (3) CERTIFICATION STANDARDS REVIEW COUNCIL. The council shall review
2 the laboratory certification ~~and~~, registration and accreditation program and shall
3 make recommendations to the department concerning the specification of test
4 categories, reference sample testing and standards for certification, registration,
5 accreditation, suspension and revocation and other aspects of the program.
6 Recommendations concerning accreditations shall be consistent with the standards
7 established by the National Environmental Laboratory Accreditation Conference.

8 **SECTION 12.** 299.11 (4) (title) and (a) of the statutes are amended to read:

9 299.11 (4) (title) DEPARTMENT MAY REQUIRE ACCREDITATION, CERTIFICATION OR
10 REGISTRATION. (a) *Applicability.* Except as provided in subs. (5) and (6), if results from
11 a test in a specified test category in a covered program are required to be submitted
12 to the department, the department may require by rule that the test be conducted
13 by a laboratory which is accredited, certified or registered to conduct tests in that
14 specified category. The department may require that tests be conducted by a an
15 accredited or certified laboratory if the requirements for registration do not meet the
16 requirements of an applicable federal law.

17 **SECTION 13.** 299.11 (4) (c) of the statutes is amended to read:

18 299.11 (4) (c) *Delayed effective date.* A rule identifying specified test categories
19 for which tests are required to be conducted by a an accredited, certified or registered
20 laboratory may not take effect until at least 120 days after publication. The
21 department may not require a person to resubmit results of tests which were not
22 required to be conducted by a an accredited, certified or registered laboratory at the
23 time of the original submission merely because of that fact.

24 **SECTION 14.** 299.11 (5) (title) of the statutes is amended to read:

1 299.11 (5) (title) RECOGNITION OF OTHER ACCREDITATION, CERTIFICATION OR
2 REGISTRATION.

3 **SECTION 15.** 299.11 (5) (cm) of the statutes is created to read:

4 299.11 (5) (cm) *Reciprocity for national accreditation.* If the department is
5 approved as an accrediting authority under sub. (8m) (a) and another accrediting
6 authority under the national environmental laboratory accreditation program
7 recognizes accreditation by the department under sub. (8m), the department shall
8 recognize a laboratory as accredited to conduct tests in any test category for which
9 the laboratory is accredited by that other accrediting authority.

10 **SECTION 16.** 299.11 (5) (d) of the statutes is amended to read:

11 299.11 (5) (d) *Discretionary acceptance.* The department may accept the
12 results of a test in a specified test category even though the test was not conducted
13 by a an accredited, certified or registered laboratory. The department may charge
14 an extra fee if it is necessary to verify the results of a test submitted under this
15 paragraph.

16 **SECTION 17.** 299.11 (6) of the statutes is amended to read:

17 299.11 (6) NOT APPLICABLE TO OTHER PROGRAMS. No laboratory is required to be
18 accredited, registered or certified under this section for any purpose other than the
19 submission of results under a covered program.

20 **SECTION 18.** 299.11 (8m) of the statutes is created to read:

21 299.11 (8m) ACCREDITATION. (a) The department may apply to be approved as
22 an accrediting authority under the national environmental laboratory accreditation
23 program.

24 (b) If the department is approved as an accrediting authority under par. (a), the
25 department shall, after considering recommendations by the council, promulgate a

SECTION 9

1 rule prescribing criteria to be used to evaluate laboratories for accreditation and the
2 procedures for accrediting laboratories. The criteria shall be consistent with the
3 standards established by the National Environmental Laboratory Accreditation
4 Conference.

5 **SECTION 19.** 299.11 (9) of the statutes is amended to read:

6 299.11 (9) FEES. The department shall promulgate by rule a graduated
7 schedule of fees for accredited, certified and registered laboratories which are
8 designed to recover the costs of administering this section.

9 (END)