

Proposed Rulemaking: Environmental Laboratory Accreditation Fees

Environmental Quality Board
September 9, 2025



Statutory Requirements

- Environmental Laboratory Accreditation Act (27 Pa.C.S. §§ 4101—4113)
 - Requires DEP to create and implement Laboratory Accreditation Program to assess environmental laboratories and issue certificate of accreditation
 - Requires DEP to establish fees from accredited laboratories to cover the cost of implementing and administering the accreditation program

Laboratory Accreditation Program (LAP) Activities

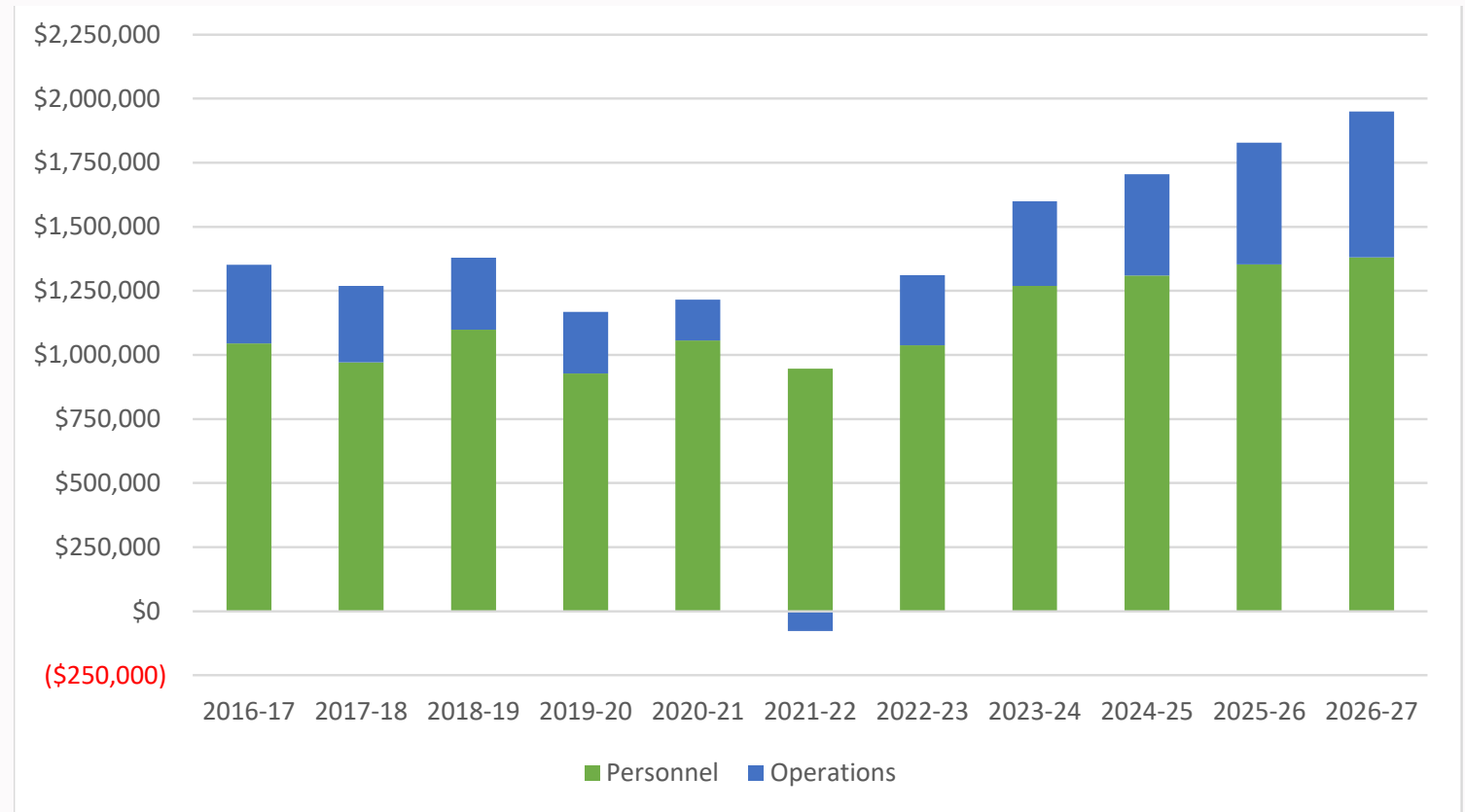
- Review annual applications, supplemental requests, and proficiency testing results for 340 laboratories
- Perform laboratory operational assessments for compliance with state or national standards
- Provide quality assurance support and guidance to laboratories
- Investigate reports/complaints regarding improper data quality, results, or fraud related to compliance sample testing

Regulatory Requirements

25 Pa. Code § 252.204(b) - “At least every 3 years, the Department will recommend regulatory changes to the fees in this section to the EQB to address any disparity between the program income generated by the fees and program costs. The regulatory amendment will be based upon an evaluation of the accreditation program fees income and the Department’s costs of administering the accreditation program.”

The LAP fee and program cost report projects significant increases in both operational and personnel costs through FY 2026-2027.

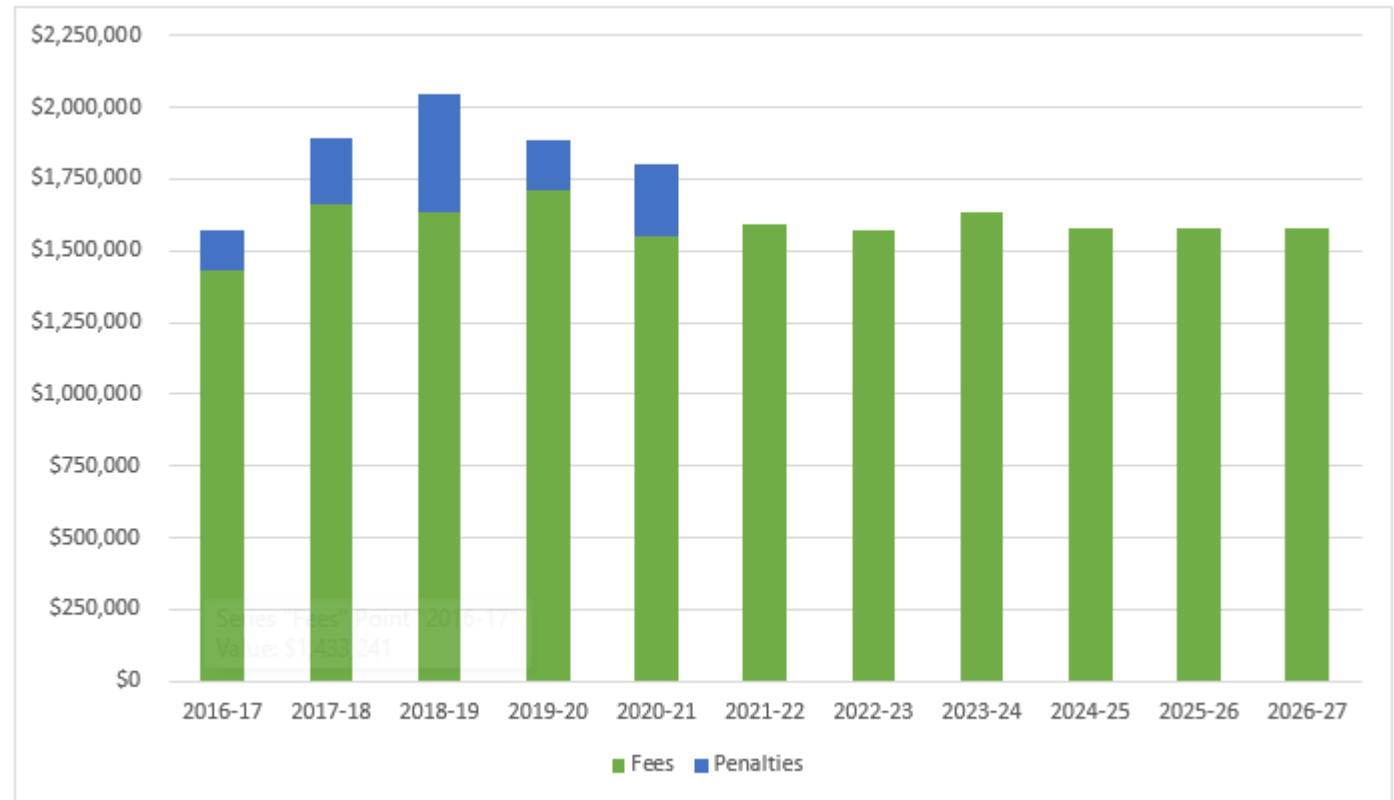
Projected Program Costs



*FYs 2023-24 through 2026-27 are estimated.

Projected Program Revenue

- Last fee increase in 2017
- LAP fee report projects no significant increase in revenue from laboratory accreditation fees through FY 2026-2027

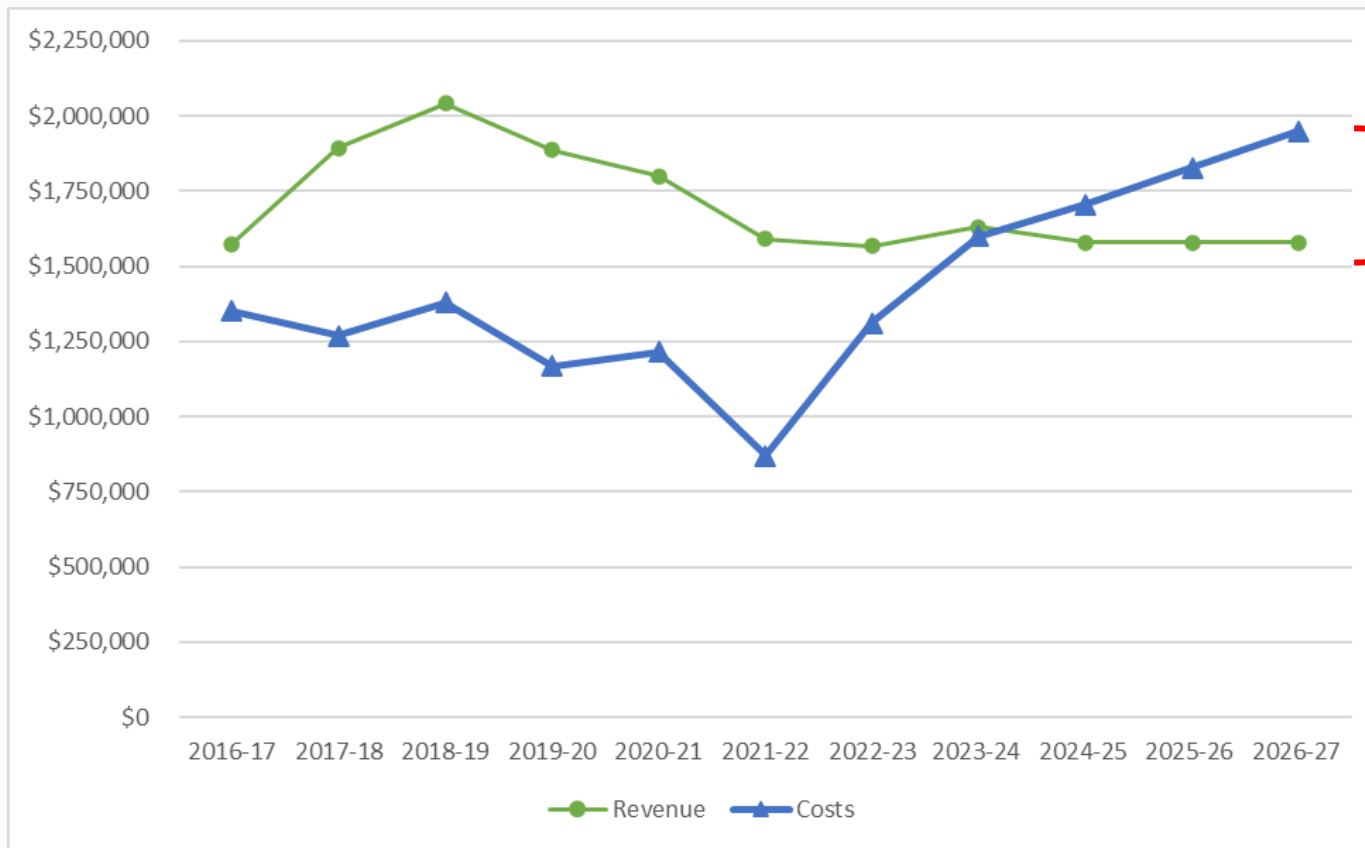


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Projected Revenue Shortfall



Projected shortfall of \$370,000

Rising program costs are projected to outpace the incoming revenue from the current fee structure by FY 2026-2027

Reason for Proposed Fee Increase

- The income from fees paid by accredited laboratories must cover the cost of implementing and administering the accreditation program
- Projected revenue from current fees will not be sufficient to support the increasing costs of the accreditation program
- This proposed rulemaking will increase fee revenue to sufficiently cover accreditation program costs through FY 2026-2027

Laboratory Accreditation Advisory Committee (LAAC)

On November 19, 2024, the LAAC supported DEP's recommendation to present a proposed rule to the Board and provided feedback:

- Suggested rounding fees to nearest \$50
- Requested additional review of fee schedule categories



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Proposed Fee Increase

- Laboratory accreditation fees will be increased by 27% and rounded to nearest \$50
- One exception: Fee for Ownership Transfer or Change in Administrative Information
 - Will remain at current fee of \$150
 - Time and cost to execute this activity remains minimal



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Examples of LAP Client Fee Increases

Public Wastewater Laboratories	Current fee	Proposed fee	Cost increase
Renewal Application State fees	700	900	200
Basic Non-potable Water	850	1,100	250

Large Commercial Laboratories	Current fee	Proposed fee	Cost increase
Renewal Application NELAP fees	2,750	3,500	750
Basic Microbiology	700	900	200
Trace Metals	750	950	200
Inorganic Non-metals	850	1,100	250
Volatile Organics	850	1,100	250
Semi-volatile Organics	1,750	2,250	500

Summary and Recommendation

- Fee Analysis Report presentation to the Board on September 10, 2024
- LAAC supported presentation of proposed rule on November 19, 2024
- DEP respectfully recommends that the Board adopt this proposed regulation with a 30-day public comment period



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Questions

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The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution).