

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 04/6/99

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-5392

By/Representing: Bonderud

This file may be shown to any legislator: NO

Drafter: traderc

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Alt. Drafters:

Subject: Environment - miscellaneous

Extra Copies:

Pre Topic:

LFB:.....Bonderud - Yank #172,

Topic:

Laboratory accreditation.

Instructions:

Delete LRB-0239

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>
/?	traderc 04/6/99	jgeller 04/6/99		_____			
/1			hhagen 04/6/99	_____	lrb_docadmin 04/6/99		

FE Sent For:

<END>

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/?	traderc	1 4/6 jlg	4/6	WF 4/6			

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<END>

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

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

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*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.

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*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

1 rule prescribing criteria to be used to evaluate laboratories for accreditation and the  
2 proccdures 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)



1999

Date (time) needed SOON

LRB b 0092 1 1

**LFB BUDGET AMENDMENT  
[ONLY FOR LFB]**

Ret: Jlg:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT  
TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page <sup>938</sup> . . . , line 14.: *delete lines 14 to 18.* ✓

#. Page <sup>953</sup> . . . , line 10.: *delete lines 10 to 18.* ✓

#. Page <sup>1165</sup> . . . , line 9.: *delete lines 9 to 14.* ✓

#. Page <sup>1198</sup> ~~1198~~ . . . , line 8.: *delete the material beginning with that line and ending with page 1201, line 18.* ✓

#. Page . . . . , line . . . . : *(End)*

#. Page . . . . , line . . . . :



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0072/1  
RCT;jlg:hmh

LFB:.....Bonderud - Yank #172, Laboratory accreditation

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 938, line 14: delete lines 14 to 18.

3 **2.** Page 953, line 10: delete lines 10 to 18.

4 **3.** Page 1165, line 9: delete lines 9 to 14.

5 **4.** Page 1198, line 8: delete the material beginning with that line and ending

6 with page 1201, line 18.

7 (END)