



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5221 (as passed by the House)
Sponsor: Representative Doug Bennett
House Committee: Appropriations
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 9-21-09

CONTENT

The bill would repeal Part 205 (Laboratory Data Quality Assurance) of the Natural Resources and Environmental Protection Act (NREPA) and require any remaining balance in the Laboratory Data Quality Recognition Program Fund to be transferred to the General Fund.

Quality Recognition Program

The following provisions would be repealed when the bill took effect.

Part 205 is known as the "V. Harry Adrounie Laboratory Data Quality Assurance Act". It requires the Department of Environmental Quality (DEQ) to implement a laboratory data quality recognition program to identify commercial laboratories that the Department considers qualified to generate analytical data for submission to the Department for compliance purposes under NREPA.

A commercial laboratory's participation in the quality recognition program is voluntary. A commercial laboratory may not be restricted or prohibited from generating analytical data for submission to the DEQ for compliance purposes based on nonparticipation or unsuccessful participation.

Each time the DEQ lets a contract or contracts for authorized State-funded laboratory work, it must use only those laboratories that are successful program participants. Exceptions may be made if desired analytical support services are not available from a laboratory that is a successful participant.

The program must determine whether the quality of analytical data is maintained through quality systems in which staff responsibilities and operational procedures are defined, documented, and subject to an internal assessment by the commercial laboratory itself on a regular basis, with timely corrective action taken by the laboratory as needed. The quality systems must include quality assurance policies and quality control procedures and must be documented in a written plan.

To participate in the quality recognition program, a commercial laboratory must apply to the DEQ; pay the DEQ a fee, based on the Department's actual costs of administering the program, of up to \$750 for an initial application or up to \$500 for a renewal; give the DEQ access to the laboratory and its records for inspections during normal business hours

without prior notice; and, if required by the DEQ, participate in proficiency testing conducted by the DEQ, the U.S. Environmental Protection Agency, or any other nationally recognized proficiency testing program.

The DEQ must maintain and post on its website information specified in part 205.

The DEQ must recognize a laboratory's successful participation for a two-year period. A laboratory may reapply to renew its participation in the program. The DEQ may terminate a laboratory's recognition as a successful participant upon determining that it no longer meets the standards for successful participation in the program.

The Auditor General must conduct performance post audits of the quality of the analytical data generated by the DEQ's environmental laboratory, operating costs, and the adequacy of the fees.

Part 205 created the Laboratory Data Quality Assurance Advisory Council in an advisory capacity within the DEQ, and prescribes its membership, operational procedures, and duties.

The Council had to submit a final report by June 30, 2007, and was to be disbanded effective 180 days after submitting its final report. (The Council was abolished on July 15, 2007, and its responsibilities transferred to the DEQ, by Executive Order 2007-10.)

Laboratory Data Quality Recognition Program Fund

Part 205 created the Fund within the State Treasury. Fees collected under Part 205 must be deposited into the Fund. The State Treasurer also may receive money or other assets from any other source for deposit into the Fund. The DEQ may spend Fund money, upon appropriation, only to administer the quality recognition program.

The bill would repeal these provisions 120 days after the bill took effect. Upon repeal, the State Treasurer would have to transfer any money in this Fund to the General Fund.

MCL 324.20501-324.20519

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would eliminate the Laboratory Data Quality Recognition Fund. The fee revenue originally intended to be deposited into the Fund never materialized; consequently, there are no funds that would be transferred to the General Fund.

Fiscal Analyst: Josh Sefton

S0910\5221sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.