

EXECUTIVE SUMMARY

Environmental Laboratory Accreditation Fees 25 Pa. Code Chapter 252

The Department of Environmental Protection (DEP) proposes to amend the environmental laboratory accreditation regulations to increase the current fees assessed to applicant laboratories to cover the costs of the Laboratory Accreditation Program (Program). Accreditation of laboratories by the Program provides sufficient testing capacity for environmental samples related to Pennsylvania's environmental regulations.

Purpose of the Proposed Rulemaking

The environmental laboratory accreditation regulations in 25 Pa. Code Chapter 252 set the requirements that laboratories must meet to be accredited to perform testing for twelve Commonwealth environmental statutes. The Environmental Laboratory Accreditation Act (ELAA), 27 Pa.C.S. §§ 4101—4113, requires accreditation fees that are sufficient to pay DEP's costs to administer the Program. However, by fiscal year (FY) 2026-2027, the current accreditation fees will not be sufficient to fund the Program and are estimated to be at least \$370,000 less than the estimated costs. The purpose of the rulemaking is to increase the accreditation fees of the Program to ensure continual accreditation of laboratories to perform environmental testing that protects environmental and public health in Pennsylvania.

Summary of the Proposed Rulemaking

The proposed rulemaking would increase the current Program accreditation fees by 27% (rounded to the nearest \$50 increment) for an estimated total revenue increase of \$460,000, based on the most recent accreditation applications. This proposed rulemaking would ensure that the increased fees will cover the costs of the Program and address the projected funding shortfall. The increase would also provide a small margin of safety in case laboratory accreditations decrease more than expected.

Affected Parties

Environmental laboratories that perform testing or analysis on drinking water, non-potable water, and/or solid and chemical material environmental samples required for compliance with twelve of Pennsylvania's environmental statutes will be affected by the proposed fee schedule increase. This proposed fee increase applies to approximately 338 accredited laboratories, which include commercial laboratories, public water systems, and public wastewater systems.

Outreach (Advisory Committee/Stakeholder Consultation)

A draft of the proposed regulation to update the fee schedule was presented at the Laboratory Accreditation Advisory Committee (LAAC) meeting on November 19, 2024. Based on the FY 2023 application figures and projected future costs, the proposal included a 27% increase in fees to generate approximately \$460,000 in additional revenue to cover the expected revenue short fall in FY 2026-2027. Committee members requested that the fee increase proposal include

rounding of the increased fees to the nearest \$50 increment to simplify calculation of payments. This change was implemented into the proposed fee schedule.

Recommendation

DEP recommends adoption of this proposed rulemaking. A 30-day public comment period is also recommended.