

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 301. LABORATORY ACCREDITATION**

**RULE IMPACT STATEMENT**

**A. Statement of need for the rule change and legal basis supporting it.**

This Chapter contains rules about the accreditation of privately-owned and publicly owned laboratories by DEQ. The proposed rule changes intend to clarify program definitions, correct references, standardize language between OK DEQ Lab Accreditation Program (“LAP”) rules where feasible, simplify the renewal and application processes, fee calculations, and reset the yearly accreditation period to run from January through December. Additional proposed changes will serve to update incorporations by reference for EPA methodologies, and to make other amendments for conformity with past, present, and future method requirements under the following national programs: EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods, and EPA Test Procedures for the Analysis of Pollutants. One significant result of these proposed changes is that they will give additional flexibility to labs in the program to select from methods that are both historically and most recently approved for use in the programs mentioned above and allow LAP to offer accreditation for these methods.

DEQ is proposing to modify the title of Chapter 301 to be more descriptive of the accreditation program to improve clarity and understanding of differences among the three accreditation program chapters.

Specifically, DEQ is proposing to create a new section 252:301-1-8, to establish a new accreditation period that runs from January through December. This change to a calendar year will allow program labs to better manage their finances and renewal applications. This change will also allow for more fluid and timely processing of applications and invoices by LAP staff. DEQ is proposing to amend 252:301-1-9, "Fees," to accommodate the new section above. This amendment will simplify the calculation of accreditation application and renewal fees and eliminate a fee for late applications. There are no new fee increases or new fees. This change will make it easier for the program labs to determine the fee for participation in the program. This change will also make the rule language more consistent with other LAP rules.

DEQ is proposing the clarification and specification of certain requirements in 252:301-1-5, 252:301-3-3, 252:301-5-4, and 252:301-7 for laboratories applying and maintaining accreditation regarding accreditation type, performance of proficiency tests (“PTs”), and assessments.

Further, DEQ is proposing to amend 252:301-3-4, "Renewals," to establish a new September 15 deadline for submitting renewal documentation and proficiency test (“PT”) provider reports along with a December 15 deadline to pay renewal invoices to allow for continued participation in the program. Additional information has been added to better define the renewal process and make it more consistent with other LAP rules.

**B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.**

This rulemaking is non-major. There is no anticipated increase in business costs over the first five years, such that the business cost will not exceed the threshold of \$1,000,000.00 over the initial five-year period following the promulgation, as defined in 75 O.S. § 303(D)(3)(b).

**C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.**

This rulemaking is not mandated by federal law and does not exceed the requirements of federal law. The purposes of this rulemaking are to 1) streamline definitions and terminology to be clear and consistent, 2) change the accreditation period to align with the calendar year, 3) change the renewal application due date to September 15 and payment due date to December 15 of each year for the sake of alleviating hardships for both the laboratories and the DEQ, 4) update proficiency testing requirements to match industry standard for quality assurance and be comparable to the requirements of neighboring states, such as Arkansas, Kansas, and Texas, 5) add authority to incorporate other EPA-approved methods to accreditation offerings without the need for rulemaking, and 6) relax the assessment schedule by defining it as occurring approximately every three years.

**D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.**

The classes of persons affected are the owners and staff of laboratories that are DEQ-accredited or applying for DEQ accreditation under this Chapter.

**E. Description of the classes of persons who will benefit from the proposed rule(s).**

The classes of people who benefit are the owners and staff of laboratories that are DEQ-accredited or applying for DEQ accreditation under this Chapter.

**F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.**

The probable economic impact is negligible. Accredited laboratories will no longer be charged late fees for delinquent application submissions. In the event of delinquent renewal applications, the laboratory would be required to seek initial accreditation to maintain accreditation. This would incur the initial accreditation fee for the affected laboratory. Accredited laboratories outside of the State of Oklahoma may experience limited cost increases for assessments due to the requirement of conducting assessments at The NELAC Institute standard. Proficiency test samples will be required to be performed in each matrix, which will have a minimal impact on no more than 3%

of accredited laboratories and is significantly offset by the reduction in frequency of assessments for which they would be billed. The other changes will allow laboratories to have greater choice of analytical methods available for accreditation, which has potential to increase their revenue. DEQ does not anticipate that this rulemaking will increase the full-time employee count.

**G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.**

Proficiency testing would pose only a de minimus cost increases on a very small portion of DEQ-accredited laboratories. A review of accreditation database records revealed that twelve laboratories hold accreditation for the solid matrix, which is affected by the rulemaking to require proficiency testing samples. Of those twelve laboratories, eleven currently participate in soil proficiency testing. Only three of those may not currently run proficiency test samples for their full solid matrix scope, resulting in four laboratories that could be impacted by this rulemaking update out of approximately 150 of our accredited laboratories.

**H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).**

Implementation and enforcement of this rule would be handled solely by DEQ, and no cooperation by other political subdivisions would be required.

**I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.**

DEQ has not received or discovered any information to indicate adverse effects on small businesses.

**J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.**

DEQ has removed the fee for late renewal application submissions with this rulemaking that laboratories have historically had to pay if submitted after the deadline. Economic development will be supported with this rulemaking by allowing a greater breadth of methods available for accreditation that laboratories may choose to better serve their clients. A cost reduction is included in the reduction in assessment frequency. Historically, assessments have been performed every two years. This rulemaking includes a specification that the schedule will change to be every three years. As laboratories must pay for costs associated with assessments, this will be a 33% reduction in such costs.

This rulemaking also will reduce administrative costs to laboratories and reduce time between application submittal and certificate issuance by adjusting invoicing to be performed after submission of application and by shifting the application deadline to a time of year that is generally

less busy for both laboratories and DEQ. Previously, renewal invoices were issued without first knowing which accreditation the laboratory would be requesting, which could lead to a need for them to process payment of new invoices for additional fees after initial payment had already been submitted.

**K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.**

DEQ has determined this rulemaking will have the potential to increase statewide laboratory testing capacity and statewide compliance. An increase in capacity and compliance will have a positive influence on public health, safety, and the environment.

**L. Determination of any detrimental effect on the public health, safety, and environment if the proposed rule(s) is/are not implemented.**

There will be no detrimental effect on public health, safety, and the environment if the proposed rule is not implemented.

**M. Analysis of alternatives to adopting the rule.**

The alternative to adopting the proposed rule changes is to not adopt the rule changes.

**N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.**

DEQ staff estimates more than 100 hours of professional time for rule development, including but not limited to rule drafting, legal review, informal public meetings, formally presenting rule changes to the Water Quality Management Advisory Council, managing public comment periods, and filing the final rule.

**O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.**

No federal regulations currently address the activities related to this rule.

**P. This rule impact statement was prepared on: October 30, 2025  
Modified on:**