

144.98 CERTIFICATION OF ENVIRONMENTAL LABORATORIES.

Subdivision 1. **Authorization.** The commissioner of health may certify laboratories that test environmental samples.

Subd. 2. **Rules.** The commissioner may adopt rules to implement this section, including:

(1) procedures, requirements, and fee adjustments for laboratory certification, including provisional status and recertification;

(2) standards and fees for certificate approval, suspension, and revocation;

(3) standards for environmental samples;

(4) analysis methods that assure reliable test results;

(5) laboratory quality assurance, including internal quality control, proficiency testing, and personnel training; and

(6) criteria for recognition of certification programs of other states and the federal government.

Subd. 3. **Fees.** (a) An application for certification under subdivision 1 must be accompanied by the biennial fee specified in this subdivision. The fees are for:

(1) base certification fee, \$1,600;

(2) sample preparation techniques fees, \$100 per technique; and

(3) test category certification fees:

Test Category	Certification Fee
Clean water program bacteriology	\$800
Safe drinking water program bacteriology	\$800
Clean water program inorganic chemistry	\$800
Safe drinking water program inorganic chemistry	\$800
Clean water program chemistry metals	\$1,200
Safe drinking water program chemistry metals	\$1,200
Resource conservation and recovery program chemistry metals	\$1,200
Clean water program volatile organic compounds	\$1,500
Safe drinking water program volatile organic compounds	\$1,500
Resource conservation and recovery program volatile organic compounds	\$1,500
Underground storage tank program volatile organic compounds	\$1,500

Clean water program other organic compounds	\$1,500
Safe drinking water program other organic compounds	\$1,500
Resource conservation and recovery program other organic compounds	\$1,500
Clean water program radiochemistry	\$2,500
Safe drinking water program radiochemistry	\$2,500
Resource conservation and recovery program agricultural contaminants	\$2,500
Resource conservation and recovery program emerging contaminants	\$2,500

(b) Laboratories located outside of this state that require an on-site inspection shall be assessed an additional \$3,750 fee.

(c) The total biennial certification fee includes the base fee, the sample preparation techniques fees, the test category fees, and, when applicable, the on-site inspection fee.

(d) Fees must be set so that the total fees support the laboratory certification program. Direct costs of the certification service include program administration, inspections, the agency's general support costs, and attorney general costs attributable to the fee function.

(e) A change fee shall be assessed if a laboratory requests additional analytes or methods at any time other than when applying for or renewing its certification. The change fee is equal to the test category certification fee for the analyte.

(f) A variance fee shall be assessed if a laboratory requests and is granted a variance from a rule adopted under this section. The variance fee is \$500 per variance.

(g) Refunds or credits shall not be made for analytes or methods requested but not approved.

(h) Certification of a laboratory shall not be awarded until all fees are paid.

Subd. 4. Fees for laboratory proficiency testing and technical training. The commissioner of health may set fees for proficiency testing and technical training services under section 16A.1285. Fees must be set so that the total fees cover the direct costs of the proficiency testing and technical training services, including salaries, supplies and equipment, travel expenses, and attorney general costs attributable to the fee function.

Subd. 5. State government special revenue fund. Fees collected under this section must be deposited in the state government special revenue fund.

History: 1988 c 689 art 2 s 34; 1Sp1993 c 1 art 9 s 52; 1995 c 165 s 4; 1995 c 233 art 2 s 50; 1996 c 305 art 3 s 21; 1999 c 250 art 3 s 21; 1Sp2001 c 9 art 1 s 38; 2002 c 379 art 1 s 113; 1Sp2005 c 4 art 6 s 33