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OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

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FILING CAPTION: Changes to Oregon Environmental Laboratory Accreditation Program (ORELAP) fees

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CONTACT: Travis Bartholomew
503-693-4122
publichealth.rules@dhsosha.state.or.us

7202 NE Evergreen Pkwy #100
Hillsboro, OR 97124

Filed By:
Public Health Division
Rules Coordinator

AMEND: 333-064-0060

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RULE SUMMARY: Amendments to OAR 333-064-0060 "Fee Schedule": Add two additional levels, or tiers, to the application fee structure for in-state and out-of-state laboratories, changing from a 3-tier system to a 5-tier system. Increase the fees assigned to each tier of the in-state and out-of-state application fee structure. Modify the point ranges assigned to each tier of the in-state and out-of-state application fee structure. Remove language specifying that assessment fees are due only when ORELAP personnel perform the assessment. Increase the assessment fees for each of the 4 fields of accreditation categories for in-state and out-of-state laboratories. Divide whole effluent toxicity (WET) and immunoassay into separate technologies under the complex fields of accreditation category. Remove the onsite assessment trip fee from rules. Remove rules requiring laboratories to pay third party assessor costs to ORELAP.

CHANGES TO RULE:

333-064-0060
Fee Schedule ¶¶

Fees will be charged to Oregon and out-of-state laboratories according to the following schedule. A mobile category 2 laboratory that operates as an entity of an Oregon fixed base facility will be considered an in-state laboratory, and one that does not operate as an entity of an Oregon fixed base facility will be considered an out-of-state laboratory. Mobile category 1 laboratories are covered under the parent fixed laboratory's accreditation and are not required to pay an additional fee. Mobile category 2 laboratories require separate accreditation and are accredited to their vehicle identification numbers (VIN).¶¶

(1) A non-refundable application fee must be paid for each application requesting accreditation for methods.¶¶
(a) For laboratories located in Oregon, one of ~~three~~ five levels of fees, Tier 1 at \$451,200, Tier 2 at \$902,200, Tier 3 at \$3,400, Tier 4 at \$4,600, and Tier 35 at \$1,65,800 will be charged. The Tiers will be determined by the total number of points derived from the number of fields of accreditation requested for accreditation listed in subsections (2)(a) through (c) of this rule.¶¶

(A) Each Basic Field of Accreditation has a multiplier of 1.¶¶
(B) Each Moderate Field of Accreditation has a multiplier of 3.¶¶
(C) Each Complex Field of Accreditation has a multiplier of 5.¶¶

(D) Each Advanced Technology Field of Accreditation has a multiplier of 7.¶

(E) Cannabis Sampling only for application has a multiplier of 11.¶

(F) The total number of points is determined by first summing the number of fields of accreditation within each category (Basic, Moderate, Complex or Advanced Technology) and then multiplying the sums by their appropriate multiplier as given in this rule. The sum of these results determines the total number of points for each laboratory. Laboratories with a total of 1 to 10 points are to be considered Tier 1 laboratories, 11 to 25 points are Tier 2 laboratories, 26 to 40 points are Tier 3 laboratories, 41 to 55 points are Tier 4 laboratories, and 56 or more points are Tier 35 laboratories.¶

(b) For each out-of-state laboratory requesting primary or secondary accreditation through ORELAP, one of ~~the five~~ levels of fees, Tier 1 at ~~\$1,63,100~~, Tier 2 at ~~\$4,850~~, Tier 3 at ~~\$6,950~~, Tier ~~24~~ at ~~\$2,6409,050~~, and Tier ~~35~~ at ~~\$3,9611,150~~ will be charged with each Tier determined according to ~~subsection (1)(a) paragraphs (1)(a)(A) through (F)~~ of this rule.¶

(c) If a new owner acquires the laboratory and wishes the laboratory to remain accredited, the laboratory must submit a new owner application, and may be required to pay the application fee and be subject to a new on-site assessment and payment of on-site assessment fees as described in this rule.¶

(2) Upon ORELAP's review of a laboratory's application, each laboratory requesting primary accreditation through ORELAP; ~~when ORELAP personnel will be used for the assessment, will be charged an assessment fee as follows:~~¶

~~(a) Oregon laboratories will be charged \$90 and out-of-state laboratories will be charged an assessment fee as follows:~~¶

(a) Laboratories will be charged \$1200 for each of the following Basic Fields of Accreditation requested for accreditation:¶

(A) Gravimetric;¶

(B) Physical;¶

(C) Probe.¶

~~(b) Oregon Laboratories will be charged \$350 and out-of-state laboratories will be charged \$462600 for each of the following Moderate Fields of Accreditation requested for accreditation:~~¶

(A) Inorganic Atomic absorption spectrometry;¶

(B) Inorganic Atomic fluorescence spectrometry;¶

(C) Inorganic-non-metals automated colorimetric;¶

(D) Inorganic-non-metals manual colorimetric;¶

(E) Inorganic-ion chromatography (IC);¶

(F) Organic-liquid chromatography (LC);¶

(G) General microbiology including but not limited to these three: 1) Chromofluorogenic; 2) Membrane Filter and /or Heterotrophic Plate Count (HPC); and 3) Multiple Tube Fermentation/Most Probable Number (MPN) (one fee applies for all);¶

(H) Asbestos (bulk);¶

~~(I) Asbestos - electron microscopy.~~¶

~~(e) Oregon laboratories will be charged \$500 and out-of-state laboratories will be charged \$66.~~¶

(c) Laboratories will be charged \$1,000 for each of the following Complex Fields of Accreditation requested for accreditation:¶

(A) Organic - gas chromatography/mass spectrometry (GC/MS) - volatiles;¶

(B) Organic - gas chromatography/mass spectrometry (GC/MS) - extractables;¶

(C) Organic - liquid chromatography/mass spectrometry (LC/MS);¶

(D) Organic - gas chromatography (GC) volatiles, extractables;¶

(E) Inorganic - metals - inductively coupled plasma/atomic emission spectrometry (ICP/AES);¶

(F) Inorganic - metals - inductively coupled plasma/mass spectrometry (ICP/MS);¶

(G) Inorganic - ion chromatography/mass spectrometry (IC/MS);¶

(H) X-ray;¶

(I) Whole Effluent Toxicity (WET)-immunoassay;¶

(J) Radiochemistry;¶

~~(d) Oregon laboratories will be charged \$1,000 and out-of-state laboratories will be charged \$66.~~¶

(L) Asbestos - electron microscopy.¶

(d) Laboratories will be charged \$1,4400 for each of the following Advanced Technology Fields of Accreditation requested for accreditation:¶

(A) Organic - gas chromatography/tandem mass spectrometry (GC/MS/MS);¶

(B) Organic - high resolution gas chromatography/high resolution mass spectrometry (HiResGC/HiResMS);¶

(C) Organic - liquid chromatography/tandem mass spectrometry (LC/MS/MS);¶

(D) Microbiology - Polymerase chain reaction (PCR);¶

(E) Mycology and Parasitology - Filtration/Immunomagnetic Separation/Immunofluorescence Assay microscopy

(Filtration/IMS/FA);¶

(F) Cannabis Sampling.¶

(e) The following additional fees will be charged to Oregon laboratories for each additional matrix per field of accreditation for which the laboratory has requested accreditation:¶

(A) \$10 for Basic Fields of Accreditation.¶

(B) \$40 for Moderate Fields of Accreditation.¶

(C) \$75 for Complex Fields of Accreditation.¶

(D) \$150 for Advanced Technology Fields of Accreditation.¶

(f) The following additional fees will be charged to out-of-state laboratories for each additional matrix per field of accreditation for which the laboratory has requested accreditation:¶

(A) \$13 for Basic Fields of Accreditation.¶

(B) \$53 for Moderate Fields of Accreditation.¶

(C) \$100 for Complex Fields of Accreditation.¶

(D) \$198 for Advanced Technology Fields of Accreditation.¶

(3) For purposes of section (2) of this rule the matrices are:¶

(a) Air;¶

(b) Biological tissue;¶

(c) Drinking water;¶

(d) Non-potable water; and¶

(e) Solids.¶

(4) Assessment fees must be paid before a routine on-site assessment will be performed.¶

(5) All laboratories must pay the appropriate on-site assessment fee per on-site assessment performed due to just cause according to TNI Standards.¶

~~(6) All Oregon laboratories requesting primary accreditation through ORELAP where Oregon state use third party assessor(s) will perform the on-site assessment must pay an on-site trip fee for each on-site assessment. For a mobile category 2 laboratory, the trip fees are waived if it is moved to the Oregon State Public Health Laboratory for the on-site assessment, and reduced to the amount in excess of its fixed base facility when moved to the fixed base facility if both are to be assessed at the same time.¶~~

~~(a) On-site trip fees are \$350 for Tier 1, \$500 for Tier 2 and \$1,000 for Tier 3 laboratories with the Tiers determined according to subsection (1)(a) of this rule.¶~~

~~(b) All laboratories must pay the appropriate on-site trip fee for performing each required on-site assessment and additional assessments as requested by the laboratory for accreditation for additional fields of accreditation and matrices.¶~~

~~(c) All laboratories must pay the appropriate on-site trip fee per on-site assessment performed due to just cause according to TNI Standards.¶~~

~~(7) All laboratories located in Oregon requesting primary accreditation through ORELAP where ORELAP has determined third party assessors will be used, must pay alls to provide assessment services. In this event, the laboratory will still pay the assessment fee described in this fee schedule to ORELAP. Upon the laboratory's consent to the third party assessment, ORELAP will pay the third party assessor's costs to ORELAP upon the laboratory's written consent to the third party assessment.¶~~

~~(8) All out-of-state laboratories must pay all on-site assessment costs incurred by ORELAP approved assessors to perform the on-site assessment including but not limited to transportation, per diem and wages during travel. For a mobile category 2 laboratory, the travel costs are waived if it is moved to the Oregon State Public Health Laboratory for the on-site assessment, and reduced to the amount in excess of its fixed base facility when moved to the fixed base facility if both are to be assessed at the same time. The excess amount is to be determined by those fields of accreditation and matrices requested for accreditation by the mobile laboratory that have not been requested by its fixed based facility. If third party assessors are used, the out-of-state laboratory must pay all the third party assessor's costs to ORELAP upon the laboratory's written consent to the third party assessment.¶~~

~~(9) Accredited laboratories requesting additions to their fields of accreditation during the accreditation period must pay:¶~~

~~(a) The difference in cost of the application fee with a minimum fee of \$200;¶~~

~~(b) The difference in cost of the assessment fee;¶~~

~~(c) An on-site trip fee, as described in subsection (6)(a) and section (8) of this rule, based only on the additional parameters if ORELAP determines that an on-site assessment is required.~~

Statutory/Other Authority: ORS 438.605 - 438.620, 448.280, 475B.555, 475B.565

Statutes/Other Implemented: ORS 438.605 - 438.620, 475B.555, 475B.565