

State Water Resources Control Board

Division of Drinking Water

ANNOUNCEMENT REGARDING ELAP ENFORCEMENT AUTHORITY

Since its July 1, 2014 transfer to the State Water Resources Control Board (State Water Board), Environmental Laboratory Accreditation Program (ELAP) staff has been committed to building a strong foundation for a program that efficiently performs functions prescribed by the Environmental Laboratory Accreditation Act of 1988. These functions include: certification, inspection, monitoring, and enforcement. In light of new findings, ELAP will begin implementing the inspection, monitoring, and enforcement requirements for the program.

ELAP is working in conjunction with the Office of Enforcement to establish a robust enforcement structure aimed at ensuring data from ELAP-certified laboratories is of known and documented quality. California Health and Safety Code (H&SC) statutes provide broad regulatory and enforcement authority to ELAP. The program has the authority to:

- conduct unannounced inspections;
- document inspections with photography;
- issue citations for noncompliance with regulations (civil penalties can be as much as \$1,000 per day);
- suspend or revoke a laboratory's certification;
- obtain an injunction against laboratories performing work they are not certified to do; and
- refer laboratories to the appropriate prosecutorial agency, such as the Office of the Attorney General or district attorney, for civil and/or criminal behavior.

ELAP is committed to informing laboratories of the statutes and regulations regarding enforcement functions, which will help improve the quality of the environmental laboratories in California. However, it is the responsibility of ELAP-certified laboratories to know, understand, and implement all statutes and regulations.

Communication from the laboratory community has been a critical part of the progress made thus far, and it has assisted management in charting the program's path forward. We hope to continue building a strong partnership with the laboratory community as we work toward our goal of implementing a sustainable accreditation program to effectively evaluate the competency of organizations generating environmental and public health data. The enhanced elements of inspection, monitoring, and enforcement will benefit the environmental laboratory community, ELAP, and the community as a whole.

Official announcements are posted on the California ELAP website at www.waterboards.ca.gov/elap