

AGENCY RESPONSE TO EIA

Department of General Services - Division of Consolidated Laboratory Services

Proposed Revision to Certification for Noncommercial Environmental Laboratories (1VAC30-45)

The agency is providing the following comments on the May 5, 2013, Economic Impact Analysis (EIA).

Estimated Economic Impact, page 3, first full paragraph

The regulation for commercial environmental laboratories (1VAC30-46) is being revised separately. The standards that commercial environmental laboratories currently meet and will have to meet under revised 1VAC30-46 are different than those for noncommercial environmental laboratories under revised 1VAC30-45. The quality control standards are the same in both regulations as currently written. These quality control standards for noncommercial environmental laboratories are being harmonized under this proposed revision to provide flexibility or to lessen the quality control requirement where the revised standards for the commercial environmental laboratories also do so. Where the proposed revisions to 1VAC30-46 for commercial environmental laboratories provide flexibility or reduce requirements pertaining to these standards, the revisions to 1VAC30-45 provide these identical changes to ensure that the noncommercial laboratories are meeting no more stringent standards than the commercial laboratories.

Estimated Economic Impact, page 4, second full paragraph

The agency background document, TH02, on page 10, addresses the overall cost change of the proposed revisions to 1VAC30-45. While the noncommercial laboratories will incur higher fees, the reduction in the requirement to perform proficiency testing studies each year will greatly compensate for this increase in fees. The examples provided show an overall increase of cost for the noncommercial laboratories ranging from 1.7 percent to 25.3 percent annually.

Estimated Economic Impact, page 4, last full paragraph

With regard to the proposed adjustment to the fees using the CPI-Urban average, the formula the agency will use is set out in the proposed regulation. Regulated entities have the opportunity to comment on this approach to keeping the fees in line with inflation once the proposal package is published for public comment. Historically the CPI-Urban average has ranged from -0.4 to +3.8 percent between 2000 and 2012. The average of these 13 averages is 2.5 percent.

There are many ways for the agency to provide notice of the fee changes annually, not just on the program's webpage. This notice can be provided in the *Virginia Register of Regulations* and by e-mail or mail to the certified laboratories.