

Regulatory Analysis Form (Completed by Promulgating Agency) (All Comments submitted on this regulation will appear on IRRC's website)		INDEPENDENT REGULATORY REVIEW COMMISSION RECEIVED Independent Regulatory Review Commission October 22, 2025	
(1) Agency Department of Environmental Protection		IRRC Number: 3462	
(2) Agency Number: 7 Identification Number: 578			
(3) PA Code Cite: 25 Pa. Code Chapter 252			
(4) Short Title: Environmental Laboratory Accreditation Fees			
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Laura Griffin, 717-772-3277, laurgriffi@pa.gov Secondary Contact: Lauren Imgrund, 717-783-8727, limgrund@pa.gov			
(6) Type of Rulemaking (check applicable box): ☒ Proposed Regulation ☐ Final Regulation ☐ Final Omitted Regulation		☐ Emergency Certification Regulation; ☐ Certification by the Governor ☐ Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less) The Environmental Laboratory Accreditation Program (Program) accredits analytical laboratories to ensure capacity for quality testing of environmental samples under environmental statutes for the Commonwealth. Every three years, the Program must compile a fee report reviewing Program costs and revenues, which includes an analysis of the projected costs for the next three years. The current fee report indicates that the Program costs are expected to exceed projected fee revenue for the Program this fiscal year. This proposed rulemaking would increase the current fees to ensure they cover the costs required to continue the operation of the Program.			
(8) State the statutory authority for the regulation. Include specific statutory citation. This proposed rulemaking is authorized under the Commonwealth's Environmental Laboratory Accreditation Act (ELAA), 27 Pa.C.S. §§ 4104 and 4105, (relating to powers and duties; and powers and duties of Environmental Quality Board) and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), authorizing and directing the Environmental Quality Board (Board) to adopt regulations necessary for the proper performance of the work of the Department.			
(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action. Yes, the regulation is required by State law. Section 4104(6) of the ELAA requires "a fee for the processing of an application for a certificate of accreditation, including the issuance, renewal,			

modification or other action relating to the certificate, in an amount sufficient to pay the department's cost of implementing and administering the accreditation program.” The ELAA’s implementing regulations, found at 25 Pa. Code Chapter 252, require the Department to evaluate “any disparity between the program income generated by the fees and program costs,” at least every three years and “recommend regulatory changes to the fees” to address the disparity. 25 Pa. Code § 252.204(b).

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The ELAA requires the Board to establish and collect fees in an amount sufficient to pay the Department’s costs of implementing and administering an accreditation program. The new fee structure in this proposed rulemaking accounts for amount of time and cost associated with administering the Program.

The Environmental Laboratory Accreditation regulations set the requirements that laboratories must meet to become accredited to perform testing for twelve environmental statutes administered by the Commonwealth. In turn, the continuing activities of the Program support the protection of environmental and public health related to these twelve statutes.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No provisions are more stringent than federal standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania’s ability to compete with other states?

It is difficult to compare laboratory accreditation fees across states as each state has its own unique set of required testing according to their environmental statutes and a wide variety of fee determination protocols exist among states. Many states do not list exact fees in their laboratory accreditation regulations or manuals. Some only issue an invoice with costs after applicants submit their accreditation requests. Some states (like New York) determine the fees annually based on the accreditation program’s previous year’s income.

The most common laboratories accredited by the Program are small commercial laboratories, drinking water systems and wastewater systems that perform a common series of testing covered in the Basic Non-Potable Water and Basic Drinking Water categories. The proposed fee increase would result in an annual state renewal accreditation cost of \$2,000 and \$1,850, respectively, for these laboratories.

Available data from regional states (New Jersey, Ohio, and Virginia), who appear to fund their programs in a manner similar to Pennsylvania, indicate that accreditation fees for laboratories performing the same testing categories ranged from \$1,680 to \$3,550. Therefore, the proposed fee increases as a result of this rulemaking are in line with comparable states and are not expected to impact Pennsylvania’s ability to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation will not affect any other Commonwealth regulations.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Laboratory Accreditation Advisory Committee (LAAC) provided feedback on the draft proposed regulation. The LAAC membership is made up of one representative from a municipal authority, a commercial environmental laboratory, an industrial environmental laboratory, an academic laboratory, a small environmental laboratory, an environmental engineer, a member of an association of community water supply systems, a member of an association of wastewater systems, a member with technical expertise in testing and analysis of environmental samples, and two members of the general public.

The Department presented the draft proposed fee increases to the LAAC during its public meeting on November 19, 2024. The feedback provided during the meeting included the suggestion of rounding the increased fees to nearest \$50, which has been incorporated into the regulation. Members also suggested a change to the fee schedule to create a separate category for emerging new technologies such as PFAS testing and recommended the LAP evaluate the current testing packages for drinking water and non-potable water analytes to determine if the fees are appropriate in relation to other types of analytes. The Department informed the members that the Program does not have the data needed to support these proposed changes yet and would need to gather additional information and analysis to potentially include these suggestions in a future rulemaking.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

The types and number of entities that would be affected by the regulation are limited to those currently regulated by 25 Pa. Code Chapter 252. Those persons, businesses, small businesses, and organizations that may be affected by the proposed regulations include any individual, corporation, institution, or group that applies for environmental laboratory accreditation and seeks to analyze environmental samples for compliance with one or more of the 12 statutes listed in 25 Pa. Code § 252.3(a).

The Department has historically classified environmental laboratories based on the scope of the laboratory’s accreditation. There are three classifications: small laboratories, which include small commercial laboratories, public drinking water systems and wastewater systems; medium laboratories; and large laboratories. Small laboratories perform testing in microbiology and/or basic inorganic non-metals; medium laboratories perform testing in microbiology, inorganic non-metals, trace metals, and sometimes volatile organic compounds; large laboratories perform testing for the same tests as medium laboratories, plus semi-volatile organic compounds and/or radiochemistry. The current breakdown of small, medium and large laboratories is listed in the following table:

ACCREDITED ENTITIES	
Small Laboratories	
I. Small Laboratories (not drinking water or wastewater) (< 25 analytes)	69
II. Public Drinking Water Systems	
a. Local government owned	29
b. Privately owned	19
III. Public Wastewater Systems	
a. Local government owned	103
b. Privately owned	4
Total	224
Medium Laboratories (26-500 analytes)	
I. Local government owned	2
II. Privately owned	60
Total	62
Large Laboratories (> 500 analytes)	52
State Government Laboratories	2

The costs of the rulemaking vary depending upon the type of testing and analyses that the environmental laboratory chooses to perform. Laboratories that request National Environmental Laboratory Accreditation Program (NELAP) accreditation and pay fees to the Program (currently 117 laboratories) would increase by \$950 for the initial application fee and \$750 for the annual renewal fee. The fees for laboratories that choose State accreditation (typically between 200-300 laboratories) would increase by \$400 for the initial application fee and \$200 for the annual renewal fee. Laboratories would also pay an approximately 27% higher fee (rounded to the nearest \$50 increment) for each additional field of accreditation testing category they select.

The 2017 revision of the Program's fee structure included only minimal fee increases for accreditation in Basic Non-Potable Water and Basic Drinking Water categories versus fee increases for other testing categories offered by the Program. Laboratories seeking accreditation for these two categories represent the majority of applicant laboratories as well as the smallest laboratories in the regulated community, which is why the previous fee adjustment instituted a more equitable fee structure for the small laboratories. The fees for these small laboratories (currently 224 laboratories) would increase by \$250 for the Basic Non-Potable Water category and \$200 for the Basic Drinking Water category.

This regulation proposes to increase fees for the entire regulated community by approximately \$460,000, based on the current number of accredited laboratories and their current fields of accreditation testing.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

There are currently 338 laboratories accredited by the Program that will be required to comply with these proposed regulations and pay increased fees. (There are two state government-owned laboratories that are exempt from paying accreditation fees. See the response to Question 21.) The Department estimates that the majority of these accredited laboratories are considered small businesses for financial purposes. Based on the Program's designation of small, medium, and large laboratories that would pay accreditation fees, there are currently 224 small laboratories, 62 medium laboratories and 52 large laboratories.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

This regulation proposes to increase fees by 27% for the entire regulated community accredited to State or NELAP standards by approximately \$460,000, based on the current number of accredited laboratories and their current fields of accreditation testing. This increase is in line with an inflation rate of 3% per year since the last year that the Program's fees were increased (2017).

The proposed fee increase is needed to provide adequate funding for the Department's Program to continue to provide oversight of accredited laboratories to comply with the requirements of ELAA. The Department would benefit from the proposed rulemaking by having the needed revenue to cover the costs of the Program mandated by the ELAA. The public would benefit from the proposed rulemaking as the Program continues to ensure that laboratory data generated from environmental regulatory samples are of high accuracy and quality to inform decision makers in protecting the environmental and public health of the state.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The proposed increased fees would allow the Department to maintain the Program at current levels of operation. This includes enabling the Department to continue to fund personnel and cover operational costs, including travel to laboratories for assessments, required assessor trainings, rent and maintenance of leased building office space, office expenditures, and IT consulting and services. The Program's fees have not increased since 2017, but the costs to implement the Program have risen steadily each year. The regulation's proposed fee increase ensures that the Program may recover its operating costs as required by section 4104(6) of the ELAA and the Department has the resources to continue implementing and administering the accreditation Program.

(19) Provide a specific estimate of the costs and/or savings to the *regulated community* associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The costs of the regulation for individual laboratories would vary depending upon the type of testing and analyses that the environmental laboratory chooses to perform. The fees for non-state government laboratories that request NELAP accreditation (currently 117 laboratories) would increase by \$950 for the initial application fee and \$750 for the annual renewal fee. The fees for laboratories that choose State accreditation (currently 222 laboratories) would increase by \$400 for the initial application fee and \$200

for the annual renewal fee. Laboratories would also pay a 27% higher fee for each additional field of accreditation testing category they select.

The regulated community includes municipal drinking water systems and wastewater systems that comprise a large portion of the Program's clients. However, these facilities are owned by local governments, so please see the response to Question 20 for details on how they are impacted.

There are also two state government laboratories that are exempt from paying accreditation fees. Please see the response to Question 21 for further details.

Small, medium, and large non-public laboratories would incur a range of cost increases based on the number and type of categories they choose for accreditation. It is estimated that these regulated laboratories would incur a total increase in accreditation costs of approximately \$399,250. This cost is derived from the total projected Program costs increase of \$460,000 minus the costs to local governments identified in the response to Question 20.

Additional legal, accounting, or consulting procedures would not be required.

(20) Provide a specific estimate of the costs and/or savings to the *local governments* associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Under this proposed regulation, the local governments with accredited laboratories would pay higher accreditation fees. These laboratories are primarily accredited to analyze samples for a municipal drinking water system or wastewater system. The fees would increase by approximately 27%.

All local government-owned systems would pay a \$200 increase for their State accreditation renewal, from \$700 to \$900.

In addition, drinking water systems seeking accreditation for the Basic Drinking Water category would pay a \$200 increase, from \$750 to \$950. Wastewater systems seeking accreditation for the Basic Non-Potable Water category would pay a \$250 increase, from \$850 to \$1,100.

Currently, 132 laboratories owned by local governments are expected to renew their State accreditation and either the Basic Drinking Water category or Basic Non-Potable Water category. These laboratories each would see an increase in total accreditation fees of \$400 or \$450, respectively.

- Drinking Water Systems: $29 \times \$400 = \$11,600$
- Wastewater Systems: $103 \times \$450 = \$46,350$

Additionally, there are two, local government small laboratories with various accredited categories.

- Local Government Small Laboratories: increase of \$2,800

Therefore, the total increase in accreditation costs to local governments would be around \$60,750.

Additional legal, accounting, or consulting procedures would not be required.

(21) Provide a specific estimate of the costs and/or savings to the *state government* associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no expected costs or savings to state government from this regulation. While the ELAA requires the Department to establish fees at a level that covers the cost of administering the Program, the two Commonwealth agencies that have accredited laboratories are exempt from paying the accreditation fees, under § 252.204(c).

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

This proposed regulation would require no changes to the legal, accounting, or consulting procedures for the regulated community.

(22a) Are forms required for implementation of the regulation?

There are no additional reporting, paperwork, forms, or reports that are required to be submitted or developed for the regulated community.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

Not applicable.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY 2024-25	FY +1 2025-26	FY +2 2026-27	FY +3 2027-28	FY +4 2028-29	FY +5 2029-30
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:						
Regulated Community	0	0	399,250	399,250	399,250	399,250
Local Government	0	0	60,750	60,750	60,750	60,750
State Government	0	0	0	0	0	0
Total Costs	0	0	460,000	460,000	460,000	460,000

REVENUE LOSSES:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3 2021-22	FY -2 2022-23	FY -1 2023-24	Current FY 2024-25
Laboratory Accreditation	\$869,339*	\$1,311,938	\$1,416,437**	\$1,207,244**

*Please see the attached fee report for an explanation of the Program costs for FY 2021-22.

**Figures have been updated since the fee report was finalized in mid-2024.

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

(a) An identification and estimate of the number of small businesses subject to the regulation.

The majority of the accredited laboratories are considered small businesses for financial purposes. Based on the Program's designation of small, medium, and large laboratories based on scope of analytical testing, there are currently 224 small laboratories that would be impacted.

(b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

The proposed regulation does not impose any new reporting or recordkeeping requirements. No additional administrative costs or professional skills are necessary for compliance with the proposed regulation.

(c) A statement of probable effect on impacted small businesses.

The probable effect on small businesses is the proposed fee increase of approximately 27-30%, based on the type of accreditation sought and the laboratory's requested scope of accreditation. (At the suggestion of LAAC, the proposed fees are rounded to the nearest \$50 to simplify payment calculation. Therefore, some fee increases are slightly greater than 27% due to rounding up.) The fees for the smallest regulated laboratories would be increased by approximately \$400-450/year, which includes the \$200 increase for the State accreditation renewal fee and either the \$200 or \$250 increase for the basic drinking water fee or basic non-potable water fee, respectively.

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The fees must cover the costs associated with implementing the Program and are assessed based on the amount of time the Program spends to accredit a particular scope of accreditation. No other alternative exists.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed because the increased fees are necessary to cover the cost of the Program, as required by the ELAA. In the last rulemaking to increase Program fees, finalized in 2017 (47 Pa.B. 4085), the Department sought to more equitably distribute the costs of the Program based on the workload associated with the two accreditation types (State and NELAP). As the costs and amount of time associated with accrediting NELAP laboratories is more than double that of a smaller laboratory that is typically accredited in the State program, the renewal fee for State accreditation in 2017 was only increased by \$200/year while the renewal fee for NELAP applicants was increased by \$750/year. The current proposed rulemaking maintains this equitable cost ratio established in the last rulemaking.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

There are no effective regulatory alternatives.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;**
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;**
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;**
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and**
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.**

(a) – (e) Small businesses would not find it difficult to come into compliance with the regulation and would not require an alternate deadline for compliance. The regulation does not require submission of reports to the Department. The regulation does not include design or operational standards. Although there are no exemptions for small businesses proposed in this rulemaking, the previous fee rulemaking in 2017 instituted a fee structure that more equitably distributed the costs to implement the program. This resulted in smaller increases in fees for categories that small commercial laboratories, drinking water systems and wastewater systems sought accreditation for, as discussed in the response to Question 25.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is the basis for this proposed rulemaking. The Department prepared the “Three-Year Regulatory Fee and Program Cost Analysis Report” (report) in the spring of 2024 to summarize the Department’s fee collections and Program costs by functional area for the fiscal years since the last fee increase in 2017 and the next three projected years. The conclusion of this fee report is that the Program fee structure requires an increase to cover Program costs. A copy of the report is attached and the report also is available on the Board’s website here:

https://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2024/Sept_10_2024/02_Lab%20Accreditation_Fee%20report_Final.pdf.

(29) Include a schedule for review of the regulation including:

- | | |
|---|---|
| A. The length of the public comment period: | <u>30 days</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>None Scheduled</u> |
| C. The expected date of delivery of the final-form regulation: | <u>Quarter 3, 2026</u> |
| D. The expected effective date of the final-form regulation: | <u>Upon publication
in the <i>Pennsylvania Bulletin</i></u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>Upon publication
in the <i>Pennsylvania Bulletin</i></u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>Not applicable</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

Section 252.204(b) requires that the Department review the accreditation fees at least once every three years and recommend to the Board any regulatory changes to the fee schedule if needed.

THREE-YEAR REGULATORY FEE AND PROGRAM COST ANALYSIS REPORT TO THE ENVIRONMENTAL QUALITY BOARD

LABORATORY ACCREDITATION PROGRAM

In 2002, the General Assembly enacted the Environmental Laboratory Accreditation Act ("ELAA") (27 Pa.C.S. §§ 4101—4113), which required the Department of Environmental Protection ("Department") to establish and implement the Commonwealth's Environmental Laboratory Accreditation Program ("LAP"). Section 4104(6) of the ELAA requires laboratory accreditation fees to be "in an amount sufficient to pay the department's cost of implementing and administering the accreditation program." 27 Pa.C.S. § 4104(6).

The ELAA's implementing regulations, found at 25 Pa. Code Chapter 252, require the Department to evaluate "any disparity between the program income generated by the fees and program costs," at least every three years. 25 Pa. Code § 252.204(b). The Department last proposed an increase for the LAP's fees at 25 Pa. Code § 252.204(a) in 2016, which was finalized and effective in 2017. The Department has prepared an updated Three-Year Regulatory Fee and Program Cost Analysis Report ("Report") for the period of 2017-2023 to present to the Environmental Quality Board.

The purpose of this Report is to review the adequacy of fees based on projected operation costs for the LAP through fiscal year ("FY") 2026-2027. The Report provides a summary of the LAP's functions, fee collections and program costs, and concludes with a trend analysis and projection of costs and fee revenue for the next three years.

BACKGROUND

The LAP implements the ELAA through the review of accreditation applications from environmental laboratories. 27 Pa.C.S. § 4103. The ELAA requires environmental laboratories to be accredited and to comply with the ELAA "in order to generate data or perform analyses to be used to comply with an environmental statute." 27 Pa.C.S. § 4103(b).

Laboratories must apply for, then annually renew, their accreditation certificates and can request amendments to their certificate. Potential amendments include a change in laboratory ownership, a change in administrative information, or the addition of different fields (or categories) of accreditation. By assessing each accredited laboratory's operations in accordance with the ELAA and the Department's regulations at 25 Pa. Code Chapter 252, the LAP protects the environment and ensures the health, safety, and welfare of the citizens of the Commonwealth of Pennsylvania.

The environmental laboratory accreditation fees were originally promulgated in 2006 (36 Pa.B. 465 (January 28, 2006)), and then updated in 2010 (40 Pa.B. 1898 (April 10, 2010)) and 2017 (47 Pa.B. 4085 (July 29, 2017)). The fees support the implementation of the ELAA through application and compliance activities. The Department most recently updated the fee schedule

in 25 Pa. Code § 252.204 in 2017 to address the insufficient funds to cover the Department's costs to implement the program.

PROGRAM REVENUE AND COST

The following provides a description of the sources of revenue and costs for the LAP. Table 1 in Appendix A includes actual and projected figures for revenue and costs for FY 2016-2017 through FY 2026-2027.

Revenue

The LAP provides environmental laboratory accreditation under accreditation standards for the State certification program, as well as the National Environmental Laboratory Accreditation Program ("NELAP"). A laboratory company that has multiple locations within and outside of the state may seek NELAP accreditation in addition to Pennsylvania state accreditation because the NELAP program provides consistent national standards that can be implemented in any state.

The LAP provides State and NELAP accreditation for small laboratories associated with public water, municipal, and public utility wastewater facilities, as well as a range of commercial or private laboratories.

The LAP categorizes the size of an accredited commercial/private laboratory by the number of chemical or biological substances (analytes) that can be tested by each laboratory. Each laboratory applies for accreditation for analytes according to the analytical methods they can perform. The analytes are then listed on the laboratory's accreditation scope. The table below contains a summary of the type and size of laboratories accredited annually by the LAP.

NELAP ACCREDITED ENTITIES	
Commercial/Private Laboratories	38
Small scope < 25 analytes	12
Medium scope 26-500 analytes	9
Large scope > 500 analytes	15
STATE ACCREDITED ENTITIES	
Commercial/Private Laboratories	100
Small scope < 25 analytes	62
Medium scope 26-500 analytes	31
Large scope > 500 analytes	7
Public Water Systems	69
Wastewater Systems	132

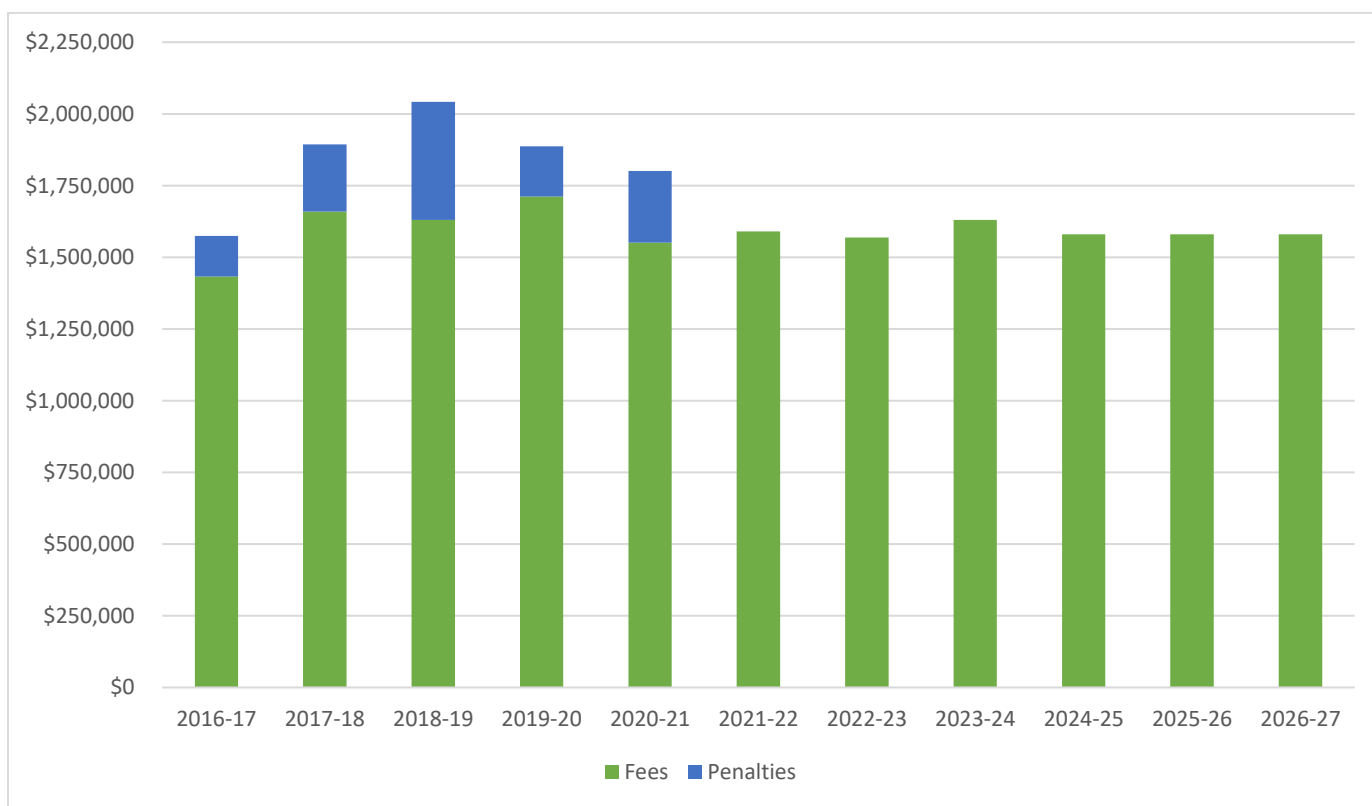
The accredited laboratories remit payment according to the LAP fee schedule to facilitate implementation of the ELAA, which in turn supports an important industry in Pennsylvania. These laboratories are necessary to perform all of the regulated environmental testing required by state laws. Accreditation by the LAP ensures that the data generated from the testing at

these laboratories is accurate, of high quality, and legally defensible to support environmental policy decisions and enforcement actions. The fees maintain required LAP activities which include processing initial and renewal applications for State and NELAP accreditation, assessing the categories or fields of accreditation held by each laboratory, documenting changes in laboratory ownership or administration, and performing supplemental onsite assessments. The current fee schedule for the LAP is included in Appendix B.

The LAP also receives revenue from fines and civil penalties when assessed to laboratories for violations of the ELAA (27 Pa.C.S. § 4110). The Department has not included fines and civil penalties in its projected revenue analysis, because relying on penalties to fund fundamental elements of a regulatory program is not appropriate and is contrary to sound public policy.

Figure 1 reflects the LAP’s previous revenue from fees, fines and civil penalties, from FY 2016-2017 through FY 2022-2023, as well as projected revenue from fees for FY 2023-24 through FY 2026-2027.

Figure 1. Laboratory Accreditation Program Revenue for 2016 – 2026*



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

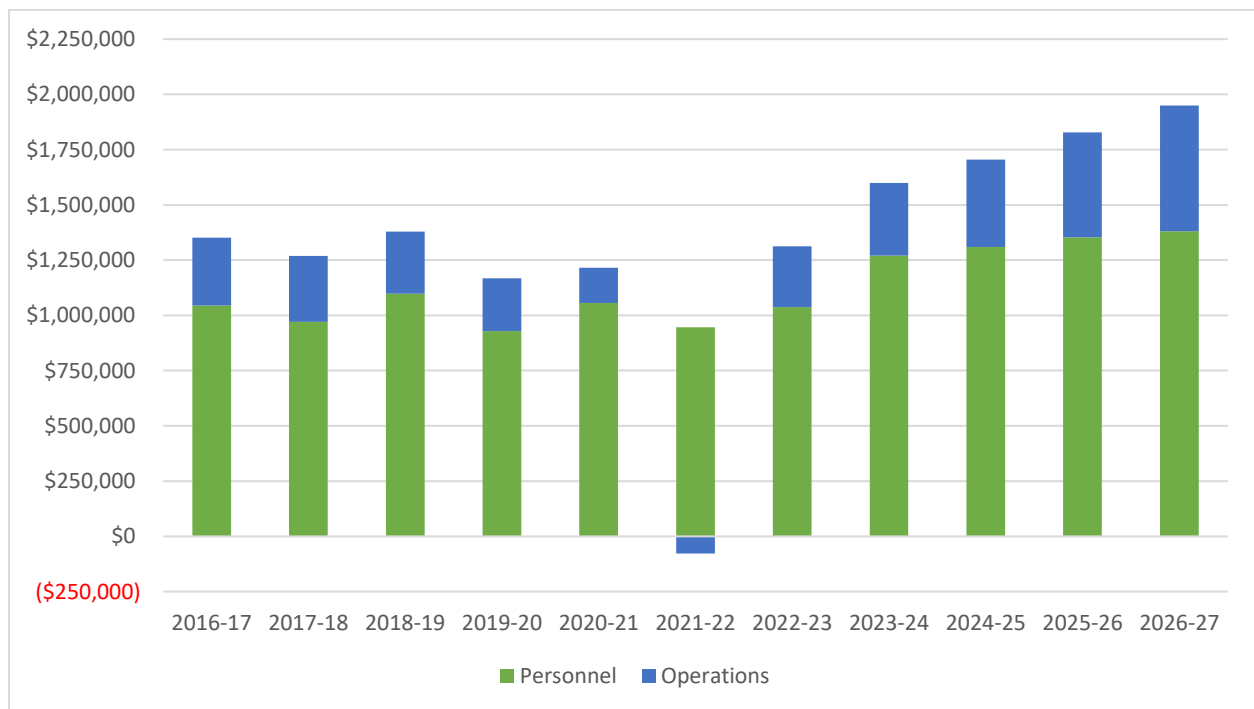
Program Costs

The current costs to support the LAP consist of 10 personnel working in the State Environmental Laboratory in Harrisburg, as well as operational costs, including travel to

laboratories for assessments, required assessor trainings, rent and maintenance of leased building office space, office expenditures, and IT consulting and services. The decrease in operational costs for FY 2021-2022 reflects reduced travel costs for laboratory assessments and assessor training (conducted remotely due to COVID-19 pandemic), a LAP staff vacancy, and a significant rebate on building services due to Departmental overpayment. The building rental payments include utilities, which assumes the Department's utility costs will be a certain amount each month. However, the lease includes a provision to refund to the Department a portion of the rent payment if the agency's utility bills were under the set amount. Because the COVID-19 pandemic restrictions limited the agency's use of the building and utility bills were significantly less during that period, the building owner refunded the difference.

Figure 2 shows the LAP's costs from FY 2016-2017 through FY 2022-2023, as well as projected costs for FY 2023-24 through FY 2026-2027.

Figure 2. Laboratory Accreditation Program Costs for 2016 – 2026*



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

TREND ANALYSIS AND PROJECTION

The current fee structure was established to cover the anticipated costs of the accreditation program through FY 2016-2017. The fee structure has not been updated during the last six years due the COVID-19 pandemic and subsequent turnover of staff at the Department. Based on current revenue, the LAP's costs are projected to exceed fee revenue starting in FY 2024-2025, as reflected in Figure 3 on the following page.

Revenue Decrease

The LAP has experienced a decrease in the number of laboratories requesting and renewing accreditation due to closures from the pandemic. In 2016, the LAP had accredited 125 NELAP entities and 311 State entities. In 2024, the LAP has accredited 38 NELAP entities and 301 State entities. While many smaller commercial laboratories are closing because they can no longer remain competitive, the workload for assessing the remaining larger commercial laboratories has significantly increased.

The NELAP accredited commercial labs have seen an average increase of 30% in the number of their accredited testing parameters. Each LAP assessor's complement of assigned laboratories requires oversight of larger laboratories that may hold accreditation for more than 3,000 different compounds analyzed by hundreds of methods. These laboratories require the assessor to review proficiency testing results for all accredited compounds and methods (performed two times annually), facilitate changes in accreditation parameters based on laboratory operations or failing proficiency test results, and process of numerous laboratory personnel changes. Many of the additional analytes being added to the NELAP laboratories' accreditation involve methods that are significantly more complex (for example, methods for PFAS and algal bloom cyanotoxin analysis). These types of testing require training of skilled analysts to meet stringent and extensive method quality control requirements. The LAP assessors must review all analyst training and execution of these methods for all associated testing compounds and ensure they meet all required quality control, operational, and documentation standards.

Cost Increase

Most of the LAP costs are related to personnel. The new master agreement between the Commonwealth and Council 13 AFSCME will increase LAP staff salaries by 22.1% by FY 2027-2028. Projected personnel costs include an additional laboratory accreditation officer to assist with increased PFAS accreditation parameters, which has increased the LAP staff to 11 total employees. The projected operational costs include increased travel expenses for on-site assessments and training that were previously conducted remotely during the COVID-19 pandemic, increased rates for IT consulting and services, and increased building and office expenses for the leased building occupancy for the program.

The LAP has implemented certain efficiencies, such as an electronic application system to allow laboratories to submit applications and payment via the internet. However, the amount of work required to assess accredited laboratories continues to increase.

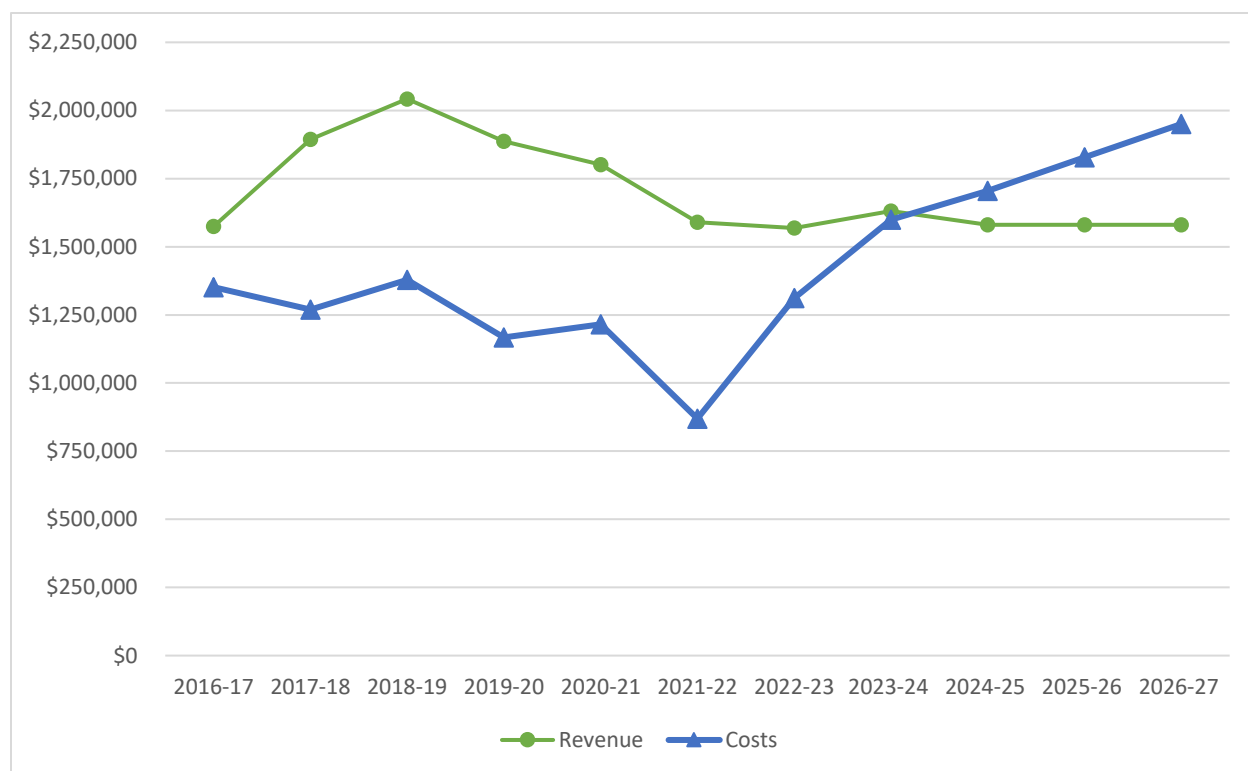
As new environmental contaminants emerge on a regular basis, additional analytical methods are developed to monitor their presence and concentration in environmental samples. For example, multiple EPA methods for the analysis of PFAS compounds and for detecting cyanotoxins in recreational waterbodies experiencing harmful algal blooms have been developed during the past few years. These methods are unique and complex adaptations of

organic and biochemical methods that the LAP assessors must study to expand their current knowledge to assess laboratories accredited for these new methods.

The standards to which the LAP accredits laboratories also continue to evolve. The Consensus Standards Development Program for The NELAC Institute, which sets the accreditation standards for NELAP, released its third consensus standard for the accreditation of environmental laboratories in October of 2019. The LAP employees had to study and understand the significant number of new quality control and operational parameters in order to implement the new accreditation standards on January 1, 2020. The U.S. Environmental Protection Agency released Methods Update Rules (MUR) in both 2021 and 2023 to change the list of approved methods to reflect advances in technology and refine quality assurance and quality control requirements. The LAP assessors had to study and understand how to implement accreditation activities relative to changes included in the MURs and to adapt assessment activities to ensure accredited laboratories are also compliant with each MUR.

Without an adjustment to the fee schedule, the gap between the collected fees and program costs will continue to grow.

Figure 3. Laboratory Accreditation Program Revenue vs. Costs Projection*



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

RECOMMENDATION

This analysis indicates that in FY 2024-2025, program costs are expected to exceed projected LAP fee revenue. The Department recommends proposing a rulemaking to increase fees to ensure they cover the costs of the program and to address the projected \$300,000 annual shortfall by FY 2026-2027.

Appendix A

Table 1. Laboratory Accreditation Program Revenue & Costs Projection 2016 – 2026*

Fiscal Year	Fees	Penalties	Total Revenue	Personnel	Operations	Total Costs	Difference
2016-17	\$ 1,433,241	\$ 141,250	\$ 1,574,491	\$ 1,044,493	\$ 307,401	\$ 1,351,894	\$ 222,597
2017-18	\$ 1,659,070	\$ 235,000	\$ 1,894,070	\$ 970,662	\$ 298,850	\$ 1,269,513	\$ 624,557
2018-19	\$ 1,630,531	\$ 411,950	\$ 2,042,481	\$ 1,098,898	\$ 279,933	\$ 1,378,831	\$ 663,650
2019-20	\$ 1,711,840	\$ 175,000	\$ 1,886,840	\$ 928,153	\$ 239,409	\$ 1,167,562	\$ 719,278
2020-21	\$ 1,550,854	\$ 250,000	\$ 1,800,854	\$ 1,056,213	\$ 159,013	\$ 1,215,226	\$ 585,628
2021-22	\$ 1,590,100	\$ 0	\$ 1,590,100	\$ 946,574	- \$ 77,235	\$ 869,339	\$ 720,761
2022-23	\$ 1,568,669	\$ 0	\$ 1,568,669	\$ 1,036,999	\$ 274,939	\$ 1,311,938	\$ 256,731
2023-24	\$ 1,630,531	-	\$ 1,630,531	\$ 1,269,900	\$ 329,927	\$ 1,599,827	\$ 30,704
2024-25	\$ 1,580,000	-	\$ 1,580,000	\$ 1,309,222	\$ 395,912	\$ 1,705,134	-\$ 125,134
2025-26	\$ 1,580,000	-	\$ 1,580,000	\$ 1,353,070	\$ 475,095	\$ 1,828,165	-\$ 248,165
2026-27	\$ 1,580,000	-	\$ 1,580,000	\$ 1,380,132	\$ 570,114	\$ 1,950,246	-\$ 370,246

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

Appendix B

§ 252.204. Fees.

(a) The appropriate fee in accordance with the following schedule must accompany an application for accreditation, renewal of accreditation, change of ownership, change in administrative information, addition of fields of accreditation or supplemental onsite assessment.

* * * * *

The fees are as follows:

Category	Fee
Application fee—Initial Application for State Accreditation	\$1,500
Application fee—Renewal Application for State Accreditation	\$700
Application fee—Ownership Transfer or Change in Administrative Information	\$150
Application fee—Initial Application for NELAP Accreditation	\$3,500
Application fee—Renewal Application for NELAP Accreditation	\$2,750
Application fee—Addition of Field of Accreditation	\$350
Application fee—Supplemental Onsite Assessment	\$500
Basic Drinking Water Category—Includes one method for each of the following: Total Coliform Bacteria, Fecal Coliform Bacteria, <i>E. coli</i> Bacteria, Heterotrophic Bacteria, Nitrate, Nitrite, Fluoride, Cyanide	\$750
Basic Nonpotable Water Category—Includes one method for each of the following: Fecal Coliform Bacteria, BOD, CBOD, Nitrate, Ammonia, Total Nitrogen, Total Kjeldahl Nitrogen, Nitrite, Phosphorus, and one method for each type of residue including % Solids for land applied biosolids	\$850
Asbestos—first matrix	\$600
Basic Microbiology—includes fecal coliform, total coliform, <i>E. coli</i> and heterotrophic bacteria—first matrix	\$700
Complex Microbiology—first matrix	\$1,000
Trace Metal Category—first matrix	\$750
Inorganic Nonmetal Category—first matrix	\$850
Purgeable Volatile Organic Chemicals—first matrix	\$850
Extractable and Semivolatile Organic Chemicals—first matrix	\$1,750
Dioxin—first matrix	\$850
Radiochemical Category—first matrix	\$950

Whole Effluent Toxicity Testing—first matrix	\$950
Asbestos—second matrix	\$450
Basic Microbiology—includes fecal coliform, total coliform, <i>E. coli</i> and heterotrophic bacteria—second matrix	\$600
Complex Microbiology—second matrix	\$900
Trace Metal Category—second matrix	\$600
Inorganic Nonmetal Category—second matrix	\$700
Purgeable Volatile Organic Chemicals—second matrix	\$700
Extractable and Semivolatile Organic Chemicals—second matrix	\$1,600
Dioxin—second matrix	\$700
Radiochemical Category—second matrix	\$850
Asbestos—third matrix	\$400
Basic Microbiology—includes fecal coliform, total coliform, <i>E. coli</i> and heterotrophic bacteria—third matrix	\$500
Complex Microbiology—third matrix	\$800
Trace Metal Category—third matrix	\$550
Inorganic Nonmetal Category—third matrix	\$650
Purgeable Volatile Organic Chemicals—third matrix	\$600
Extractable and Semivolatile Organic Chemicals—third matrix	\$1,450
Dioxin—third matrix	\$650
Radiochemical Category—third matrix	\$750

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE
BUREAU**

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

October 22, 2025

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality.
Attorney General

By: **Amy M Elliott**
(Deputy Attorney General)

Digitally signed by
Amy M Elliott
Date: 2025.10.20
09:44:12 -04'00'

DATE OF APPROVAL

☒ Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be true and
correct copy of a document issued, prescribed or
promulgated by:

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION
ENVIRONMENTAL QUALITY BOARD**

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-578

DATE OF ADOPTION September 9, 2025

BY Jessica L Shirley
TITLE **JESSICA SHIRLEY
CHAIRPERSON**

EXECUTIVE OFFICER CHAIRPERSON OR SECRETARY

Copy below is hereby approved as to form and legality
Executive or Independent Agencies

BY

Adrian D. Nelson

9/23/2025
DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel - Independent Agency)
(Strike inapplicable title)

☒ Check if applicable. No Attorney General Approval
or objection within 30 days after submission.

NOTICE OF PROPOSED RULEMAKING

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD**

Environmental Laboratory Accreditation Fees

25 Pa. Code Chapter 252

**PROPOSED RULEMAKING
ENVIRONMENTAL QUALITY BOARD
[25 Pa. Code Chapter 252]**

Environmental Laboratory Accreditation Fees

The Environmental Quality Board (Board) proposes to amend Chapter 252 (relating to environmental laboratory accreditation). This proposed rulemaking would revise the current fee structure in § 252.204 (relating to fees). The proposed amendments to Chapter 252 would increase the fees for environmental laboratories seeking accreditation for testing, analyzing, or reporting results for environmental samples identified in § 252.3 (relating to scope). Accredited environmental laboratories remit payment of fees to the Department of Environmental Protection (Department) to support the costs of administering the accreditation program.

This proposed rulemaking was adopted by the Board at its meeting of September 9, 2025.

A. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information contact Annmarie Beach, Chief, Laboratory Accreditation Program, P.O. Box 1467, Harrisburg, PA 17105-1467, (717) 346-8212, or Leda Lacomba, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in section J of this preamble. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users). This proposed rulemaking is available on the Department's website at <https://www.pa.gov/agencies/dep.html> (select "Public Participation," then "Environmental Quality Board" then navigate to the Board meeting of September 9, 2025).

C. Statutory Authority

This proposed rulemaking is authorized under 27 Pa.C.S. § 4105(a) (relating to powers and duties of Environmental Quality Board), commonly referred to as the Environmental Laboratory Accreditation Act (27 Pa.C.S. §§ 4101—4113) (ELAA), and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), authorizing and directing the Board to adopt regulations necessary for the proper performance of the work of the Department.

D. Background and Purpose

In 2002, the General Assembly enacted the ELAA, which required the Department to establish and implement the Commonwealth's Environmental Laboratory Accreditation Program (Program). As required by 27 Pa.C.S. § 4104(6) (relating to powers and duties), laboratory accreditation fees and compliance activities must be "in an amount sufficient to pay the department's cost of implementing and administering the accreditation program." The

environmental laboratory accreditation fees were first promulgated in 2006 at 36 Pa.B. 465 (January 28, 2006), and then updated in 2010 at 40 Pa.B. 1898 (April 10, 2010) and 2017 at 47 Pa.B. 4085 (July 29, 2017).

The Program provides accreditation for the State environmental laboratory certification program and for the National Environmental Laboratory Accreditation Program (NELAP). Small laboratories associated with drinking water or wastewater treatment facilities (government or privately owned) and a range of commercial or private laboratories seek State or NELAP accreditation. Additionally, commercial laboratories, municipal laboratories and small laboratories associated with drinking water treatment plants can also be accredited to the United States Environmental Protection Agency's drinking water program. Accredited laboratories perform regulated environmental testing as required by Federal and State laws. Accreditation by the Program ensures that the data generated from the testing at these laboratories is accurate, of high quality and legally defensible to support environmental policy decisions and enforcement actions for the 12 environmental statutes listed in § 252.3(a).

Laboratories engage the Program to apply for, then annually renew, their accreditation certificates and can request additions to or deletions from their certificate. Certificate amendments include a change in laboratory ownership, a change in administrative information or the addition of different fields (that is, categories) of accreditation. By assessing each accredited laboratory's operations in accordance with the ELAA and the Department's regulations in Chapter 252, the Program protects the environment and ensures the health, safety and welfare of the residents of this Commonwealth while supporting an important laboratory industry in the State.

The accredited laboratories send their payments to the Program based on the fee schedule to support the activities of 11 personnel. Program staff process applications for State and NELAP accreditation, assess each laboratory's categories or fields of accreditation, document changes in laboratory ownership or administration and perform supplemental onsite assessments. The accreditation fees also cover operational costs, which include assessor trainings, travel to laboratories for assessments, leased building office space, office supply expenditures and IT consulting and administrative services.

Fee and cost analysis report

The Department presented the most recent fee report on the Program's revenue and costs to the Board on September 10, 2024, which is available on the Board's website at <https://www.pa.gov/agencies/dep/public-participation/environmental-quality-board/archived-meetings.html>. The report's analysis indicates that in fiscal year (FY) 2024-2025, program costs are expected to exceed projected fee revenue and will steadily increase through FY 2026-2027.

The Department has historically classified environmental laboratories based on the scope of the laboratory's accreditation. There are three classifications: small laboratories, which include small commercial laboratories, public drinking water systems and wastewater systems; medium laboratories; and large laboratories. Small laboratories perform testing in microbiology and/or basic inorganic non-metals; medium laboratories perform testing in microbiology, inorganic non-metals, trace metals, and sometimes volatile and semi-volatile organic compounds; large

laboratories perform the same tests as medium laboratories and/or more complex testing such as radiochemistry and asbestos. There are currently 340 laboratories accredited by the Program. Two of those laboratories are state government-owned and do not pay accreditation fees. The remaining accredited clients include 224 small laboratories, 62 medium laboratories, and 52 large laboratories.

At the time of drafting the fee report in the spring of 2024, the total estimated revenue for the Program for FY 2023-2024 was approximately \$1,600,000, which matched the estimated program costs. However, the Program's fee revenue is projected to decrease to \$1,580,000 by FY 2026-2027, while the projected program costs for are expected to increase to approximately \$1,950,000. This leaves a projected deficit of \$370,000. Most of the increase in Program costs are related to personnel, but operational costs also are projected to increase from approximately \$330,000 in FY 2023-2024 to \$570,000 in FY 2026-2027. As a result of the projected revenue shortfall, the Department recommended a proposed rulemaking to increase the Program's fees to ensure that all program costs will be covered.

Advisory committee consultation

A draft of the proposed regulation to update the fee schedule was presented at the Laboratory Accreditation Advisory Committee meeting on November 19, 2024. Based on the FY 2023-2024 application figures and projected future costs, the proposal included a 27% increase in fees to generate approximately \$460,000 and ensure sufficient fee income to cover the expected revenue short fall in FY 2026-2027. Committee members offered suggestions about the draft proposed regulation. Members requested that the proposed fees be rounded to the nearest \$50 increment to simplify calculation of payments. This change was incorporated into the proposed fee schedule. Members inquired why there was no increase for the application fee for "Ownership Transfer or Change in Administrative Information." No change was necessary for this item as the cost to process a new certificate has not increased since 2017.

Members also suggested a change to the fee schedule to create a separate category for emerging new technologies such as PFAS testing and recommended the Department evaluate the current testing packages for drinking water and non-potable water analytes to determine if the fees are appropriate in relation to other types of analytes. The Department informed the members that the Program does not have the data needed to support these proposed changes yet and would need to gather additional information and analysis to potentially include these suggestions in a future rulemaking.

Without an adjustment to the fee schedule, the gap between the collected fees and program costs will continue to grow. There has been a steady decrease in the number of laboratories seeking State and NELAP accreditation over the last decade, from 450 laboratories in 2017 to only 340 currently, which could continue to decline. The Department proposes a fee increase to ensure the Program costs are covered through FY 2026-2027, when they are estimated to reach \$1,950,000. Based upon the accreditation applications submitted in FY 2023-2024, the estimated revenue with the proposed increase of 27% rounded to the nearest \$50 is approximately \$2 million.

E. Summary of Regulatory Requirements

§ 252.204. Fees.

In subsection (a), the fees for all but one of the categories listed in the fee schedule are proposed to be increased by 27% and rounded to the nearest \$50 increment. As discussed previously, only the “Ownership Transfer or Change in Administrative Information” application fee of \$150 is not proposed to be increased because the time and cost to perform this accreditation activity has not increased since the last fee update.

The proposed fee increase would generate approximately \$460,000 in additional annual revenue and ensure sufficient fee income to cover the expected revenue short fall in FY 2026-2027. The increase would also provide a small margin of safety in case laboratory accreditations decrease more than expected.

F. Benefits, Costs, and Compliance

Benefits

The proposed fee schedule increase is necessary to ensure that adequate funding is available for the Department to implement the Commonwealth’s Environmental Laboratory Accreditation Program, as required by the ELAA. Laboratory accreditation is important because it demonstrates a laboratory’s technical competence, reliability, and adherence to National and State standards. Accreditation provides the laboratory’s clients with confidence in the quality of test results and assures them that the laboratory is producing accurate and dependable data as well as meeting regulatory requirements. Certified laboratories perform standard testing methods to detect biological and chemical contaminants in samples related to drinking water, recreational water, air and soil. Assessment of each laboratory’s compliance to accepted testing methods, quality control measures, and operational standards minimizes the risk of reporting inaccurate data that can detrimentally affect human and environmental health.

The Program fee schedule has not been increased since 2017, although costs to maintain the Program have steadily increased. If fees are not increased to cover program costs, the availability to carry out the Commonwealth’s Environmental Laboratory Accreditation Program will be jeopardized.

For these reasons, the Department would benefit from the proposed rulemaking by having the additional revenue to cover the cost of the Program, as mandated by the ELAA. The residents of this Commonwealth would benefit from this proposed rulemaking by ensuring laboratories providing testing for regulatory monitoring and enforcement in this Commonwealth are competent, impartial and independent.

Compliance costs

The cost of compliance with this proposed rulemaking is the proposed 27% increase in the Program fee schedule to provide sufficient revenue beginning in FY 2026-2027. Taking into consideration inflation since the last time the fee schedule was increased in 2017, the cost of compliance is being increased in line with inflation rates.

Compliance assistance plan

The Department will inform the regulated community of the fee schedule increase by informing LAAC, sending email notices to accredited laboratories and publishing notification in the *Pennsylvania Bulletin*.

Paperwork requirements

This proposed rulemaking does not require additional recordkeeping or reporting requirements.

G. Pollution Prevention

The Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101—13109, established a National policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This proposed rulemaking ensures that accredited laboratories will be held to minimum requirements of the standards and that test results are defensible by collecting enough revenue to sustain the laboratory accreditation program. These reliable test results will provide compliance data to ensure regulated entities are adhering to environmental protection standards and individually permitted pollution limits, which protect the health and safety of the residents in this Commonwealth.

H. Sunset Review

The Board is not establishing a sunset date for this proposed rulemaking because it is needed for the Department to carry out its statutory authority. As required by § 252.204(b), the Department will evaluate the fees in § 252.204(a) at least every 3 years and, when necessary, recommend regulatory changes to the Board to address any disparity between the program income generated by the fees and the Department's cost of administering the Program with the objective of ensuring sufficient fees to meet all Program costs.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (RRA) (71 P.S. § 745.5(a)), on October 22, 2025, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the chairpersons of the Environmental Resources and Energy Committee of the Senate and the Environmental and Natural Resource Protection Committee of the House of Representatives. A copy of this material is available to the public upon request.

Under section 5(g) of the RRA, IRRC may convey any comments, recommendations, or objections to the proposed rulemaking within 30 days of the close of the public comment period.

The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the RRA (71 P.S. § 745.5b) which have not been met. The RRA specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

J. Public Comments

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding the proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by December 1, 2025.

Comments may be submitted to the Board online, by email, by mail or express mail as follows. Comments submitted by facsimile will not be accepted.

Comments may be submitted to the Board online by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may also be submitted by email to RegComments@pa.gov. A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by email is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

Comments may also be submitted to the Board by mail or express mail. Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

JESSICA SHIRLEY,
Chairperson

ANNEX A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION SUBPART D. ENVIRONMENTAL HEALTH AND SAFETY ARTICLE VI. GENERAL HEALTH AND SAFETY CHAPTER 252. ENVIRONMENTAL LABORATORY ACCREDITATION

Subchapter B. APPLICATION, FEES AND SUPPORTING DOCUMENTS

§ 252.204. Fees.

(a) The appropriate fee in accordance with the following schedule must accompany an application for accreditation, renewal of accreditation, change of ownership, change in administrative information, addition of fields of accreditation or supplemental onsite assessment. A check must be payable to “Commonwealth of Pennsylvania.” When the Department is able to accept credit card payments, an environmental laboratory may make payment by credit card and shall pay to the Commonwealth all service charges or other administrative fees in addition to the accreditation fees. The fees are as follows:

<i>Category</i>	<i>Fee</i>
Application fee—Initial Application for State Accreditation	[\$1,500] <u>\$1,900</u>
Application fee—Renewal Application for State Accreditation	[\$700] <u>\$900</u>
Application fee—Ownership Transfer or Change in Administrative Information	\$150
Application fee—Initial Application for NELAP Accreditation	[\$3,500] <u>\$4,450</u>
Application fee—Renewal Application for NELAP Accreditation	[\$2,750] <u>\$3,500</u>
Application fee—Addition of Field of Accreditation	[\$350] <u>\$450</u>
Application fee—Supplemental Onsite Assessment	[\$500] <u>\$650</u>
Basic Drinking Water Category—Includes one method for each of the following: Total Coliform Bacteria, Fecal Coliform Bacteria, <i>E. coli</i> Bacteria, Heterotrophic Bacteria, Nitrate, Nitrite, Fluoride, Cyanide	[\$750] <u>\$950</u>
Basic Nonpotable Water Category—Includes one method for each of the following: Fecal Coliform Bacteria, BOD, CBOD, Nitrate, Ammonia, Total Nitrogen, Total Kjeldahl Nitrogen, Nitrite, Phosphorus, and one method for each type of residue including % Solids for land applied biosolids	[\$850] <u>\$1,100</u>
Asbestos—first matrix	[\$600] <u>\$800</u>
Basic Microbiology—includes fecal coliform, total coliform, <i>E. coli</i> and heterotrophic bacteria—first matrix	[\$700] <u>\$900</u>

Complex Microbiology—first matrix	[\$1,000] <u>\$1,300</u>
Trace Metal Category—first matrix	[\$750] <u>\$950</u>
Inorganic Nonmetal Category—first matrix	[\$850] <u>\$1,100</u>
Purgeable Volatile Organic Chemicals—first matrix	[\$850] <u>\$1,100</u>
Extractable and Semivolatile Organic Chemicals—first matrix	[\$1,750] <u>\$2,250</u>
Dioxin—first matrix	[\$850] <u>\$1,100</u>
Radiochemical Category—first matrix	[\$950] <u>\$1,200</u>
Whole Effluent Toxicity Testing—first matrix	[\$950] <u>\$1,200</u>
Asbestos—second matrix	[\$450] <u>\$600</u>
Basic Microbiology—includes fecal coliform, total coliform, <i>E. coli</i> and heterotrophic bacteria—second matrix	[\$600] <u>\$800</u>
Complex Microbiology—second matrix	[\$900] <u>\$1,150</u>
Trace Metal Category—second matrix	[\$600] <u>\$800</u>
Inorganic Nonmetal Category—second matrix	[\$700] <u>\$900</u>
Purgeable Volatile Organic Chemicals—second matrix	[\$700] <u>\$900</u>
Extractable and Semivolatile Organic Chemicals—second matrix	[\$1,600] <u>\$2,050</u>
Dioxin—second matrix	[\$700] <u>\$900</u>
Radiochemical Category—second matrix	[\$850] <u>\$1,100</u>
Asbestos—third matrix	[\$400] <u>\$500</u>
Basic Microbiology—includes fecal coliform, total coliform, <i>E. coli</i> and heterotrophic bacteria—third matrix	[\$500] <u>\$650</u>
Complex Microbiology—third matrix	[\$800] <u>\$1,000</u>
Trace Metal Category—third matrix	[\$550] <u>\$700</u>
Inorganic Nonmetal Category—third matrix	[\$650] <u>\$850</u>
Purgeable Volatile Organic Chemicals—third matrix	[\$600] <u>\$800</u>
Extractable and Semivolatile Organic Chemicals—third matrix	[\$1,450] <u>\$1,850</u>
Dioxin—third matrix	[\$650] <u>\$850</u>
Radiochemical Category—third matrix	[\$750] <u>\$950</u>

* * * * *



Pennsylvania
Department of
Environmental Protection

October 22, 2025

David Sumner
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17120

Re: Proposed Rulemaking: Environmental Laboratory Accreditation Fees (#7-578)

Dear Mr. Sumner:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed a copy of the Environmental Laboratory Accreditation Fees proposed rulemaking for review by the Independent Regulatory Review Commission (Commission). The Environmental Quality Board adopted this rulemaking on September 9, 2025. This proposal is scheduled for publication in the *Pennsylvania Bulletin* on November 1, 2025, with a 30-day public comment period ending on December 1, 2025.

This rulemaking proposes to increase the fees for environmental laboratories seeking accreditation in Pennsylvania for testing, analyzing, or reporting results for environmental samples. As required by the Environmental Laboratory Accreditation Act, 27 Pa.C.S. § 4104(6), application and renewal fees for accredited environmental laboratories must be set in an amount sufficient to cover the Department of Environmental Protection's costs to administer the accreditation program.

As set forth in the Regulatory Review Act, the Department will consider any comments and recommendations made by the Commission, as well as the House Environmental and Natural Resource Protection Committee, the Senate Environmental Resources and Energy Committee and the public, prior to final adoption of the enclosed rulemaking.

Please contact me by email at laurgriffi@pa.gov or by telephone at 717.772.3277 if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Laura E. Griffin".

Laura Griffin
Regulatory Coordinator

Enclosures

From: [Eyster, Emily](#)
To: [Griffin, Laura](#); [Osenbach, Matt](#)
Cc: [Troutman, Nick](#); [Campbell, Laura](#); [Imgrund, Lauren](#); [Reiley, Robert A.](#); [Nezat, Taylor](#)
Subject: Re: Delivery of Proposed Rulemaking - Environmental Laboratory Accreditation Fees (7-578)
Date: Wednesday, October 22, 2025 8:54:29 AM

RECEIVED

Received. Thank you Laura!

Independent Regulatory
Review Commission

October 22, 2025

Emily Eyster
Executive Director, Senate Environmental Resources and Energy Committee
Legislative Director, Office of Senator Carolyn T. Comitta
Cell: (717) 756-4702
Phone: (717) 787-5709
www.pasenatorcomitta.com

From: Griffin, Laura <laurgriffi@pa.gov>
Sent: Wednesday, October 22, 2025 8:51 AM
To: Eyster, Emily <emily.eyster@pasenate.com>; Osenbach, Matt <mosenbach@pasen.gov>
Cc: Troutman, Nick <ntroutman@pasen.gov>; Campbell, Laura <laurcampbe@pa.gov>; Imgrund, Lauren <limgrund@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>; Nezat, Taylor <tnezat@pa.gov>
Subject: Delivery of Proposed Rulemaking - Environmental Laboratory Accreditation Fees (7-578)

EXTERNAL EMAIL

Good morning,

Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Environmental Laboratory Accreditation Fees proposed rulemaking (7-578) for review by the Senate Environmental Resources and Energy Committee. The rulemaking documents are attached in a zip folder and the cover letters for Senator Yaw and Senator Comitta are attached separately.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,
Laura

Laura Griffin | Regulatory Coordinator

Department of Environmental Protection | Policy Office
Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277 | Fax: 717.783.8926
(she/her/hers) | laugriffi@pa.gov
www.dep.pa.gov

RECEIVED

Independent Regulatory
Review Commission

October 22, 2025

Connect with DEP on: [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#) | [Instagram](#)

This message and any attachment may contain privileged or confidential information intended solely for the use of the person to whom it is addressed. If the reader is not the intended recipient then be advised that forwarding, communicating, disseminating, copying or using this message or its attachments is strictly prohibited. If you receive this message in error, please notify the sender immediately and delete the information without saving any copies.

October 22, 2025

From: [Bulletin](#)
To: [Griffin, Laura](#)
Cc: [Alyssa M. Burns](#); [Adeline E. Gaydosh](#); [Campbell, Laura](#); [Imgrund, Lauren](#); [Reiley, Robert A.](#)
Subject: [External] RE: Delivery of Proposed Rulemaking - Environmental Laboratory Accreditation Fees (7-578)
Date: Wednesday, October 22, 2025 9:27:59 AM

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).*

Good morning,

Thank you for sending the official submission of this proposed rulemaking. As previously discussed, it has been scheduled for the November 1, 2025, issue of the *Pennsylvania Bulletin*.

Have a great day!

Alyssa Burns | Legal Assistant

aburns@palrb.us | 717.783.1531

Legislative Reference Bureau

Pennsylvania Code & Bulletin Office

647 Main Capitol Building

Harrisburg, PA 17120

From: Griffin, Laura <laurgriffi@pa.gov>

Sent: Wednesday, October 22, 2025 9:23 AM

To: Bulletin <bulletin@palrb.us>

Cc: Alyssa M. Burns <aburns@palrb.us>; Adeline E. Gaydosh <agaydosh@palrb.us>; A.J. Mendelsohn <amendelsohn@palrb.us>; Campbell, Laura <laurcampbe@pa.gov>; Imgrund, Lauren <limgrund@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>

Subject: Delivery of Proposed Rulemaking - Environmental Laboratory Accreditation Fees (7-578)

Importance: High

Good morning,

Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Environmental Laboratory Accreditation Fees proposed rulemaking (7-578). The rulemaking documents are attached in a zip folder. This is the official filing of proposed rulemaking 7-578. Preamble and annex files were provided on October 20, 2025, for initial processing.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,
Laura

Laura Griffin | Regulatory Coordinator
Department of Environmental Protection | Policy Office
Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277 | Fax: 717.783.8926
(she/her/hers) | laurgriffi@pa.gov
www.dep.pa.gov

Connect with DEP on: [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#) | [Instagram](#)

RECEIVED

Independent Regulatory
Review Commission

October 22, 2025

From: [Marisa Thomas](#)
To: [Griffin, Laura](#); [Franzese, Evan B.](#)
Cc: [Shupe, Hayley](#); [Campbell, Laura](#); [Imgrund, Lauren](#); [Reiley, Robert A.](#); [Nezat, Taylor](#)
Subject: RE: [EXTERNAL]: Delivery of Proposed Rulemaking - Environmental Laboratory Accreditation Fees (7-578)
Date: Wednesday, October 22, 2025 9:19:06 AM

Received. Thanks!

Marisa Thomas
Administrative Assistant II

RECEIVED

Independent Regulatory
Review Commission
October 22, 2025

Office of State Representative Brenda Pugh
120th Legislative District
422 Irvis Office Building
Harrisburg, PA 17120-2092
Phone: (717) 787-3798

Office of State Representative Jack Rader
176th Legislative District
423 Irvis Office Building
Harrisburg, PA 17120-2176
Phone: (717) 787-7732

From: Griffin, Laura <laurgriffi@pa.gov>
Sent: Wednesday, October 22, 2025 8:51 AM
To: Franzese, Evan B. <efranzese@pahouse.net>; Marisa Thomas <Mthomas@pahousegop.com>
Cc: Shupe, Hayley <hshupe@pahouse.net>; Campbell, Laura <laurcampbe@pa.gov>; Imgrund, Lauren <limgrund@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>; Nezat, Taylor <tnezat@pa.gov>
Subject: [EXTERNAL]: Delivery of Proposed Rulemaking - Environmental Laboratory Accreditation Fees (7-578)
Importance: High

Good morning,

Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Environmental Laboratory Accreditation Fees proposed rulemaking (7-578) for review by the House Environmental and Natural Resource Protection Committee. The rulemaking documents are attached in a zip folder and the cover letters for Representative Vitali and Representative Rader are attached separately.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,

Laura

RECEIVED

Laura Griffin | Regulatory Coordinator
Department of Environmental Protection | Policy Office
Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277 | Fax: 717.783.8926
(she/her/hers) | laurgriffi@pa.gov
www.dep.pa.gov

Independent Regulatory
Review Commission

October 22, 2025

Connect with DEP on: [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#) | [Instagram](#)

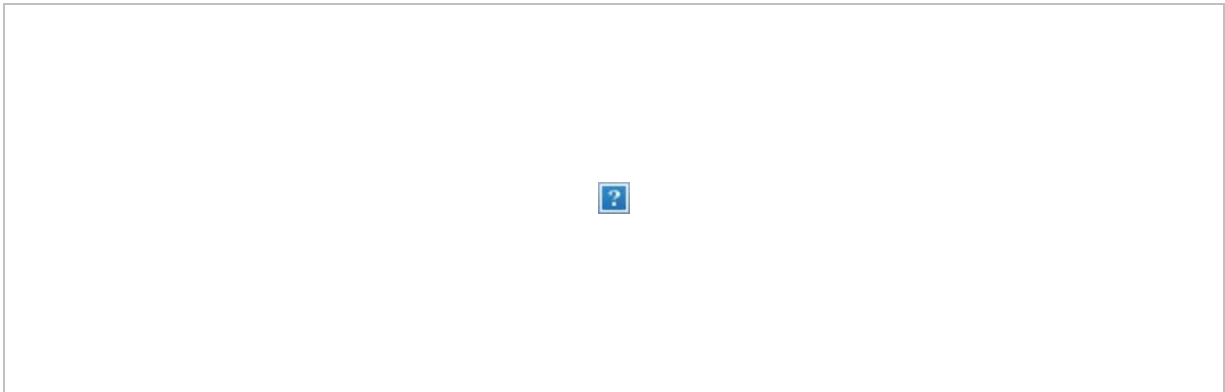
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this information in error, please contact the sender and delete the message and material from all computers.

From: [Shupe, Hayley](#)
To: [Griffin, Laura](#); [Franzese, Evan B.](#); [Marisa Thomas](#)
Cc: [Campbell, Laura](#); [Imgrund, Lauren](#); [Reiley, Robert A.](#); [Nezat, Taylor](#)
Subject: Re: Delivery of Proposed Rulemaking - Environmental Laboratory Accreditation Fees (7-578)
Date: Wednesday, October 22, 2025 8:57:50 AM
Attachments: [Outlook-ziwxs13s.png](#)

Received, thanks Laura.

Have a wonderful week!



From: Griffin, Laura <laurgriffi@pa.gov>
Sent: Wednesday, October 22, 2025 8:50 AM
To: Franzese, Evan B. <EFranzese@pahouse.net>; Marisa Thomas <mthomas@pahousegop.com>
Cc: Shupe, Hayley <HShupe@pahouse.net>; Campbell, Laura <laurcampbe@pa.gov>; Imgrund, Lauren <limgrund@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>; Nezat, Taylor <tnezat@pa.gov>
Subject: Delivery of Proposed Rulemaking - Environmental Laboratory Accreditation Fees (7-578)

Good morning,

Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Environmental Laboratory Accreditation Fees proposed rulemaking (7-578) for review by the House Environmental and Natural Resource Protection Committee. The rulemaking documents are attached in a zip folder and the cover letters for Representative Vitali and Representative Rader are attached separately.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,
Laura

Laura Griffin | Regulatory Coordinator
Department of Environmental Protection | Policy Office
Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277 | Fax: 717.783.8926

From: [Osenbach, Matt](#)
To: [Griffin, Laura](#)
Cc: [Eyster, Emily](#); [Troutman, Nick](#); [Campbell, Laura](#); [Imgrund, Lauren](#); [Reiley, Robert A.](#); [Nezat, Taylor](#)
Subject: Re: Delivery of Proposed Rulemaking - Environmental Laboratory Accreditation Fees (7-578)
Date: Wednesday, October 22, 2025 8:52:23 AM

RECEIVED

Message received. Thanks Laura

Independent Regulatory
Review Commission

Matt Osenbach
Director, Environmental Resources & Energy Committee
Office of State Senator Gene Yaw (R-23)
362 Main Capitol Building, Senate Box 203023
Harrisburg, PA 17120
T: (717) 787-3280
F: (717) 772-0575
www.SenatorGeneYaw.com

October 22, 2025



On Oct 22, 2025, at 8:51 AM, Griffin, Laura <laurgriffi@pa.gov> wrote:

CAUTION : External Email

Good morning,

Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Environmental Laboratory Accreditation Fees proposed rulemaking (7-578) for review by the Senate Environmental Resources and Energy Committee. The rulemaking documents are attached in a zip folder and the cover letters for Senator Yaw and Senator Comitta are attached separately.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,
Laura

Laura Griffin | Regulatory Coordinator
Department of Environmental Protection | Policy Office
Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277 | Fax: 717.783.8926
(she/her/hers) | laurgriffi@pa.gov

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 7-578

SUBJECT: Environmental Laboratory Accreditation Fees

AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

RECEIVED

Independent Regulatory
Review Commission

October 22, 2025

TYPE OF REGULATION

X Proposed Regulation

Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions

b.

Without Revisions

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<i>HOUSE COMMITTEE ON ENVIRONMENTAL & NATURAL RESOURCE PROTECTION</i>
<u>10/22/2025</u>	<u>Hayley Shupe</u> <i>(via electronic delivery)</i>	MAJORITY CHAIR <u>Representative Greg Vitali</u>
<u>10/22/2025</u>	<u>Marisa Thomas</u> <i>(via electronic delivery)</i>	MINORITY CHAIR <u>Representative Jack Rader, Jr.</u>
		<i>SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY</i>
<u>10/22/2025</u>	<u>Matt Osenbach</u> <i>(via electronic delivery)</i>	MAJORITY CHAIR <u>Senator Gene Yaw</u>
<u>10/22/2025</u>	<u>Emily Eyster</u> <i>(via electronic delivery)</i>	MINORITY CHAIR <u>Senator Carolyn Comitta</u>
		<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i>
		EXECUTIVE DIRECTOR <u>David Sumner</u>
		<i>ATTORNEY GENERAL (for Final Omitted only)</i>
<u>10/22/2025</u>	<u>Alyssa Burns</u> <i>(via electronic delivery)</i>	<i>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</i>