



## Early Stakeholder Outreach — Laboratory Certification, 2020

*Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.*

### What does the proposed rules package cover?

Ohio EPA's Division of Drinking and Ground Waters (DDAGW) is reviewing and considering revisions of 3745-81-27, 3745-81-28 and the rules included in Chapter 3745-89 of the Ohio Administrative Code (OAC) to satisfy the five-year rule review requirements of section 106.03 and 106.031 of the Ohio Revised Code (ORC). These rules set forth regulations for acquiring and retaining drinking water laboratory certification.

DDAGW will adopt these rules under the authority of ORC section 6109.04. ORC section 6109.04 grants the director of Ohio EPA the authority to adopt rules governing public water systems to protect public health.

### Why are these rules being sent out for Early Stakeholder Outreach?

In response to Executive Order 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

### What changes are being considered?

DDAGW is considering the following rules to be filed with no changes:

- [3745-89-04](#) Renewal of Laboratory Certification
- [3745-89-07](#) Laboratory Certificate Property of State; Display

Proposed revisions to OAC Rules 3745-81-28, 3745-89-01, 3745-89-02, 3745-89-03, 3745-89-05, 3745-89-06, 3745-89-08, 3745-89-09, 3745-89-10 and 3745-89-11 include the following:

- Allowing laboratories to obtain either Ohio EPA laboratory certification, certification by the National Environmental Laboratory Accreditation Program (NELAP) by accepting NELAP certification, or other acceptable certifying authorities.
- Updating the *Ohio EPA Laboratory Manual for the Microbiological Analyses of Public Drinking Water* and the *Ohio EPA Laboratory Manual for the Chemical Analyses of Public Drinking Water*, both of which are incorporated by reference in the rules.
- Updating recordkeeping and reporting requirements.
- Clarifying language.

### How can I provide input?

The Agency is seeking stakeholder input on incorporating Ohio Senate Bill 2 into Ohio Administrative Code rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and,
- offer alternatives.

Written comments will be accepted through close of business **November 1, 2018**. Please submit input to:

[DDAGW\\_RULECOMMENTS@epa.ohio.gov](mailto:DDAGW_RULECOMMENTS@epa.ohio.gov).

Please include, "Laboratory Certification" in the subject line of the email.

### What if I have questions?

Questions on this rules package and the process for submitting comments may be forwarded by email to

[Emma.Brown@epa.ohio.gov](mailto:Emma.Brown@epa.ohio.gov) or by phone at

(614) 728-1219. You can find the most current draft and proposed rules, as well as currently effective rules on DDAGW's rulemaking web page at

[www.epa.ohio.gov/ddagw/rules.aspx](http://www.epa.ohio.gov/ddagw/rules.aspx).

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- Correcting minor spelling and grammatical errors and outdated references throughout manuals and rules.

DDAGW is also proposing to rescind current OAC Rule 3745-81-27, and replace it with a new OAC Rule 3745-81-27 that defers to methods approved by U.S. EPA, as specified in 40 CFR for drinking water analysis, rather than listing each approved method.

### Who will be regulated by these rules?

These rules apply to all Ohio water plant laboratories and contract laboratories who perform analysis on public drinking water that is reported to the Ohio EPA.

### What is the rulemaking schedule?

DDAGW will evaluate feedback from the early stakeholder outreach process and then prepare a draft version of rules for interested party review. After incorporating interested party comments, Ohio EPA will start the rule filing process required by the Joint Committee on Agency Rule Review (JCARR). Visit JCARR's website for meeting dates and agenda items at <https://www.jcarr.state.oh.us>.

### What input is the Agency seeking?

DDAGW wants to hear from interested stakeholders who may be impacted by these rules. The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

### Contact

There is not an official written response to input received during the early stakeholder outreach phase of rule development. However, your input is very important to Ohio EPA and it will be considered when rules are being drafted. There will be additional opportunities to comment on specific rule language later in the process.

For more information, contact Emma Brown at [Emma.Brown@epa.ohio.gov](mailto:Emma.Brown@epa.ohio.gov) or (614) 728 - 1219.