

IDAPA 16
TITLE 02
CHAPTER 13

Working Draft for Negotiated Rulemaking

16.02.13 – STATE OF IDAHO DRINKING WATER LABORATORY CERTIFICATION PROGRAM

000. LEGAL AUTHORITY.

Under Section 56-1003, Idaho Code, the Idaho Legislature has delegated to the Board of Health and Welfare the authority to set standards for laboratories in the state of Idaho. Under Section 56-1007, Idaho Code, the Department is authorized to charge and collect fees for services rendered by the Department. ()

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.02.13, “State of Idaho Drinking Water Laboratory Certification Program.” ()

02. Scope. These rules establish a process for certification and standards of operation for laboratories certified by the state of Idaho to test drinking water. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. ()

003. ADMINISTRATIVE APPEALS.

Administrative appeals are governed by provisions of IDAPA 16.05.03, “Rules Governing Contested Case Proceedings and Declaratory Rulings.” ()

004. INCORPORATION BY REFERENCE.

The following are incorporated by reference in this chapter of rules: ()

01. Analytical Methods Approved for Drinking Water Compliance Monitoring. The following are analytical test methods approved for drinking water compliance monitoring published by the United States Environmental Protection agency (EPA) <http://www.epa.gov/safewater/methods/analyticalmethods.html>. ()

- a. Inorganic Contaminants and Other Inorganic Constituents (December 2009). ()
- b. Organic Contaminants (December 2009). ()
- c. Total Coliform Rule (December 2009). ()
- d. Ground Water Rule (June 2008). ()
- e. Long Term 2 Enhanced Surface Water Treatment Rule (June 2008). ()
- f. Enhanced Surface Water Treatment Rule (December 2009) . ()

02. Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992. *Standard Methods for the Examination of Water and Wastewater*, 18th Edition, 1992, Greenberg, Arnold E., Lenore S. Clesceri, and Andrew D. Eaton, Eds. American Public Health Association, American Water Works Association, and Water Environment Federation. Upon request, this edition may be reviewed at the Idaho Bureau of Laboratories. These standard methods may also be found on the National Environmental Methods Index at: <https://www.nemi.gov>. ()

03. Standard Methods for the Examination of Water and Wastewater, 19th Edition, 1995. *Standard Methods for the Examination of Water and Wastewater*, 19th Edition, 1995, Eaton, Andrew D., Lenore S. Clesceri, and Arnold E. Greenberg, Eds. American Public Health Association, American Water Works Association, and Water Environment Federation. Upon request, this edition may be reviewed at the Idaho Bureau of Laboratories. These standard methods may also be found on the National Environmental Methods Index at: <https://www.nemi.gov>. ()

04. Standard Methods for the Examination of Water and Wastewater, 20th Edition 1998. *Standard Methods for the Examination of Water and Wastewater*, 20th Edition, 1998, Clesceri, Lenore S., Arnold E. Greenberg, and Andrew D. Eaton Eds. American Public Health Association, American Water Works Association, and Water Environment Federation. Upon request, this edition may be reviewed at the Idaho Bureau of Laboratories. These standard methods may also be found on the National Environmental Methods Index at: <https://www.nemi.gov>. ()

05. Manual for the Certification of Laboratories Analyzing Drinking Water EPA 815-R-05-004, Fifth Edition, January 2005. Manual for the Certification of Laboratories Analyzing Drinking Water EPA 815-R-05-004, Fifth Edition, January 2005, including Supplement 1 EPA 815-F-08-006, June 2008. <http://www.epa.gov/safewater/methods/laboratorycertification.html> ()

06. The Clean Water Act Alternate Test Procedure (ATP). The Clean Water Act Alternate Test Procedure (ATP) program is described at 40 CFR 136.4 and 40 CFR 136.5. This program allows a developer to ask for review (not approval). The Code of Federal Regulations (CFR) can be viewed at: <http://www.gpoaccess.gov/cfr/index.html>. ()

a. Method using a determinative technique (e.g., a pollutant detector) different from that in an existing Part 136 method; or ()

b. Modification to a Part 136 method that falls outside the scope of the modification flexibility described in the Part 136 method, or at 40 CFR 136.6. ()

005. OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. ()

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. ()

03. Street Address. ()

a. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. ()

b. The Idaho Bureau of Laboratories is located at 2220 Old Penitentiary Road, Boise, Idaho, 83712-8299. ()

04. Telephone. ()

a. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. ()

b. The telephone number for the Idaho Bureau of Laboratories is (208) 334-2235. ()

05. Internet Website. ()

a. The Department's internet website is found at <http://www.healthandwelfare.idaho.gov>. ()

b. The webpage for the Department’s Idaho Bureau of Laboratories (IBL) is found at: www.statelab.idaho.gov. ()

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORD REQUESTS.

01. Confidential Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, “Use and Disclosure of Department Records.” ()

02. Public Records. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. ()

007. -- 009. (RESERVED.)

010. DEFINITIONS.

01. Analyst. A person responsible for testing, quality control and reporting of analytical results. ()

02. Board. The Idaho Board of Health and Welfare. ()

03. Certification Authority for the State of Idaho (CA). The CA has signature authority for all certification decisions as required for primacy states in 40 CFR 142.10 (b)(3)(i). The Bureau Chief of the Idaho Bureau of Laboratories is the Certification Authority for the state of Idaho. ()

04. Certification Officer (CO). The CO is the person responsible for on-site evaluations and providing technical support and guidance to a CDWL. ()

05. Certified Drinking Water Laboratory (CDWL). A facility that examines drinking water for the purpose of identifying or measuring microbiological, chemical, radiological, or physical parameters, and is certified by the State of Idaho. ()

06. Department. The Idaho Department of Health and Welfare. ()

07. Department of Environmental Quality (DEQ). The state agency that has primacy, and is primarily responsible for administrating and enforcing regulations related to environmental quality. ()

08. Director. The Director of the Idaho Department of Health and Welfare, or his designee. ()

09. Discipline. Refers to areas of certification for the testing of drinking water, i.e., microbiology, radiochemistry, inorganic chemistry, and organic chemistry. ()

10. Idaho Bureau of Laboratories (IBL). The IBL is a bureau in the Division of Public Health in the Idaho Department of Health and Welfare. ()

11. Laboratory Supervisor. A person who directs the day-to-day activities of a CDWL. ()

12. Maximum Contaminant Level (MCL). The maximum permissible level of a contaminant in water that is delivered to any user of a public water system. ()

13. On-Site Evaluation. The physical, quality control, and data audit of a laboratory, including all aspects of operation related to the testing of drinking water samples. ()

14. Primacy. Under the Safe Drinking Water Act (SDWA), “primacy” is the responsibility for ensuring that a law is implemented, and the authority to enforce a law and related regulations (40 CFR 142.2)

applicable to public water systems within the state. The Idaho Department of Environmental Quality has primacy in the state of Idaho. ()

15. Proficiency Testing Samples (PTs). Sample(s) provided to demonstrate a laboratory can successfully analyze the sample within the acceptance limits specified in the regulations. The qualitative and/or quantitative composition of the reference material is unknown to the laboratory at the time of the analysis. ()

16. Public Water System (PWS). A system that provides piped water to the public for human consumption. Such a system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year. ()

17. Quality Assurance (QA). An integrated system of management activities that involves planning, quality control, quality assessment, reporting, and quality improvement to ensure that a product or service meets defined standards of quality with a stated level of confidence. ()

18. Quality Control (QC). The overall system of technical activities whose purpose is to measure and control the quality of a product or service so that it meets the needs of the users. QC also includes operational techniques and activities that are used to fulfill requirement of quality. ()

19. Quality Assurance Plan (QA Plan). A comprehensive plan detailing the aspects of quality assurance required to adequately fulfill the needs of a program. This document is required before a laboratory can be certified or reciprocity is granted. ()

20. Reciprocity. An extension of certification by the CA to an accredited or certified out-of-state laboratory, based upon satisfactory review of documentation that demonstrates compliance with these rules. ()

21. Regulatory Agency. The regulatory agency for Idaho is the Idaho Department of Environment Quality (DEQ). ()

22. Regulatory Authority. The regulatory authority is either the Environmental Health Specialist at the public health district or the assigned drinking water Analyst III at the regional DEQ offices. ()

23. Standard Operating Procedure (SOP). A written document that describes the method of an operation, analysis, or action whose techniques and procedures are thoroughly prescribed and that is officially approved as the method for performing certain routine or repetitive tests. ()

24. Standard Methods (SM). SM refers to a standard method of water testing published in the *Standard Methods for the Examination of Water and Wastewater*, as incorporated by reference under Section 004 of these rules. ()

011. -- 099. (RESERVED.)

REQUIREMENTS FOR CERTIFICATION OF DRINKING WATER LABORATORIES (Sections 100-199)

100. APPLICATION FOR CERTIFICATION.

01. Required Information on Application. An application for first-time certification for microbiology, inorganic chemistry, organic chemistry, or radiochemistry must be submitted to the CA on a form provided by the IBL. The following information must be included: name, location, and contact information of the drinking water laboratory, name of the owner, listing of tests for which certification is requested, documentation of the education, experience, and training of the laboratory supervisor for each discipline for which certification is being requested. ()

02. Time Frame for Application. Applications for renewal of certification must be received by the IBL at least thirty (30) days before the current certificate expires. ()

03. Certification To Analyze Additional Contaminants or to Change Methods. A laboratory seeking to change methods or to analyze additional contaminants must submit a written application that includes the SOP. ()

04. Reapplication for Certification After Correction of Deficiencies. After a laboratory has corrected deficiencies for which it has been cited, it must submit a *written* request to reapply for certification. ()

05. Reciprocity for Out-State-Laboratories. Each out-of state laboratory seeking reciprocity with Idaho must submit the same information as an in-state drinking water laboratory that is applying for certification for the first time. ()

101. CERTIFICATION FEES.

01. Annual Base Fee. All CDWLs must pay an annual base fee of fifty dollars (\$50) per discipline and twenty dollars (\$20) per analyte per method for which certification is requested. ()

02. Non-Refundable Application Fee. Each new laboratory that is seeking certification or reciprocity must include a non-refundable application fee of two hundred dollars (\$200) per discipline with the application. ()

102. TYPES OF CERTIFICATION.

01. Certified. A certified laboratory meets the regulatory performance criteria described in these rules. ()

02. Provisionally Certified. A provisionally certified laboratory has deficiencies, but demonstrates the ability to consistently produce valid data within the acceptance limits in the regulations. ()

03. Not Certified. A laboratory with the status of “not certified” can not produce consistently valid data, or is not following method protocol, or both. ()

04. Interim Certification. The CA may grant interim certification to a laboratory if the laboratory has appropriate instrumentation, is using approved methods, has adequately trained personnel to perform the analyses, and has satisfactorily analyzed PT samples for the contaminants involved. The CO will review the laboratory’s quality control data before granting this type of certification and will conduct an on-site as soon as possible. ()

05. Reciprocity. The CA may grant reciprocity to an accredited or certified out-of-state laboratory. The laboratory must be accredited or certified by an approved regulatory agency and meet the regulatory performance criteria described in these rules. ()

An extension of certification by the CA to an accredited or certified out-of-state laboratory, based upon satisfactory review of documentation that demonstrates compliance with these rules.

103. -- 109. (RESERVED.)

110. ON-SITE EVALUATION.

01. On-Site Audits and Evaluations. CO’s will perform audits of the premises and operations of new laboratories or laboratories requesting continuing certification for the purpose of determining if there is enough security to maintain the integrity of the samples and data. The frequency of the on-site evaluation is at the discretion of the CA or a minimum of every three (3) years. In addition, the CO will evaluate the: ()

- a. Physical set up of the laboratory; ()
- b. Quality assurance program; ()
- c. Personnel qualifications; ()
- d. Equipment considerations; and ()
- e. Adequacy of the supervision, both technically and in relationship to data handling. ()

02. Calculations or Data Handling. If during the on-site evaluation the CO is unable to verify the calculations or aspects of data handling, the CO will discuss the observations with the CA who will take further action if deemed appropriate. ()

03. Required Qualifications for CO's. CO's must, at a minimum, meet the requirements for the supervisor of a drinking water laboratory in the specific discipline and have successfully completed the appropriate EPA Laboratory Certification training program. In addition, each CO must receive training every five (5) years regarding ethics, fraud detection, new methods, regulations, and certification criteria. ()

111. -- 119. (RESERVED.)

120. PERSONNEL QUALIFICATION.

01. General Supervisor Qualifications. ()

a. A supervisor must be on-site frequently enough to satisfactorily perform the required duties outlined below. The CO must be notified if the supervisor is unable to be on-site for a period greater than three (3) consecutive weeks. ()

b. Supervisors are responsible for ensuring that all laboratory personnel have demonstrated proficiency for assigned functions and that all data reported by the laboratory meet the required quality assurance criteria and regulatory requirements. ()

c. If a formal complaint is received from the regulatory agency the CO will notify the responsible laboratory supervisor and request a report outlining the incident, the cause, and the corrective action to be taken to assure the situation is resolved. The incident report must be received by the CA within thirty (30) days of the laboratory being notified of the problem. The CO in conjunction with the CA will evaluate the response and if found to be acceptable no further action will be required of the laboratory. If the response is incomplete, the CO will provide in writing the additional steps that must be completed for certification status to remain uninterrupted. ()

d. No drinking water supervisor will be responsible for the supervision of more than two (2) certified drinking water laboratories unless specifically approved by the CA. ()

e. If a microbiology supervisor is not available, a consultant having the same qualifications may be utilized. The laboratory must submit the academic and bench qualifications of the potential consultant to the CA. The CA will review the information and determine if the proposed consultant is acceptable to the State. In addition, the laboratory must define and submit a list of the specific functions the consultant will be performing along with a schedule of routine visits. If the information is found to be acceptable, the CA will notify the laboratory director or owner in writing. A record of all consultant visits and communications must be maintained. The record must be available for the CO to review upon request and during the on-site evaluation. The record must include a brief description of on-site findings and all off site telephone or electronic consultation. Each entry must be dated and signed by the consultant. ()

02. Supervisor Qualifications by Discipline. ()

a. The supervisor of a microbiology laboratory must have a bachelor's degree from an accredited college in microbiology, biology, or equivalent. Supervisors who have a degree in a subject other than microbiology must have had at least two (2) college-level microbiology courses in which environmental microbiology was part of the syllabus. In addition, the supervisor must have a minimum of two (2) weeks training at a federal agency, state agency, or academic institution in the microbiological analysis of drinking water or eighty (80) hours of on-the-job-training in water microbiology at a certified laboratory, or other comparable training acceptable to the CA. ()

b. The supervisor of a chemistry laboratory must have at least a bachelor's degree from an accredited college with a major in chemistry or equivalent and at least one year of experience in the analysis of drinking water. In addition, the supervisor must have a working knowledge of quality assurance principles. ()

c. The supervisor of radiochemistry laboratory must have at least a bachelor's degree from an accredited college with a major in chemistry, or equivalent, and should have at least one (1) year of experience in the measurement of radioactive analytes in drinking water. In addition, the supervisor must have a working knowledge of QA and QC principles as applied to all radiochemical practices and procedures conducted in the laboratory. ()

03. Analyst or Equivalent Job Title. ()

a. An analyst performing microbiological testing must have a minimum of a high school education or equivalent, at least three (3) months of bench experience in environmental microbiological testing, and thirty (30) days on the job training in drinking water microbiology under the direction of an experienced analyst. If an analyst has a bachelor's degree in microbiology, or related field, the three month bench training may be shortened to thirty (30) hours at the discretion of the laboratory supervisor. Before analyzing compliance samples, the analyst must demonstrate acceptable results on set of ten unknown samples. ()

b. Analysts in each of the chemical disciplines should have at least a bachelor's degree with a major in chemistry, or equivalent, and at least one (1) year of experience in the analysis of drinking water. If the analyst is responsible for the operation of analytical instrumentation, he or she must have completed specialized training offered by the manufacturer or another qualified training facility or have successfully served an apprenticeship under an experienced analyst. The duration of this apprenticeship should be proportional to the sophistication of the instrument. Data produced by analysts and instrument operators while in the process of obtaining the required training or experience are acceptable only when reviewed and validated by fully qualified analyst or the laboratory supervisor. Documentation of training must be maintained for each analyst and available for evaluation by the CO. ()

04. Chemistry Technician. Technicians in each of the chemical disciplines must have at least high school diploma or equivalent, have completed a method-training program under an experience analyst, and have six (6) months bench experience in the analysis of drinking water. The method training record for each analyst should be recorded in a training file and available for evaluation. ()

121. -- 129. (RESERVED.)

130. REPORTING AND DISTRIBUTION OF LABORATORY RESULTS.

01. Submission of Test Results in Approved Format. The drinking water supervisor in each of the disciplines of certification is responsible for submission of all test results performed on samples submitted by PWS's in a format approved by DEQ Office of Drinking Water. These reports must be submitted to the appropriate regulatory authority. ()

02. Requirement to Report High Contaminant Levels. The chemistry supervisor must report to the appropriate regulatory agency nitrate results above the current MCL and any other analyte results that exceed four (4) times the MCL. ()

03. Requirement to Report Positive Microbiological Results. The microbiological supervisor is responsible for an immediate telephone report to the appropriate regulatory agency in the case of a positive result for a microbiological test. ()

131. -- 139. (RESERVED.)

140. LABORATORY QUALITY ASSURANCE.

01. The QA Plan. Each laboratory that analyzes drinking water compliance samples must adhere to all required procedures specified in the methods. All laboratory personnel must be familiar with the contents of the QA plan. The QA plan may be requested by the CO's prior to the on-site evaluation or may be reviewed as part of the on-site visit. The QA Plan should be reviewed at least annually. ()

02. Required Items for the QA Plan. The fifth edition of the EPA Certification Manual lists the items that must be included: ()

- a. Laboratory organization and responsibility; ()
- b. SOPs with dates of last revision; ()
- c. Laboratory sample receipt and handling procedure; ()
- d. Instrument calibration procedures; ()
- e. Analytical procedures; ()
- f. Data reduction, validation, reporting and verification; ()
- g. Type of quality control (QC) checks and frequency of use; ()
- h. List of schedules of internal and external system and data quality audits and inter laboratory comparisons; ()
- i. Preventive maintenance procedures and schedules; ()
- j. Corrective action contingencies; and ()
- k. Record keeping procedures. ()

03. Chain-of-Custody Procedures. Each laboratory must have a procedure in place in the event the submitter requires an evidence chain of custody. ()

04. Maintenance of Records. Each laboratory must maintain all records including QC documents, submission forms, and reports for seven (7) years and the records for lead and copper for ten (10) years. All records must be maintained in a manner that permits ready identification and accessibility. Certified drinking water laboratory records and reports must identify samples referred to other certified drinking water laboratories and must identify the certified drinking water laboratory performing the test. ()

05. Proficiency Testing (PT). ()

a. Proficiency samples must be successfully analyzed annually per analyte per method for which the laboratory is certified. All PTs must be obtained from an approved supplier, and must be analyzed in the same matter as routine samples by the primary analyst assigned to the specific analysis. The results of the PT testing must be sent directly from the supplier to the CO. The methods listed on the laboratory's certification certificate must be the methods by which the PT samples were analyzed. ()

b. Drinking water laboratories certified for microbiological testing must successfully complete a PT consisting of ten samples annually. ()

141. -- 149. (RESERVED.)

150. EVALUATION.

01. **Documentation of Corrective Action.** If a certified drinking water laboratory is found to be noncompliant with the requirements set forth in the fifth edition of the EPA Certification Manual they will be required to submit documentation of correction to the CA or his designee within a defined time limit, which will be dependent upon the number and seriousness of the deviations. ()

02. **Adequacy of Corrective Action.** Upon receipt of documentation of corrective action the CO in conjunction with the CA will review the response to determine the adequacy of the action taken. If the corrective action is incomplete or inadequate, the laboratory will be notified in writing of the additional changes required along with a specified time of completion. ()

03. **Unacceptable PT Result.** In the event of an unacceptable PT sample the laboratory must submit an incident report to the CO that includes a description of the incident and corrective action taken. A second PT must be completed within sixty (60) days of notification of the failure. If the second PT is successfully analyzed no further action will be taken. ()

04. **Continued Certification of Other Tests.** A certified drinking water laboratory that has an unacceptable PT result per analyte per method may remain certified for performance of all tests for which satisfactory performance has been demonstrated through the annual successful PT testing. ()

151. -- 199. (RESERVED.)

**REQUIREMENTS FOR DRINKING WATER LABORATORIES TO MAINTAIN, DOWNGRADE OR
REVOCATION OF CERTIFICATION
(Sections 200-299)**

200. MAINTENANCE OF CERTIFICATION.

In order to maintain certification, drinking water laboratories must be able to demonstrate that they continue to meet all of the following requirements. ()

01. **Successful Completion of PT Samples.** Each year, each laboratory must successfully complete PT samples for each analyte or method for which the laboratory is seeking to maintain certification. ()

02. **Use of Specified Methods.** Each laboratory must be able to demonstrate that it is using the methods specified in the drinking water regulations. ()

03. **Maintain Required Standard of Quality.** The CO must be satisfied the laboratory is maintaining the required standard of quality for certification. This is based on the results of the PT testing, on-site evaluations, and any feedback from regulatory agencies. ()

04. **Notification of Major Changes.** The laboratory must notify the CA in writing within thirty (30) days of major changes that could affect the accuracy and precision of testing. A major change could be the loss of a laboratory supervisor, equipment failure or breakdown, or change in location or ownership. The CO will discuss the situation with the laboratory supervisor and establish a schedule for the laboratory to address the changes. ()

201. -- 209. (RESERVED.)

210. CRITERIA AND PROCEDURES FOR DOWNGRADING OR REVOKING CERTIFICATION STATUS.

01. Reasons a Laboratory May be Downgraded to “Provisionally Certified” Status. A laboratory may be downgraded to “provisionally certified” status for an analyte or method for any of the following reasons: ()

a. Failure to analyze a PT annually within acceptance limits specified in the regulations as demonstrated by a failure of a second PT; ()

b. Failure to notify to notify the CA within thirty (30) days of major changes (personnel, equipment, laboratory location or change of ownership); ()

c. Failure to maintain the required standard of quality based upon observations made by the CO during an on-site evaluation; or ()

d. Failure to report compliance data to the regulatory agency in a timely manner, thereby preventing compliance with the Federal regulations and endangering public health. ()

02. Procedure for Downgrading to “Provisionally Certified” Status. ()

a. The CA, within thirty (30) days of learning of the deficiency, will notify the laboratory director or owner by certified mail of the intent to downgrade the laboratory to “provisional certification.” The laboratory will be given be given thirty (30) days from the date of receipt of the notification to develop a corrective action. The written response from the laboratory will be evaluated by the CA in conjunction with the CO and the laboratory will be notified by certified mail of the certification status. The CO will follow up to document that the corrective actions have been taken. ()

b. If a laboratory fails a second PT the CA will downgrade the laboratory to “provisionally certified” status for that analyte or method and notify the laboratory within fourteen (14) days by certified mail. ()

c. A “provisionally certified” laboratory has three (3) months to correct the problem in a manner that is acceptable to the CA. If the downgrading of certification is based on the results of PT testing the reason for the error must be identified and corrected. A third PT must be successfully analyzed. A provisionally certified laboratory may continue to analyze samples for compliance purposes, but must notify its clients of the downgraded status of certification and provide that information in writing on any report. ()

d. An out-of-state laboratory that has reciprocity in the state of Idaho and is downgraded to provisional by either the certification or accreditation authority of that state must notify the CA of the change in certification status within thirty (30) days of the downgrade. ()

03. Criteria for Revoking Certification Status. ()

a. A laboratory must be downgraded from certified, provisionally certified or interim certified status to “not certified” for a particular analyte or method for the following reasons: ()

i. Reporting PT data from another laboratory as its own; ()

ii. Falsification of data or other deceptive practices; ()

iii. Failure to use the analytical methodology specified in the regulations ()

iv. For provisionally certified laboratories, failure to correct the identified deficiencies that lead to the downgrading of certification status. ()

b. Reciprocity of out of state laboratories who do not notify the CA of any changes in the status of certification or accreditation will automatically be revoked. ()

04. Procedure for Revocation. ()

a. The CA will notify the laboratory in writing of the intent to revoke certification. The laboratory will have thirty (30) days from the time of the notification of the intent to revoke certification to respond. If the laboratory does not respond within this period, the CA will notify regulatory agencies of the change of certification status. Once certification is revoked, a laboratory may not analyze drinking water samples for compliance until its certification has been reinstated. ()

b. If a laboratory responds within the thirty (30) days with a plan of corrective action, documentation that the plan has been implemented, and any other substantiating information, the CA will evaluate the situation to determine what further action must be taken. ()

05. Upgrading or Reinstatement of Certification. A laboratory seeking an upgraded or reinstated certification must request this change in writing and provide documentation that the deficiencies which led to the “provisionally certified” or revoked status have been corrected. In addition, an on-site evaluation and successful completion of an additional PT may be required. ()

211. -- 999. (RESERVED.)