

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
GUIDANCE FROM HOTLINE COMPENDIUM

WSG H33

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SUBJECT: State Programs for Laboratory Certification

SOURCE: Baldev Bathija
Carl Reeverts

Title 40 CFR, Section 142.10 set forth the requirements for a determination of primary enforcement responsibility. Specifically, Section 142.10(b)(3)(i) requires the establishment and maintenance of a State program for the certification of laboratories conducting analytical measurements of drinking water contaminants. Furthermore, Section 142.10(b)(3)(i) states that the requirements of this section conducted at laboratories operated by the State and certified by the Agency. As such the question is asked: can State primacy be maintained when the only certified laboratories are privately owned and no State run laboratory is certified?

Response:

No, the State must maintain a principal State lab that is certified in order to retain primacy. The principal State laboratory system must have the capability to analyze every contaminant included in the drinking water regulation (40 CFR 142.10(b)(4)); however, an individual laboratory that is part of a principal State laboratory system may be certified for only one, several, or all the cited analyses. If a principal State laboratory contracts with another laboratory, including a laboratory outside the State, to assume the lead role in analyzing a regulated parameter (e.g., radiochemical contaminants) that contract laboratory will, for the purposes of this manual, be considered part of the principal State laboratory system.

In this case, the contract laboratory must be certified by EPA, unless the contract laboratory is in another State, and that State has certified the laboratory for the contaminants of interest, with the concurrences of the two affected EPA Regions.