

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**

**S.F. No. 162**

(SENATE AUTHORS: PEDERSON, Hoffman, Vandevveer, Dahms and Carlson)

DATE	D-PG	OFFICIAL STATUS
01/31/2011	130	Introduction and first reading Referred to Health and Human Services
03/03/2011	320	Comm report: No recommendation, re-referred to Environment and Natural Resources
03/23/2011	625a	Comm report: To pass as amended and re-refer to Health and Human Services See SF760, Art. 2, Sec. 10-13 (vetoed) See HF25, Art. 2, Sec. 15-18 (First Special Session)

1.1 A bill for an act  
1.2 relating to health; changing provisions for certification of environmental  
1.3 laboratories; amending Minnesota Statutes 2010, section 144.98, subdivisions  
1.4 2a, 7, by adding subdivisions.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 144.98, subdivision 2a, is amended to read:

1.7 Subd. 2a. **Standards.** Notwithstanding the exemptions in subdivisions 8 and 9, the  
1.8 commissioner shall accredit laboratories according to the most current environmental  
1.9 laboratory accreditation standards under subdivision 1 and as accepted by the accreditation  
1.10 bodies recognized by the National Environmental Laboratory Accreditation Program  
1.11 (NELAP) of the NELAC Institute.

1.12 Sec. 2. Minnesota Statutes 2010, section 144.98, subdivision 7, is amended to read:

1.13 Subd. 7. **Initial accreditation and annual accreditation renewal.** (a) The  
1.14 commissioner shall issue or renew accreditation after receipt of the completed application  
1.15 and documentation required in this section, provided the laboratory maintains compliance  
1.16 with the standards specified in subdivision 2a, notwithstanding any exemptions under  
1.17 subdivisions 8 and 9, and attests to the compliance on the application form.

1.18 (b) The commissioner shall prorate the fees in subdivision 3 for laboratories  
1.19 applying for accreditation after December 31. The fees are prorated on a quarterly basis  
1.20 beginning with the quarter in which the commissioner receives the completed application  
1.21 from the laboratory.

1.22 (c) Applications for renewal of accreditation must be received by November 1 and  
1.23 no earlier than October 1 of each year. The commissioner shall send annual renewal

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2.1 notices to laboratories 90 days before expiration. Failure to receive a renewal notice does  
2.2 not exempt laboratories from meeting the annual November 1 renewal date.

2.3 (d) The commissioner shall issue all accreditations for the calendar year for which  
2.4 the application is made, and the accreditation shall expire on December 31 of that year.

2.5 (e) The accreditation of any laboratory that fails to submit a renewal application  
2.6 and fees to the commissioner expires automatically on December 31 without notice or  
2.7 further proceeding. Any person who operates a laboratory as accredited after expiration of  
2.8 accreditation or without having submitted an application and paid the fees is in violation  
2.9 of the provisions of this section and is subject to enforcement action under sections  
2.10 144.989 to 144.993, the Health Enforcement Consolidation Act. A laboratory with expired  
2.11 accreditation may reapply under subdivision 6.

2.12 Sec. 3. Minnesota Statutes 2010, section 144.98, is amended by adding a subdivision  
2.13 to read:

2.14 **Subd. 8. Exemption from national standards for quality control and personnel**  
2.15 **requirements.** Effective January 1, 2012, a laboratory that analyzes samples for  
2.16 compliance with a permit issued under section 115.03, subdivision 5, may request  
2.17 exemption from the personnel requirements and specific quality control provisions for  
2.18 microbiology and chemistry stated in the national standards as incorporated by reference  
2.19 in subdivision 2a. The commissioner shall grant the exemption if the laboratory:

2.20 (1) complies with the methodology and quality control requirements, where  
2.21 available, in the most recent, approved edition of the Standard Methods for the  
2.22 Examination of Water and Wastewater as published by the Water Environment Federation;  
2.23 and

2.24 (2) supplies the name of the person meeting the requirements in section 115.73, or  
2.25 the personnel requirements in the national standard pursuant to subdivision 2a.

2.26 A laboratory applying for this exemption shall not also apply for simultaneous  
2.27 accreditation under the national standard.

2.28 Sec. 4. Minnesota Statutes 2010, section 144.98, is amended by adding a subdivision  
2.29 to read:

2.30 **Subd. 9. Exemption from national standards for proficiency testing frequency.**

2.31 (a) Effective January 1, 2012, a laboratory applying for or requesting accreditation under  
2.32 the exemption in subdivision 8 must obtain an acceptable proficiency test result for each  
2.33 of the laboratory's accredited or requested fields of testing. The laboratory must analyze

3.1 proficiency samples selected from one of two annual proficiency testing studies scheduled  
3.2 by the commissioner.

3.3 (b) If a laboratory fails to successfully complete the first scheduled proficiency  
3.4 study, the laboratory shall:

3.5 (1) obtain and analyze a supplemental test sample within 15 days of receiving the  
3.6 test report for the initial failed attempt; and

3.7 (2) participate in the second annual study as scheduled by the commissioner.

3.8 (c) If a laboratory does not submit results or fails two consecutive proficiency  
3.9 samples, the commissioner will revoke the laboratory's accreditation for the affected  
3.10 fields of testing.

3.11 (d) The commissioner may require a laboratory to analyze additional proficiency  
3.12 testing samples beyond what is required in this subdivision if information available to  
3.13 the commissioner indicates that the laboratory's analysis for the field of testing does not  
3.14 meet the requirements for accreditation.