

SUBSTITUTE FOR  
SENATE BILL NO. 1133

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding part 205.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 205 LABORATORY DATA QUALITY ASSURANCE

Sec. 20501. This part may be cited as the "V. Harry  
Adrounie laboratory data quality assurance act".

Sec. 20503. As used in this part:

(a) "Analytical data" means the qualitative or quantitative  
measurements generated by chemical, physical, biological,  
microbiological, radiological, or other scientific  
determination.

(b) "Calibration" means a set of operations that establish,  
under specified conditions, the relationship between values of  
quantities indicated by a measuring instrument or measuring

1 system, or values represented by a material measure or a  
2 reference material, and the corresponding values realized by  
3 standards established as follows:

4 (i) In calibration of support equipment, through the use of  
5 reference standards that are traceable to the international  
6 system of units.

7 (ii) In calibration according to analytical methods,  
8 typically through the use of reference materials that are either  
9 purchased by the laboratory with a certificate of analysis or  
10 purity, or prepared by the laboratory using support equipment  
11 that has been calibrated or verified to meet specifications.

12 (c) "Commercial laboratory" means a privately owned  
13 laboratory that generates analytical data required under this act  
14 pertaining to the operations of a third person regulated under  
15 this act.

16 (d) "Council" means the laboratory data quality assurance  
17 advisory council created in section 20517.

18 (e) "Department" means the department of environmental  
19 quality.

20 (f) "Director" means the director of the department.

21 (g) "Fund" means the laboratory data quality recognition  
22 program fund created in section 20509.

23 (h) "In-house laboratory" means a privately owned laboratory  
24 that generates analytical data required under this act pertaining  
25 to the operations of the owner of that laboratory or an affiliate  
26 of the owner.

27 (i) "Laboratory" means a body that engages in calibration or

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1 testing, or both, at a specified location.

2 (j) "Proficiency testing" means a method of evaluating a  
3 laboratory's performance under controlled conditions relative to  
4 a given set of criteria through analysis of unknown samples  
5 provided by an external source.

6 (k) "Public laboratory" means a municipal or other publicly  
7 owned laboratory that generates analytical data for submission to  
8 the department under this act.

9 (l) "Quality recognition program" means the laboratory data  
10 quality recognition program provided for in section 20505.

11 Sec. 20505. (1) The department shall implement a laboratory  
12 data quality recognition program to identify commercial  
13 laboratories that the department considers to be qualified to  
14 generate analytical data for submission to the department for  
15 compliance purposes under this act.

16 (2) Participation in the quality recognition program by a  
17 commercial laboratory is voluntary. A commercial laboratory  
18 shall not be restricted or prohibited from generating analytical  
19 data for submission to the department for compliance purposes  
20 under this act based on nonparticipation or unsuccessful  
21 participation in the quality recognition program. <<

22 (3) However, successful participation in the quality recognition  
23 program is mandatory for a commercial laboratory that seeks to perform  
24 testing associated with a state-funded project or program authorized  
25 under this act. When the department lets contracts for state-funded  
26 laboratory work authorized under this act, the department shall use only  
27 those commercial laboratories that are successful participants in the  
quality recognition program. Exceptions may be made if desired analytical  
support services are not available from a commercial laboratory that is a  
successful participant in the quality recognition program.>>

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1       <<(4)>> The quality recognition program shall determine whether  
2 the quality of analytical data is maintained through quality  
3 systems in which staff responsibilities and operational  
4 procedures are defined, documented, and subjected to an internal  
5 assessment by the commercial laboratory itself on a regular  
6 basis, with timely corrective action taken by the commercial  
7 laboratory as needed. The quality systems shall include quality  
8 assurance policies and quality control procedures and shall be  
9 documented in a written plan.

10       Sec. 20507. To participate in the quality recognition  
11 program, a commercial laboratory shall do all of the following:

12       (a) Submit an application to the department.

13       (b) Pay the department a fee based on the department's  
14 actual costs of administering the quality recognition program but  
15 not exceeding \$750.00 for an initial application or \$500.00 for a  
16 renewal application.

17       (c) Grant the department access to the laboratory and  
18 laboratory records for inspections during normal business hours  
19 without prior notice.

20       (d) If required by the department, participate in  
21 proficiency testing conducted by the department, the United  
22 States environmental protection agency, or any other nationally  
23 recognized proficiency testing program.

24       Sec. 20509. (1) The laboratory data quality recognition  
25 program fund is created within the state treasury.

26       (2) Fees collected under section 20507 shall be deposited in  
27 the fund. The state treasurer may also receive money or other

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1 assets from any other source for deposit into the fund. The  
2 state treasurer shall direct the investment of the fund. The  
3 state treasurer shall credit to the fund interest and earnings  
4 from fund investments.

5 (3) Money in the fund at the close of the fiscal year shall  
6 remain in the fund and shall not lapse to the general fund.

7 (4) The department shall expend money from the fund, upon  
8 appropriation, only to administer the quality recognition  
9 program.

10 Sec. 20511. (1) Subject to subsection (3), the department  
11 shall maintain and post on its website all of the following  
12 information:

13 (a) A list of laboratories that have successfully  
14 participated in the quality recognition program together with a  
15 statement that substantially sets forth the provisions of section  
16 20505(2) <<and (3)>>.

17 (b) The types of analytical data with respect to which a  
18 laboratory successfully participated in the quality recognition  
19 program, if the laboratory successfully participated only with  
20 respect to certain types of analytical data.

21 (2) Subject to subsection (3), the successful participation  
22 of a commercial laboratory in the quality recognition program  
23 shall be recognized by the department as provided in subsection  
24 (1) and section <<20505(3)>> for a 2-year period. A laboratory may  
25 apply under section 20507 to renew its participation in the  
26 quality recognition program.

27 (3) The department may terminate recognition of a commercial

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1 laboratory as a successful participant in the quality recognition  
2 program upon determining that the commercial laboratory no longer  
3 meets the standards for successful participation in the quality  
4 recognition program.

5 Sec. 20513. (1) The auditor general shall conduct  
6 performance post audits covering all of the following:

7 (a) The quality of the analytical data generated by the  
8 department's environmental laboratory.

9 (b) The costs of operating the department's environmental  
10 laboratory relative to the costs of operating comparable private  
11 laboratories <<that meet the requirements for successful participation in  
12 the quality recognition program, to the extent sufficient data is  
13 available.>>

14 (c) The adequacy of the fees provided for in section 20507.

15 (2) The auditor general shall conduct and submit to the  
16 legislature a report on a performance post audit described in  
17 subsection (1) within 1 year after the effective date of this  
18 section and every 2 years thereafter.

19 Sec. 20515. The department shall enforce this part and,  
20 pursuant to the administrative procedures act of 1969, 1969 PA  
21 306, MCL 24.201 to 24.328, may promulgate rules as it considers  
22 necessary to carry out its duties under this part. However, the  
23 department shall not promulgate any additional rules under this  
24 part after December 31, 2006.

25 Enacting section 1. This amendatory act does not take  
26 effect unless Senate Bill No. 1135 of the 92nd Legislature is  
enacted into law.