TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 307.

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 the Department. 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 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 the LAP to offer accreditation for these methods.

The Department is proposing to modify the title of Chapter 307 to be more descriptive of the accreditation program to improve clarity and understanding of differences among the three accreditation program chapters.

Specifically, the Department is proposing to amend 252:307-1-7, "Annual fees," to simplify the calculation of accreditation applications and renewal fees and eliminate a fee for late applications. There are no fee increases or new fees.

Additionally, the Department is proposing to amend 252:307-3-6, "Renewal and expiration," 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 invoice to allow for continued participation in the program.

Further, the Department is proposing to add a new section, 252:307-9-12, to clarify procedure for accreditation of parameters that do not have proficiency tests available to perform.

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 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 to reduce burdens for the laboratories and DEQ, 4) clarify proficiency testing requirements, and 5) add authority to DEQ LAP to incorporate additional EPA-approved methods to accreditation offerings without need for additional rulemaking.

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 to affected businesses 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. Laboratories have potential for administrative cost savings by the reorganization of the renewal application process and schedule. The other changes will allow laboratories to have greater choice of analytical methods available for accreditation, which has potential to increase their revenue.
A significant reduction in DEQ administrative costs is anticipated with this rulemaking due to more efficient and effective processing of applications and issuance of certificates and scopes.

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

The only aspect that has potential to increase costs to laboratories with this rulemaking is if they fail to make timely renewal application and must instead apply for initial application, which is fully avoidable.

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.

Economic development will be supported with this rulemaking by allowing a greater breadth of available test methods for accreditation that laboratories may choose from to better serve their clients and attract new ones. This rulemaking also will reduce laboratory administrative costs 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 prior to knowing which accreditation and categories the laboratory would be requesting, resulting in significant rework.

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 as well as contribute to more effective decision making by data users. Allowing DEQ to offer new and modernized testing methods makes available processes which improve data quality. An increase in capacity, compliance, and data quality 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.

If the proposed rule is not implemented, there is potential that statewide laboratory testing capacity will not increase, which could negatively impact compliance and public health, safety, and the environment.

M. Analysis of alternatives to adopting the rule.

The alternative to adopting the proposed rule changes is to not adopt the rule changes, which could delay accreditation or limit the accredited testing offered by the laboratory, negatively impact business and revenue, and prevent the benefits in sections J and K from being realized.

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: