

Introduced by

Energy and Natural Resources Committee

(At the request of the State Department of Health)

1 A BILL for an Act to create and enact a new section to chapter 23.1-01 of the North Dakota
2 Century Code, relating to the certification of environmental laboratories; to repeal section
3 61-28.1-07 of the North Dakota Century Code, relating to certification of laboratories; and to
4 provide an effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 23.1-01 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Environmental laboratories - Certification required - Fees.**

- 9 1. The department shall establish and administer a certification program for
10 environmental laboratories. The department may:
- 11 a. Establish standards and procedures for certifying environmental laboratories;
 - 12 b. Issue certifications to all applicants who satisfy the requirements for certification
13 under this section and any rules under this section, to renew certifications, and to
14 deny, suspend, or revoke certifications for cause after notice and opportunity for
15 hearing;
 - 16 c. Specify in a certification the parameters and analytical procedures the
17 environmental laboratory is certified to conduct;
 - 18 d. Conduct onsite evaluations of certified environmental laboratories and applicants
19 for certification;
 - 20 e. Establish reasonable fees for certifying environmental laboratories, which must
21 be deposited in the department operating fund and spent subject to appropriation
22 by the legislative assembly;
 - 23 f. Reject any testing or data submitted by an environmental laboratory not certified
24 by the department;

- 1 g. Refuse to accept testing or data from a certified environmental laboratory when
2 the department reasonably determines that the results do not meet reasonable
3 criteria for validation; and
- 4 h. Adopt and enforce rules as necessary for implementation of this section.
- 5 2. Unless exempted by the department, all environmental laboratories that conduct tests
6 or prepare data for submittal to the department must be certified by the department
7 and comply with any conditions imposed by the certification.
- 8 3. The department may grant interim approval to operate an environmental laboratory
9 required to obtain certification under this section the laboratory was certified under any
10 department program as of July 31, 2019. An environmental laboratory with interim
11 approval shall apply immediately for certification once the department adopts rules for
12 the issuance of certifications under this section. The interim approval is valid until the
13 department acts on the application.

14 **SECTION 2. REPEAL.** Section 61-28.1-07 of the North Dakota Century Code is repealed.

15 **SECTION 3. EFFECTIVE DATE.** This Act is effective on August 1, 2019, if the Legislative
16 Council has received certification from the chief of the environmental health section of the state
17 department of health that all authority, powers, and duties from the environmental health section
18 of the state department of health have been transferred to the department of environmental
19 quality. If the certification in this section is not received by August 1, 2019, this Act is effective on
20 the date certification is received.