

OCTOBER 20, 2005

NOTICE TO ALL LABORATORIES EITHER STATE CERTIFIED BY NEW JERSEY USING THE STANDARDS PUBLISHED AT N.J.A.C. 7:18 OR NELAP ACCREDITED BY NEW JERSEY USING THE NELAC STANDARD

In May 2003, the State of New Jersey began to ask laboratories that filed petitions for not participating in New Jersey Department of Environmental Protection (NJDEP) contracted PT Studies for the Verification, Homogeneity and Stability (VHS) data generated by PT Providers. Prior to this time, the State was receiving VHS data from PT Providers that had been awarded a State Contract to provide PT Samples to New Jersey certified/accredited laboratories. The State began to ask laboratories to supply the VHS data as part of the conditions for a laboratory to be exempt from using New Jersey's contracted PT Providers. Through receiving and reviewing the VHS data from all PT Providers supplying PT Sample results to New Jersey, the State attains the necessary confidence in the quality of the PT Studies provided by all participating PT Providers.

On April 23, 2004, the State issued an official Notice because there appeared to be confusion on the part of the regulated laboratory community as to New Jersey's requirements for VHS information. As part of this Notice laboratories were made aware that due to the confusion, the State had elected to institute a formal time period for responding to its requirement for VHS data. The date for compliance by laboratories was made effective with the WP-June04 PT Study. With this Notice the State also included a copy of the ["New Jersey Department of Environmental Protection Proficiency Testing \(PT\) Provider Protocols for Verification, Homogeneity and Stability \(VHS\) Data" \(PDF\)](#).

New Jersey is issuing the present Notice to assist the laboratory community with its activities to respond to these requirements. A summary of New Jersey's activities relating to VHS data requirements follows.

For laboratories receiving PT Samples through the NJDEP's Office of Quality Assurance (OQA), the OQA receives VHS data directly from its contracted PT Provider, Environmental Resource Associates (ERA), according to the terms of the State Contract. ELCP laboratories are required to participate in State-contracted PT Studies conducted by ERA. For NELAP laboratories that wish to be exempted from purchasing their PT Samples from the OQA (using the State Contract), the VHS data can either be provided to the OQA by each laboratory or provided to the OQA directly from the PT Provider. Each laboratory with an exemption from participating in a State-contracted PT Study is responsible for making the appropriate arrangements with its selected PT Provider(s). PT Sample results submitted to the OQA without acceptable VHS data will not be accepted, and will be considered as a failure by the laboratory to provide PT Sample results.

For laboratories having New Jersey Primary or Secondary NELAP Accreditation, PT Sample results submitted to the OQA without VHS data will be accepted for the purpose of receiving NELAP Accreditation. But laboratories submitting PT Sample results to the OQA without acceptable VHS data will not be eligible to provide data in response to any environmental programs administered by the New Jersey Department of Environmental Protection (NJDEP). The distinction between “NELAP Accreditation” and “eligibility to provide data in response to any of the NJDEP’s environmental programs” is made on each laboratory’s Annual Certified Parameter List. It is listed under the heading Eligible to Report NJ Data with a “Yes” or “No” for each analyte accredited. Any laboratory having New Jersey Primary or Secondary NELAP Accreditation that does not submit acceptable PT Sample results according to these data requirements will receive a "No" entry under this heading for all relevant analytes.

Laboratories are entitled to receive VHS related data from PT Providers. For those laboratories participating in the NELAP, Section B.5 (Appendix B) of the NELAC Standard states “*All data developed by the provider in support of verification testing, homogeneity testing, and stability analysis shall be provided to any laboratory participating in the program upon request after the close of the study.*” Additionally, the State of New Jersey is entitled to receive all data from any entities participating in its environmental, regulatory and/or enforcement programs. This authority is given at N.J.S.A. 2C:29-1 which addresses the offense of obstructing the administration of law or other governmental function (as well as in a variety of other statutes and administrative code).

For informational purposes, at the present time, the following PT Providers have both provided VHS related data to the State of New Jersey and responded to our questions regarding the quality and accuracy of these data:

Absolute Standards, Inc.
P.O. Box 5585
Hamden, CT 06518-0585
Phone: 203-281-2917

NSI Solutions, Inc.
7517 Precision Dr., #101
Raleigh, NC 27617
Phone: 919-957-9672

Analytical Products Group
2730 Washington Boulevard
Belpre, OH 45714-1943
Phone: 740-423-4200

Wibby Environmental
6390 Joyce Drive #100
Golden, CO 80403-7504
Phone: 303-940-0033

Environmental Resource Associates
6000 West 54th Street
Arvada, CO 80002
Phone: 303-431-8454

Please do not request an exemption from using the State Contract for PT Samples if your selected PT Provider has not agreed either to provide your laboratory with the necessary VHS related data or to provide the data directly to the State of New Jersey.