

## Laboratory Certification Requirements During Emergencies Established by the New Jersey Department of Environmental Protection

Date: June 9, 2020

### SUMMARY

In the event of an emergency, certified laboratories may face unforeseen challenges and limitations. This document addresses identified concerns certified laboratories may face during a crisis. **It is essential to remind all New Jersey certified laboratories, which may fall under these provisions, of the obligation to adhere to all current regulatory standards, timelines, operating practices and processes until such time they can no longer support those functions.** If laboratories, due to emergency conditions, cannot meet the regulatory requirements, they shall follow the guidance contained within this document. Documentation of any deviations from current regulatory standards, timelines, operating practices and processes shall be retained and shall adequately address the reason for the deviation.

Laboratories must make every effort to comply with their environmental compliance obligations. If compliance is not reasonably obtainable under circumstances caused during an emergency, then the certified laboratory shall follow provisions in this document. In addition, any certified laboratory must immediately notify and seek DEP authorization/approval for any actions that could result in a contravention of the regulatory requirements.

This document focuses on certified laboratory requirements set at the discretion of the State that are related to allowances that would pose no imminent public health risk. The DEP continues to evaluate both the Federal and State Safe Drinking Water requirements, and the New Jersey Pollutant Discharge Elimination System requirements (NJPDDES) while working with the US Environmental Protection Agency, to determine provisions available to further support certified laboratories and simultaneously continue to protect the public health and the environment during emergencies.

During emergencies, we recommend frequently checking the DEP's Office of Quality Assurance (OQA) website available at <https://www.nj.gov/dep/enforcement/oqa.html> for updates related to certified laboratories. In an effort to continue to work together during times of emergencies, the DEP strongly encourages you to contact us via email at [oqa@dep.nj.gov](mailto:oqa@dep.nj.gov) with questions, concerns and difficulties you may encounter regarding the regulatory requirements for certified laboratories.

The DEP appreciates the certified laboratory community's continued dedication to protecting New Jersey's drinking water supply, groundwaters, surface waters, and its residents.

## **WHO SHOULD I CONTACT WITH QUESTIONS?**

To report an emergency:

DEP Hotline  
1-877-WARN-DEP

For Certified Laboratories, contact:

Office of Quality Assurance  
Please use “Best Management Practices” in the subject line. [OQA@dep.nj.gov](mailto:OQA@dep.nj.gov)

For Drinking Water questions, contact:

Division of Water Supply & Geoscience  
[www.nj.gov/dep/watersupply](http://www.nj.gov/dep/watersupply)  
Please use “Best Management Practices” in the subject line. [watersupply@dep.nj.gov](mailto:watersupply@dep.nj.gov)

For licensed operator rule, compliance, inspection or enforcement questions, contact:

Division of Water and Land Use Enforcement  
(973) 656-4099 (Northern) or [Water\\_North@dep.nj.gov](mailto:Water_North@dep.nj.gov)  
(609) 292-3010 (Central) or [Water\\_Central@dep.nj.gov](mailto:Water_Central@dep.nj.gov)  
(856) 614-3655 (Southern) or [Water\\_South@dep.nj.gov](mailto:Water_South@dep.nj.gov)

## **EXTENSIONS FOR PROFICIENCY TESTING (PT) REQUIREMENTS:**

1. For laboratories certified through the New Jersey Environmental Laboratory Certification Program (NJ-ELCP):

A PT Provider deadline to submit results for a study cannot be extended. The due date that the PT results are due to the OQA may also not be extended. However, if you are currently enrolled in an initial PT study for the year and are unable to complete the initial PT study due to circumstances caused by the emergency, the OQA may allow affected laboratories to be exempted from the initial PT study, and instead participate in the next scheduled make-up PT Study. Any laboratory that can confirm their inability to participate in a current initial PT study was caused by issues related to an emergency will be allowed to participate in the next scheduled study, and that study will be counted as their first PT attempt for that given year.

In situations where a laboratory cannot complete a required make-up PT study due to circumstances caused by an emergency, and the laboratory can supply documentation that shows it was unable to successfully complete the required PT

study due to the emergency, the OQA may provide one additional opportunity to complete a PT study before the end of the calendar year upon review of the required documentation. Any labs that fail or fail to submit acceptable results during a make-up PT study, AND that previously provided documentation to the OQA to verify they encountered issues related to an emergency will be given one additional opportunity to acceptably analyze a PT before the end of the current calendar year.

2. For laboratories certified through the New Jersey National Environmental Laboratory Accreditation Program (NJ-NELAP) with Primary NJ accreditation:

NJ-NELAP primary laboratories are expected to remain in compliance with the 2016 TNI Standards requirement of maintaining a history of two (2) successful PT studies out of the most recent three (3) attempts, with the closing date of subsequent studies no more than seven (7) months apart. If you are currently enrolled in a study and are unable to complete the PT study due to circumstances caused by an emergency you are directed to contact the OQA at [OQA@dep.nj.gov](mailto:OQA@dep.nj.gov) or 609-292-3950 to discuss how to proceed. Based on the circumstances described, flexibility for timeframes may be granted on a case by case basis depending on the issue encountered.

3. For laboratories certified through the NJ-NELAP with Secondary accreditation:

Laboratories with Secondary NJ-NELAP accreditation are instructed to follow the directives provided to them by their Primary Accreditation Body.

**LABORATORY QUALITY CONTROL REQUIREMENTS:**

1. For Safe Drinking Water laboratories, as stated in the USEPA's memo dated March 26, 2020 public water systems have a heightened responsibility to protect public health because unsafe drinking water can lead to serious illnesses and access to clean water for drinking and hand washing is critical during an emergency. Accordingly, the EPA has heightened expectations for public water systems and thus for environmental laboratories conducting drinking water sample analysis. The EPA expects operators of such systems to continue normal operations and maintenance as well as required sampling to ensure the safety of our drinking water supplies. The EPA expects laboratories performing analysis for water systems to continue to provide timely analysis of samples and results. Therefore, there will be no flexibility for any excursions for laboratory quality control requirements for drinking water sample analysis.
2. For samples other than drinking water, every effort shall be made to ensure the required quality control is met. This includes quality control procedures performed during sample analysis as well as regular routine maintenance such as daily incubator and refrigerator

temperature readings. With potential flexibility being granted throughout other areas of the DEP, such as reduced monitoring or operator staffing reductions, sample analysis will be the last measurement tool available to ensure a facility's system is in control. Sample analysis will be highly depended upon to ensure adequate plant operation, and without proper quality control being performed data cannot be relied upon. If a laboratory becomes short staffed or unable to conduct the required quality control it should consider subcontracting that analysis to another certified laboratory. With that being said, the DEP understands that some noncompliance issues regarding quality control may arise that cannot be accounted for prior to sample analysis.

Laboratories must make every effort to comply with their environmental compliance obligations. If compliance is not reasonably obtainable under circumstances caused by an emergency, then every effort must be made to minimize the effects and duration of the noncompliance. Documentation that identifies the deviation that occurred, dates of noncompliance, how the emergency was the cause of the noncompliance, and the decisions and actions taken in response, including best efforts to comply and steps taken to come into compliance at the earliest opportunity must be maintained.

#### **ALTERNATE LABORATORY LISTS:**

A list of certified laboratories is currently available on the DEPs Data Miner website at <https://www13.state.nj.us/DataMiner> and can be found by searching under the category "certified laboratories". An OQA listserv regarding laboratory capacity and sampling concerns was issued on March 16, 2020. That listserv requested certified laboratories to provide the OQA 48-hour notice of any upcoming temporary closures. The notice also provided guidance to laboratories and facilities to contact the applicable DEP permitting program for guidance related to any sampling or monitoring concerns. The March 16, 2020 listserv is posted on the OQA Bulletin Board webpage at <https://www.nj.gov/dep/enforcement/oqa/bboard.html> for reference. As of the date of this notice there has been minimal notifications made to the OQA regarding laboratory closures, and laboratory capacity remains consistent with past capability. During times of emergencies, the OQA website, <https://www.nj.gov/dep/enforcement/oqa/bboard.html>, and DEP Data Miner website, <https://www13.state.nj.us/DataMiner>, is a valuable resource for laboratory look up for inquires on laboratory operational status.

#### **CONCLUSION:**

Laboratories must make every effort to comply with their environmental compliance obligations. Any certified laboratory must immediately notify and seek DEP authorization/approval for any actions that could result in a contravention of the regulatory requirements. If compliance is not reasonably obtainable under circumstances caused by an emergency, then all effort must be made to minimize the effects and duration of the noncompliance. Documentation that identifies

the deviation that occurred, dates of noncompliance, how the emergency was the cause of the noncompliance, and the decisions and actions taken in response, including best efforts to comply and steps taken to come into compliance at the earliest opportunity must be maintained. Notification of the noncompliance shall be in accordance with the laboratory's routine notification procedures. Laboratories will be expected to notify their clients of any issues and permitted facilities must then notify the DEP through their routine notification requirements, which may include notification through the DEP hotline.

While this notice will be posted on the OQA bulletin board, notifications during an emergency may also be emailed that may impact you or your client, laboratories are strongly encouraged to sign up for DEP listservs to ensure you remain current with any distributed information that may affect your laboratory.

The OQA listserv: <https://www.nj.gov/dep/enforcement/oqa/subscribe.html>

The Compliance and Enforcement Compliance Advisories notification list: <https://www.nj.gov/dep/enforcement/advisories.html>