



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Department of Ecology      **AO#** 09-09

**Subject of possible rule making:** Revision of WAC 173-50, *Accreditation of Environmental Laboratories*. The amendments will change the fee schedule of Ecology's Environmental Laboratory Accreditation Program (ELAP) and will change some business practices to reflect a cut in the program budget.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 43.21A.230 allows Ecology to accredit environmental laboratories. The State Department of Health (DOH) has delegated to Ecology in a memorandum of understanding their RCW 43.20.050 authority to certify drinking water laboratories.

**Reasons why rules on this subject may be needed and what they might accomplish:** Our current fee structure does not cover the full cost of Ecology's ELAP, and consequently the services we provide to labs are subsidized by the state general fund. In the current budget, the legislature directed Ecology to raise fees to cover the cost of the program. We have eliminated one of seven positions in the program, but still need to raise fees by about 45% to fully fund the remaining program. Our fee structure revision will also align fees with the level of services required to accredit different types of labs. With the loss of one of our positions, we will also need to change some business practices specified in the rules; this will reduce our oversight of accredited labs. We are also clarifying the grounds for revoking or suspending accreditation so that our rules expressly state that suspension or revocation can occur for failure to pay mandatory fees and for failure to maintain third party or reciprocal accreditation.

**Identify other federal and state agencies that regulate this subject and the process for coordinating the rule with these agencies:** The US Environmental Protection Agency's federal Drinking Water Certification Program is administered in Washington by DOH. Through a memorandum of understanding, Ecology has assumed the drinking water certification mission from DOH. Staff of DOH will assist us in conducting workshops for stakeholders and will be copied on all communications related to this rule change.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)


The process will include mailings to all stakeholders, information posted on our web site, workshops, and public hearings.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Stakeholders will be informed of the proposed changes to WAC 173-50 by regular or electronic mail, and invited to participate in workshops where those changes will be described and discussed in detail. The mailing will include a focus sheet summarizing the proposed changes. Progress on the rule revision will be described on our web site and public hearings will be conducted to receive and respond to input on the proposed changes.

The Ecology point of contact is Stew Lombard, Lab Accreditation Unit Supervisor, Environmental Assessment Program, (360) 895-6148, fax (360) 895-6180 or e-mail to Stew.Lombard@ecy.wa.gov.

<b>DATE</b> 9/15/09
<b>NAME (TYPE OR PRINT)</b> Robert Duff
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<b>TITLE</b> EAP Program Manager

<b>CODE REVISER USE ONLY</b>
<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p style="text-align: center;">OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p>DATE: September 16, 2009 TIME: 12:33 PM</p> <p><b>WSR 09-19-076</b></p> </div>