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HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

April 18, 2005

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INDEPENDENT REGULATORY
REVIEW COMMISSION

The Honorable Kathleen A. McGinty, Chairperson
Environmental Quality Board
15th Floor Rachel Carson Building
P.O. Box 8477
Harrisburg, PA 17105-8477

Dear Chairperson McGinty:

We are writing today to express our concerns regarding several aspects of the above referenced proposed regulation #7-392 (IRRC #2454) Environmental Laboratory Accreditation.

We have reviewed the Independent Regulatory Review Commission's (IRRC) comments on proposed regulations issued on March 24, 2005. We share many of the concerns raised by IRRC, and urge the Department of Environmental Protection (DEP) to carefully review these recommendations and objections.

There are several areas within the proposed regulations that we believe warrant special attention. First, is the proposal to impose a fee escalator every three years based upon the Consumer Price Index (CPI). It is appropriate to adjust fees from time to time to recover legitimate program expenses. However, we believe, linking fee increases to the CPI – rather than actual program costs – is not appropriate.

This policy would also circumvent the regulatory review process, which currently affords policymakers and the regulated community, the opportunity to review and comment upon fee adjustments. We strongly recommend that DEP remove the CPI mechanism, and caution against its inclusion in future proposed rulemakings.

Secondly, we urge the department to revisit how the unique needs of small businesses, municipalities, municipal authorities and in-house laboratories are being met under these proposed regulations. Act 90 of 2002 states: *"To the extent possible, the Environmental Quality Board shall establish requirements and procedures that address the unique needs of small businesses, municipalities, municipal authorities, and in-house laboratories."*

It is unclear how the department is addressing the needs of Pennsylvania's smaller laboratories within this proposed rulemaking. We believe it is important to be clear and concise as these regulations could have serious economic implications for these laboratories if not properly addressed.

Third, the department should consider allowing other testing programs other than standards established by the National Environmental Laboratory Accreditation Conference. Act 90 permits the department to include other broad-based accreditation programs for certification. There may be a time in the future where other cost-effective certification programs may emerge. Flexibility within the regulations to accommodate future certification programs should be included.

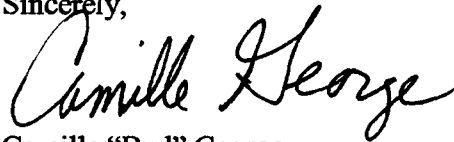
While our concerns here deal primarily with those mentioned above, we are aware and supportive of, comments received by the Department urging careful consideration of a variety of other recommendations.

Thank you for your consideration of these comments. We appreciate your efforts to develop an environmental laboratory accreditation program that ensures both accountability and the quality of data collected in compliance with state and federal requirements.



William F. Adolph Jr.
Majority Chairman
House Environmental Resources
& Energy Committee

Sincerely,



Camille "Bud" George
Democratic Chairman
House Environmental Resources
& Energy Committee

WFAjr/vrh

cc: IRRC ✓