

APPENDIX A
LABORATORY CERTIFICATION PROGRAM
NEVADA BUREAU OF WATER QUALITY PLANNING

APPENDIX A: LABORATORY CERTIFICATION PROGRAM

Certification of Laboratories to Analyze Substances in Water

A1. DEFINITIONS

NAC 445A.0552 Definitions. ([NRS 445A.425](#), [445A.428](#)) As used in [NAC 445A.0552](#) to [445A.067](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 445A.0554](#) to [445A.0606](#), inclusive, have the meanings ascribed to them in those sections. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0554 “Accuracy” defined. ([NRS 445A.425](#), [445A.428](#)) “Accuracy” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0556 “Analyst” defined. ([NRS 445A.425](#), [445A.428](#)) “Analyst” means a chemist, microbiologist, physicist or technician who:

1. Is qualified to conduct analyses of environmental samples pursuant to the provisions of the manual specified in paragraph (e) of subsection 1 of [NAC 445A.0612](#); and
2. Performs those tests or assists in performing those tests with other qualified employees of a certified laboratory.

(Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0558 “Analyte” defined. ([NRS 445A.425](#), [445A.428](#)) “Analyte” means any compound, element, radical, isotope, contaminant organism, species or other substance for which an environmental sample is tested by a laboratory. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000)

NAC 445A.0562 “Approved method of testing” defined. ([NRS 445A.425](#), [445A.428](#)) “Approved method of testing” means a laboratory procedure specified in subsection 4 of [NAC 445A.0622](#) that is approved by the Environmental Protection Agency or the Division to test an environmental sample. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000)

NAC 445A.0564 “Certified laboratory” defined. ([NRS 445A.425](#), [445A.428](#)) “Certified laboratory” means a laboratory for which a certificate to conduct analyses of water is issued pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive.

(Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0566 “Commission” defined. ([NRS 445A.425](#), [445A.428](#)) “Commission” means the State Environmental Commission. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000)

NAC 445A.0568 “Director” defined. ([NRS 445A.425](#), [445A.428](#)) “Director” means:

1. A person who is qualified to administer any technical or scientific operation of a certified laboratory and supervise the procedures for the testing and reporting of the results of tests pursuant to the provisions of the Standards; or
2. A chemist, microbiologist or physicist who is qualified to engage in an activity specified in subsection 1 pursuant to the provisions of the manual specified in paragraph (e) of subsection 1 of [NAC 445A.0612](#).

(Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0572 “Division” defined. ([NRS 445A.425](#), [445A.428](#)) “Division” means the Division of Environmental Protection of the State Department of Conservation and Natural Resources. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000)

NAC 445A.0574 “Environmental sample” defined. ([NRS 445A.425](#), [445A.428](#)) “Environmental sample” means a sample of any substance obtained from any natural source or any source that may reasonably be expected to pollute or receive pollution from the atmosphere, supplies of drinking water, groundwater, surface water, soil, sediment or ecosystem biota of this State, including, without limitation:

1. Ambient air;
2. Emissions of air from point sources;
3. Drinking water;
4. Receiving waters;
5. Soil or sediment;
6. Effluents from industrial, municipal or residential sources;
7. Samples from facilities used to store or handle chemicals;
8. Facilities used to dispose of waste;
9. Runoff of surface water; and
10. Samples obtained from facilities used to handle or apply substances for the control of weeds or insects.

(Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000)

NAC 445A.0576 “Federal Act” defined. ([NRS 445A.425](#), [445A.428](#)) “Federal Act” means the Clean Water Act, 33 U.S.C. §§ 1251 et seq. (Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000)

NAC 445A.0578 “National Environmental Laboratory Accreditation Conference” defined. ([NRS 445A.425](#), [445A.428](#)) “National Environmental Laboratory Accreditation Conference” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards. (Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0582 “National Environmental Laboratory Accreditation Program” defined. ([NRS 445A.425](#), [445A.428](#)) “National Environmental Laboratory Accreditation Program” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards. (Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0584 “Performance-based measurement system” defined. ([NRS 445A.425](#), [445A.428](#)) “Performance-based measurement system” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards. (Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0588 “Precision” defined. ([NRS 445A.425](#), [445A.428](#)) “Precision” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards. (Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0592 “Proficiency test sample” defined. ([NRS 445A.425](#), [445A.428](#)) “Proficiency test sample” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards. (Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0594 “Proficiency testing program” defined. ([NRS 445A.425](#), [445A.428](#)) “Proficiency testing program” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards. (Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0596 “Quality control sample” defined. ([NRS 445A.425](#), [445A.428](#)) “Quality control sample” means an uncontaminated environmental sample that is spiked with a known analyte and provided to a laboratory for analysis to determine the performance of the laboratory in testing for the

presence of that analyte by using a specified method of testing for the analyte. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000)

NAC 445A.0598 “Quality manual” defined. ([NRS 445A.425](#), [445A.428](#)) “Quality manual” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0602 “Sensitivity” defined. ([NRS 445A.425](#), [445A.428](#)) “Sensitivity” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0604 “Spike” defined. ([NRS 445A.425](#), [445A.428](#)) “Spike” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0606 “Standards” defined. ([NRS 445A.425](#), [445A.428](#)) “Standards” means the Standards of the National Environmental Laboratory Accreditation Conference adopted by reference pursuant to the provisions of [NAC 445A.0608](#). (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000)

A2. GUIDELINES AND PROCEDURES

NAC 445A.0608 Adoption by reference of *National Environmental Laboratory Accreditation Conference-Constitution, Bylaws and Standards*. ([NRS 445A.425](#), [445A.428](#)) The Commission hereby adopts by reference the *National Environmental Laboratory Accreditation Conference-Constitution, Bylaws and Standards*, EPA 600/R-98/151, in the form most recently published by the Environmental Protection Agency, unless the Commission gives notice pursuant to the provisions of [NAC 445A.067](#) that the most recent publication is not suitable for this State. The publication is available, free of charge, from the Environmental Protection Agency, Office of Research and Development, 401 M Street, S.W., Washington, D.C. 20460, or from the Environmental Protection Agency at the Internet address <http://www.epa.gov/ttn/nelac>. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000)

NAC 445A.0612 Adoption by reference of certain publications related to sample collection procedures, analytical methodologies and requirements for certification. ([NRS 445A.425](#), [445A.428](#))

1. The Commission hereby adopts by reference the following publications in the forms most recently published, unless the Commission gives notice pursuant to the provisions of [NAC 445A.067](#) that the most recent publication is not suitable for this State. The publications are available, unless otherwise provided in this section, by mail from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (800) 553-6847. The publications may also be obtained from the National Technical Information Service at the Internet address <http://www.ntis.gov/ordering.htm>. The publications are:

(a) *Consensus Method for Determining Groundwaters Under the Direct Influence of Surface Water Using Microscopic Particulate Analysis (MPA)*, EPA/910/9-92/029, Order Number PB93-180818, for the price of \$37.

(b) *DBP/ICR Analytical Methods Manual*, EPA/814/B-96/002, Order Number PB96-157516, for the price of \$52.

(c) *ICR Microbial Laboratory Manual*, EPA/600/R-95/178, Order Number PB96-157557, for the price of \$74.

(d) *ICR Sampling Manual*, April 1996, EPA/814/B-96/001, Order Number PB96-157508, for the price of \$52.

(e) *Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures, Quality Assurance*, 4th edition, EPA/815/B-97/001, Order Number PB97-171490, for the price of \$51.

(f) *Method 100.2: Determination of Asbestos Structures over 10 Micrometers in Length in Drinking Water*, June 1994, EPA/600/R-94/134, Order Number PB94-201902, for the price of \$33.50.

(g) *Method 1613: Tetra-Through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS, Revision B*, October 1994, EPA/821/B-94/005B, Order Number PB95-104774, for the price of \$39.50.

(h) *Method 1664, Revision A: N-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM; Non-Polar Material) by Extraction and Gravimetry*, February 1999, EPA/821/R-98/002, Order Number PB99-121949, for the price of \$33.50. The publication is also available, free of charge, from the Environmental Protection Agency at the Internet address <http://www.epa.gov/ost/methods/1664f051.html>.

(i) *Methods for the Determination of Inorganic Substances in Environmental Samples*, August 1993, EPA/600/R-93/100, Order Number PB94-120821, for the price of \$52.

(j) *Methods for the Determination of Metals in Environmental Samples*, EPA/600/4-91/010, Order Number PB91-231498, for the price of \$81.

(k) *Methods for the Determination of Metals in Environmental Samples, Supplement I*, EPA/600/R-94/111, Order Number PB95-125472, for the price of \$74.

(l) *Methods for the Determination of Nonconventional Pesticides in Municipal and Industrial Wastewater, Volume I, Revision 1*, August 1993, EPA/821/R-93/010A, Order Number PB94-121654, for the price of \$152.50.

(m) *Methods for the Determination of Organic Compounds in Drinking Water, Supplement 1*, EPA/600/4-90/020, Order Number PB91-146027, for the price of \$68.50.

(n) *Methods for the Determination of Organic Compounds in Drinking Water, Supplement 2*, EPA/600/R-92/129, Order Number PB92-207703, for the price of \$74.

(o) *Methods for the Determination of Organic Compounds in Drinking Water, Supplement 3*, EPA/600/R-95/131, Order Number PB95-261616, for the price of \$117.

(p) *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 4th edition, EPA/600/4-90/027F, Order Number PB94- 114733, for the price of \$81.

(q) *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms*, 3rd edition, EPA/600/4-91/002, Order Number PB96-141452, for the price of \$86.50.

(r) *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms*, 2nd edition, EPA/600/4-91/003, Order Number PB96-141445, for the price of \$111.50.

(s) *Technical Notes on Drinking Water Methods*, EPA/600/R-94/173, Order Number PB95-104766, for the price of \$37.

(t) *Test Methods for "Escherichia Coli" in Drinking Water: EC Medium with Mug Tube Procedure, Nutrient Agar with Mug Membrane Filter Procedure*, EPA/600/4-91/016, Order Number PB91-234591, for the price of \$17.50.

(u) *USEPA Contract Laboratory Program: Statement of Work for Organics Analysis: Multi-Media, Multi-Concentration, OLM01.0 (Includes Revisions OLM01.1 through OLM01.8)*, EPA/540/R-94/078, May 2005: <http://www.epa.gov/superfund/programs/clp/download/som/som11a-c.pdf>

(v) *USEPA Contract Laboratory Program: Statement of Work for Inorganics Analysis: Multi-Media, Multi-Concentration, ILM02.1*, EPA/540/R-94/095, Order Number PB95-963514, for the price of \$81. The publication is also available, free of charge, from the Environmental Protection Agency at the Internet address <http://www.epa.gov/superfund/programs/clp/ilm5.htm>

2. The Commission hereby adopts by reference the following publications in the forms most recently published, unless the Commission gives notice pursuant to the provisions of [NAC 445A.067](#) that the most recent publication is not suitable for this State. The publications are available by mail

from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (800) 553-6847. The publications are:

(a) *Interim Radiochemical Methodology for Drinking Water*, EPA/600/4-75-008, Order Number PB253258, for the price of \$37.

(b) *Method 100.1: Analytical Method for Determination of Asbestos Fibers in Water*, September 1983, EPA/600/4-83-043, Order Number PB83-260471, for the price of \$78.50.

(c) *Methods for the Chemical Analysis of Water and Wastes*, EPA/600/4-79-020, Order Number PB84-128677, for the price of \$117.

(d) *Methods for the Determination of Organic Compounds in Drinking Water*, Revised July 1991, EPA/600/4-88/039, Order Number PB91-231480, for the price of \$89.50.

(e) *Prescribed Procedures for Measurement of Radioactivity in Drinking Water*, EPA/600/4-80-032, Order Number PB80-224744, for the price of \$47.50.

(Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0614 Adoption by reference of *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846*. ([NRS 445A.425](#), [445A.428](#)) The Commission hereby adopts by reference *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846*, 3rd edition, and *Updates I, II, IIA, IIB and III*, Publication Number 955-001-00000-1, in the form most recently published, unless the Commission gives notice pursuant to the provisions of [NAC 445A.067](#) that the most recent publication is not suitable for this State. The publication is available by mail from the Superintendent of Documents, United States Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, or by telephone at (202) 512-1800, for the price of \$367. The publication is also available, free of charge, from the Environmental Protection Agency at the Internet address <http://www.epa.gov/epaoswer/hazwaste/test/main.htm>. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0615 Adoption by reference of *Method 1600: Membrane Filter Test Method for Enterococci in Water*. ([NRS 445A.425](#), [445A.428](#)) The Commission hereby adopts by reference *Method 1600: Membrane Filter Test Method for Enterococci in Water*, May 1997, EPA-821-R-97-004, in the form most recently published, unless the Commission gives notice pursuant to the provisions of [NAC 445A.067](#) that the most recent publication is not suitable for this State. The publication is available, free of charge, by mail from the Environmental Protection Agency, National Center for Environmental Publications and Information, P.O. Box 42419, Cincinnati, Ohio 45242-0419, or by telephone at (800) 490-9198. (Added to NAC by Environmental Comm'n by R061-04, eff. 10-7-2004)

NAC 445A.0616 Adoption of certain ASTM standards and other publications related to calibration and testing laboratories, and examination of water and wastewater. ([NRS 445A.425](#), [445A.428](#)) The following publications are hereby adopted by the Commission in the forms most recently published, unless the Environmental Protection Agency fails to publish notice of its approval of the publication in the Federal Register or the Commission gives notice pursuant to the provisions of [NAC 445A.067](#) that the most recent publication is not suitable for this State:

1. *Annual Book of ASTM Standards*, Section 5, "Petroleum Products, Lubricants, and Fossil Fuels," which is available by mail from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (610) 832-9585 or at the Internet address <http://www.astm.org>, for the price of \$999.

2. *Annual Book of ASTM Standards*, Section 11, "Water and Environmental Technology," which is available by mail from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (610) 832-9585 or at the Internet address <http://www.astm.org>, for the price of \$906.

3. *ISO/IEC Guide 25, General Requirements for the Competence of Calibration and Testing Laboratories*, 1990, which is available by mail from Global Engineering Documents, 15 Inverness

Way East, Englewood, Colorado 80112-5776, by telephone at (800) 854-7179 or at the Internet address <http://www.global.ihs.com>, for the price of \$35.

4. *Standard Methods for the Examination of Water and Wastewater*, Order Number 10079, available by mail from the American Water Works Association, Customer Service, 6666 West Quincy Avenue, Denver, Colorado 80235, by telephone at (800) 926-7337 or at the Internet address <http://www.awwa.org/bookstore/ProductList.cfm>, for the price of \$155 for members and \$200 for nonmembers.

(Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0618 Interpretation of provisions; resolution of conflicting requirements. (NRS [445A.425](#), [445A.428](#))

1. The provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive, must not be interpreted to circumvent any of those provisions to make them less effective. If more than one interpretation exists for any of those provisions, the more restrictive interpretation applies.

2. If any publication adopted by reference pursuant to the provisions of [NAC 445A.0612](#) to [445A.0616](#), inclusive, conflicts with any provision of [NAC 445A.0552](#) to [445A.067](#), inclusive, or with the Standards, the provision set forth in [NAC 445A.0552](#) to [445A.067](#), inclusive, or the Standards applies.

(Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0622 Scope of certification. (NRS [445A.425](#), [445A.428](#))

1. A laboratory may obtain certification pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive, to perform analyses for the purposes of [NRS 445A.300](#) to [445A.730](#), inclusive, to detect the presence of hazardous waste or a regulated substance in soil or water.

2. The scientific disciplines for which a laboratory may obtain certification are:

- (a) Chemistry;
- (b) Whole Effluent Toxicity;
- (c) Microbiology; and
- (d) Radiochemistry.

3. A laboratory may obtain certification pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive, for any program relating to the analysis of water approved by the Environmental Protection Agency pursuant to the Federal Act.

4. Except as otherwise provided in subsection 5, the approved methods of testing for which a laboratory may obtain certification are set forth in:

- (a) Title 40 C.F.R. § 136.3 and Appendices A, C and D to 40 C.F.R. Part 136;
- (b) Appendices A and B to 40 C.F.R. Part 425;
- (c) Title 40 C.F.R. § 434.64;
- (d) Appendices 1 and 2 to 40 C.F.R. Part 435, Subpart A;
- (e) Table 7 to 40 C.F.R. Part 455;
- (f) Title 40 C.F.R. § 465.03(c);
- (g) Title 40 C.F.R. § 503.8; and
- (h) The publications specified in paragraphs (h) to (r), inclusive, of subsection 1 of [NAC 445A.0612](#), [NAC 445A.0615](#) and subsections 1, 2 and 4 of [NAC 445A.0616](#).

5. A laboratory may obtain certification to use a performance-based measurement system or any other alternative method of testing if the laboratory:

- (a) Complies with the provisions of subsection 5 of [NAC 445A.0626](#);
- (b) Obtains approval for that method of testing from the Environmental Protection Agency pursuant to the provisions of 40 C.F.R. § 403.7(b)(2)(v), 403.12(b)(5)(vi) or 403.12(g)(4);
- (c) Complies with the requirements for application set forth in 40 C.F.R. § 136.4; and
- (d) Provides proof and evaluates the performance-based measurement system or other alternative method of testing in accordance with the provisions of:

- (1) Appendix E of chapter 5 of the Standards;

(2) “Guidelines Establishing Test Procedures for the Analysis of Pollutants: Flexibility in Existing Test Procedures and Streamlined Approach for Approving New Test Methods,” set forth in Volume 62 of the Federal Register at pages 14975 et seq., March 28, 1997; and

(3) “Performance Based Measurement System,” set forth in Volume 62 of the Federal Register at pages 52098 et seq., October 6, 1997.

6. To be certified to conduct an analysis of an analyte using an approved method of testing specified in subsection 4, the analyte must be listed by the Division in the approved method of testing pursuant to that subsection.

(Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0624 Categories of analytes for which laboratory may be certified. ([NRS 445A.425](#), [445A.428](#)) For the purposes of charging and collecting fees and conducting performance evaluations pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive, the Division shall classify each analyte for which a laboratory may be certified into the following categories:

1. Asbestos.
2. Cyanide.
3. Demands.
4. Dioxin.
5. Herbicides.
6. Microbiology.
7. Minerals.
8. Nutrients.
9. Oil and grease.
10. Perchlorate.
11. Pesticides.
12. Phenolics.
13. Polyaromatic hydrocarbons.
14. Polychlorinated biphenyls in oil.
15. Polychlorinated biphenyls in wastewater.
16. Radiochemistry.
17. Residual chlorine.
18. Residue.
19. Semivolatile organic chemistry.
20. Synthetic Organic Compounds Group 1 (includes semivolatile organic chemistry, pesticides, herbicides and polyaromatic hydrocarbons).
21. Toxicity bioassay.
22. Trace metals.
23. Volatile organic chemistry.
24. Any other individual contaminant.
25. Any other individual multicontaminant method.

(Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0626 Requirements for certification. ([NRS 445A.425](#), [445A.428](#))

1. To be certified to conduct laboratory testing, a laboratory must comply with the requirements set forth in sections 1.8.3, 4.1.1, 5.0, 5.1, 5.4 and 5.5 of the Standards.

2. To be certified in:

(a) Chemistry, a laboratory must comply with the requirements set forth in section 1.8.5 and Appendix D.1 of chapter 5 of the Standards;

(b) Whole effluent toxicity, a laboratory must comply with the requirements set forth in section 1.8.6 of the Standards and Appendix D.2 of chapter 5 of the Standards;

(c) Microbiology, a laboratory must comply with the requirements set forth in section 1.8.7 and Appendix D.3 of chapter 5 of the Standards; or

(d) Radiochemistry, a laboratory must comply with the requirements set forth in section 1.8.8 and Appendix D.4 of chapter 5 of the Standards.

3. To be certified pursuant to the program specified in subsection 3 of [NAC 445A.0622](#), a laboratory must comply with:

(a) The provisions concerning method detection limits, sample containers, holding times and preservation set forth in 40 C.F.R. § 136.3(e) and Appendix B to that part;

(b) The provisions of 40 C.F.R. §§ 403.7(b)(2), 403.12(b)(5) and 403.12(g)(4), if applicable;

(c) The provisions concerning the methods set forth in 40 C.F.R. § 455.50, if the laboratory conducts tests for active ingredients in pesticides; and

(d) The provisions concerning the collection of representative samples and the methods set forth in 40 C.F.R. §§ 501.15(b)(10)(iv) and 503.8, if the laboratory conducts tests of sewage sludge.

4. To be certified for an approved method of testing, a laboratory must comply with the requirements for using that approved method of testing specified in subsection 4 of [NAC 445A.0622](#) and the Standards. If a conflict occurs between a provision specified in that subsection and the Standards concerning an approved method of testing, the Standards apply. If a manufacturer provides instructions for maintaining any equipment used for testing or for ensuring the performance of any test or demonstrating the performance of any system of measurement, the laboratory shall comply with those instructions. If a conflict occurs between a provision of those instructions and a provision specified in subsection 4 of [NAC 445A.0622](#) or the Standards, the provisions specified in that section or the Standards apply.

5. If a laboratory intends to use a performance-based measurement system or any other alternative method of testing, the laboratory shall, before the Division conducts an inspection of the laboratory pursuant to the provisions of [NAC 445A.0638](#), submit to the Division a written statement setting forth the performance-based measurement system or other alternative method of testing it intends to use. The Division may approve the performance-based measurement system or alternative method of testing if, as determined by the Division:

(a) The system or method is equivalent to or exceeds the approved method of testing for accuracy, precision, completeness and comparability relating to determining compliance with the regulatory concentration levels or system conditions;

(b) An approved method of testing is not available for use by the laboratory to determine the presence of an analyte for which the laboratory requests certification pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive; or

(c) The laboratory obtains approval for the system or method from the Environmental Protection Agency.

6. To be certified to test for a specific analyte using an approved method of testing, a laboratory must comply with the requirements established by the Division for the approved method of testing and the standards for initial and continuing calibrations of test equipment and demonstrations by analysts of precision, accuracy, sensitivity and low system background for each analyte. If a conflict occurs between the requirements established by the Division and the Standards, the Standards apply.

7. As used in this section:

(a) "Holding times" has the meaning ascribed to it in Appendix A of chapter 1 of the Standards.

(b) "Limit of detection" means the smallest amount or concentration of an analyte that can be reliably detected in a given sample by a specific measurement process.

(c) "Low system background" means an analysis of a method blank that does not yield contamination at a concentration that is greater than the method detection limit or the limit of detection, whichever is applicable to the particular analyte.

(d) "Method blank" has the meaning ascribed to it in Appendix A of chapter 1 of the Standards.

(e) "Method detection limit" has the meaning ascribed to it in Appendix A of chapter 1 of the Standards. (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0628 Certification by Division or pursuant to National Environmental Laboratory Accreditation Program. (NRS 445A.425, 445A.428)

1. A laboratory may apply for certification by the Division or certification pursuant to the National Environmental Laboratory Accreditation Program.

2. To obtain certification by the Division, a laboratory must comply with the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive.

3. A laboratory that is certified by the Division may provide analytical data for an environmental sample originating in this State for each analyte for which the laboratory is certified.

4. To obtain certification pursuant to the National Environmental Laboratory Accreditation Program, a laboratory must:

(a) Comply with the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive;

(b) Before obtaining certification pursuant to the Program and every 2 years after obtaining that certification, submit to an assessment of the laboratory conducted at the laboratory under the direction of a person who is approved pursuant to the Program; and

(c) Specify in its application for certification at least one approved method of testing an analyte pursuant to the provisions of subsections 4 and 6 of [NAC 445A.0622](#).

(Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0632 Application for certification. (NRS 445A.425, 445A.428)

1. To apply for certification pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive, the director of the laboratory for which certification is requested must submit an application to the Division on a form approved by the Division. The application must be accompanied by the fees prescribed in [NAC 445A.066](#) and include the information specified in sections 4.1.7 and 4.1.9 of the Standards.

2. The provisions of this section do not require an application and certificate for each building or other portion of a certified laboratory that:

(a) Is operated by the same management, quality manual and quality assurance officer as the certified laboratory;

(b) Uses only methods for which the laboratory is certified;

(c) Does not issue reports directly but forwards data to the certified laboratory for reporting purposes; and

(d) The Division determines is used to analyze the same environmental samples as the certified laboratory.

↪ As used in this subsection, "quality assurance officer" means the quality assurance officer specified in section 5.4.2 of the Standards.

3. The Division shall not consider an application for certification submitted pursuant to this section to be complete unless:

(a) The laboratory specifies in the application the approved methods of testing in accordance with the provisions of [NAC 445A.0622](#);

(b) The laboratory satisfactorily analyzes proficiency test samples in accordance with the provisions of [NAC 445A.0634](#);

(c) The laboratory adopts a quality manual and submits the manual to the Division pursuant to the provisions of [NAC 445A.0636](#);

(d) Except for a laboratory that complies with the provisions of [NAC 445A.0665](#), the Division conducts an inspection of the laboratory for the approved methods of testing analytes for which the laboratory requests certification pursuant to the provisions of [NAC 445A.0638](#);

(e) If the report of an inspection of the laboratory conducted by the Division includes any deficiency that must be corrected, the laboratory submits to the Division a written plan to correct the deficiency in accordance with the provisions of subsection 7 of [NAC 445A.0638](#);

(f) The director of the laboratory is qualified for that position pursuant to the provisions of subsection 4.1 of chapter 4 of the Standards; and

(g) The applicable fees prescribed in [NAC 445A.066](#) have been paid.

4. An application for certification shall be deemed withdrawn by the applicant if it is not completed pursuant to the provisions of this section within 1 year after the Division receives the application. The Division may extend the period in which an application must be completed pursuant to this subsection if the applicant submits to the Division a written request for an extension setting forth the reasons for the request.

(Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0634 Participation in proficiency testing program. ([NRS 445A.425](#), [445A.428](#))

1. Each laboratory for which an application for certification is submitted and each certified laboratory must participate in a proficiency testing program. The laboratory must:

(a) Obtain single-blind proficiency test samples from a provider approved by a Proficiency Testing Oversight Body/Proficiency Testing Provider Accreditor;

(b) Analyze the proficiency test samples, if available, for each category of certification and analyte that is included in the program; and

(c) Report the results of the analysis to the provider specified in paragraph (a).

↪ If the laboratory is a certified laboratory and if a test will be conducted for each category of certification and analyte for which the laboratory is certified, the certified laboratory must analyze a proficiency test sample pursuant to the program not less than once every 6 months.

2. Each laboratory specified in subsection 1 shall pay the costs of subscribing to a program specified in that subsection.

3. Each laboratory specified in subsection 1 must satisfactorily analyze each analyte that is included in the program specified in subsection 3 of [NAC 445A.0622](#) on two of the most recent three rounds of testing. Each laboratory shall, before obtaining a proficiency test sample pursuant to paragraph (a) of subsection 1, authorize the provider of the proficiency test sample to submit to the Division the results of any test taken pursuant to the provisions of this section. If the laboratory fails to provide that authorization, the Division may refuse to consider the results of any test taken pursuant to those provisions.

4. The Division shall consider the results of any test taken pursuant to this section to be satisfactory if the results are within the limits of acceptance established by the provider of the proficiency test samples in accordance with the provisions of Appendix C of chapter 2 of the Standards.

5. If the Division determines that the results of a test are satisfactory, the laboratory may be certified to use any approved method of testing for each analyte that is satisfactorily analyzed by the laboratory if, as determined by the Division, data sufficient to validate the use of that method of testing on an annual basis are available. If such data are not available, the Division shall deny or revoke certification for that method of testing. As used in this subsection, "data sufficient to validate" means performance of an initial demonstration of capability as defined in section 7.2.8 of the manual specified in paragraph (e) of subsection 1 of [NAC 445A.0612](#).

6. If a certified laboratory fails:

(a) Two rounds of testing pursuant to subsection 3, the Division shall suspend the certification of that laboratory for each analyte the laboratory failed to analyze during those rounds; or

(b) Three rounds of testing pursuant to that subsection, the Division shall revoke the certification of that laboratory for each analyte the laboratory failed to analyze during those rounds.

7. If the Division suspends the certification of a certified laboratory pursuant to subsection 6 because the laboratory failed two nonconsecutive rounds of testing, the Division shall reinstate the certification of that laboratory for the method of testing an analyte for which the certification was suspended if the certified laboratory satisfactorily analyzes the analyte in a proficiency test sample that is approved by the Division.

8. If the Division suspends the certification of a certified laboratory pursuant to subsection 6 because the laboratory failed to analyze an analyte on two consecutive rounds of testing, the laboratory must satisfactorily analyze the analyte during each of two consecutive rounds of testing conducted after the Division suspends the certification.

9. If the Division revokes the certification of a certified laboratory pursuant to subsection 6, the laboratory must:

(a) Analyze satisfactorily the analyte for which the certification was revoked during each of two consecutive rounds of testing conducted after the Division revoked the certification; and

(b) Reapply for certification and pay the applicable fees pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive.

↪ If a certified laboratory complies with the provisions of this subsection and is otherwise qualified for certification pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive, the Division shall reinstate the certification of the laboratory for each method of testing and analyte for which the laboratory was certified.

10. Each certified laboratory must comply with the requirements concerning enrollment, testing, conduct and participation in the program specified in subsection 1 pursuant to the provisions of sections 2.4, 2.5 and 2.7 of the Standards.

11. As used in this section, “Proficiency Testing Oversight Body/Proficiency Testing Provider Accreditor” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards. (Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0636 Adoption of quality manual by laboratory; contents. ([NRS 445A.425](#), [445A.428](#))

1. Each laboratory that applies for certification pursuant to [NAC 445A.0552](#) to [445A.067](#), inclusive, shall adopt a quality manual and comply with the provisions of that manual. The director of the laboratory shall submit the manual to the Division before the Division conducts an inspection of the laboratory.

2. Each quality manual specified in subsection 1 must be adopted in accordance with the provisions of section 5.5 of the Standards and include, without limitation:

(a) A statement setting forth the requirements of the laboratory for sensitivity, precision and accuracy for each method of testing or analyte for which the laboratory requests certification;

(b) The policy of the laboratory concerning any unauthorized use of data or fraudulent activity that occurs at the laboratory; and

(c) The policy of the laboratory concerning the collection of samples for the purpose of determining compliance with the Federal Act. The policy must provide that:

(1) A person taking a sample shall sign and date an attestation indicating the validity and authenticity of the sample; and

(2) Tampering with or intentionally mislabeling the location, date, time or collection of a sample may be considered grounds for the denial of an application for certification or the revocation, suspension or limitation of certification pursuant to the provisions of [NAC 445A.0642](#).

(Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0638 Inspection of laboratory by Division. ([NRS 445A.425](#), [445A.428](#))

1. Unless a laboratory satisfies the provisions of paragraph (c) of subsection 2 of [NAC 445A.0665](#), the Division shall conduct an inspection of the premises and operation of each certified laboratory or laboratory for which an application for certification is submitted pursuant to the provisions of [NAC 445A.0632](#). An inspection conducted pursuant to this section must be conducted in accordance with the provisions of sections 3.4 to 3.7, inclusive, of the Standards. If a certified laboratory conducts analyses of water, the laboratory must be inspected in accordance with the manual adopted by reference pursuant to the provisions of paragraph (e) of subsection 1 of [NAC 445A.0612](#). A certified laboratory shall analyze a quality control sample for each method of testing an analyte for which it is certified:

(a) At least once every 3 months; and

(b) Each time a new calibration curve is generated.

2. The Division shall conduct an inspection specified in subsection 1:

(a) Not less than once every 2 years, if the laboratory is a certified laboratory; or

(b) If the laboratory submits an application for certification pursuant to the provisions of [NAC 445A.0632](#), not more than 30 days after the Division determines that the laboratory has complied with the provisions of paragraphs (a), (b) and (c) of subsection 3 of that section.

3. The Division may conduct an inspection of a laboratory more than once every 2 years pursuant to this section if:

(a) The Division receives a complaint concerning the quality of the laboratory from a member of the general public or any public agency;

(b) The Division has reasonable cause to believe the laboratory is engaging in fraudulent activity;

(c) The Division identifies deficiencies in the operation of the laboratory after conducting an inspection of the laboratory pursuant to this section;

(d) The laboratory notifies the Division pursuant to [NAC 445A.0652](#) of any changes specified in that section; or

(e) Any circumstance specified in section 3.3 of the Standards occurs.

4. An inspection conducted pursuant to the provisions of this section may include, without limitation:

(a) Requiring the laboratory to conduct an analysis of a proficiency test sample; and

(b) Photocopying, photographing or videotaping:

(1) Any part of the laboratory that is used for analyzing samples of water pursuant to the Federal Act;

(2) Any equipment, activity, environmental sample, records or results of any test relating to the analysis of water pursuant to the Federal Act;

(3) Any data concerning the control of the quality of any analysis conducted by the laboratory pursuant to the Federal Act; or

(4) Any other information required by the Division to ensure compliance with the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive.

5. Except as otherwise provided in this subsection, the Division shall announce each inspection conducted pursuant to the provisions of this section. The Division may conduct an unannounced inspection of a laboratory if the Division determines that such an inspection is required to ensure compliance by the laboratory with the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive. In determining whether to conduct an unannounced inspection, the Division shall consider:

(a) The laboratory's record of compliance with the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive;

(b) The results of any proficiency test taken by the laboratory;

(c) The performance of any analyst or other employee of the laboratory in conducting an analysis of an environmental sample pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive;

(d) Any complaints concerning the laboratory that the Division has received from members of the general public or any public agency; and

(e) The performance of the laboratory in conducting analyses pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive.

6. If the Division conducts an inspection of a laboratory pursuant to the provisions of this section, the laboratory shall:

(a) Ensure that any record or other information which relates to compliance by the laboratory with the Federal Act or [NAC 445A.0552](#) to [445A.067](#), inclusive, and which is required by the Division to conduct the inspection is available for review, including, without limitation:

(1) The quality manual adopted pursuant to the provisions of [NAC 445A.0636](#);

(2) Any information concerning the methods of testing used by the laboratory;

(3) Any data concerning the control of the quality of an analysis conducted by the laboratory;

and

(4) Any information concerning any proficiency test taken by the laboratory; and

(b) Allow the Division to:

(1) Examine any records of the laboratory concerning the operation or certification of the laboratory that relate to compliance by the laboratory with the Federal Act or [NAC 445A.0552](#) to [445A.067](#), inclusive;

(2) Observe the operation, facilities and equipment of the laboratory that relate to compliance with the Federal Act or [NAC 445A.0552](#) to [445A.067](#), inclusive;

(3) Interview any employee of the laboratory who performs duties relating to compliance by the laboratory with the Federal Act or [NAC 445A.0552](#) to [445A.067](#), inclusive; and

(4) Engage in any activity which is necessary and appropriate for determining compliance by the laboratory with the Federal Act or [NAC 445A.0552](#) to [445A.067](#), inclusive, and which is required by the Division.

7. If the Division conducts an inspection of a laboratory, it shall, within 30 days after it conducts the inspection, provide to the laboratory a copy of the report of the inspection. The report must include any deficiency the Division discovers during its inspection of the laboratory. The laboratory shall prepare a plan to correct the deficiency specified in the report. The plan must:

(a) Be submitted to the Division not more than 30 days after the laboratory receives the report from the Division;

(b) Be submitted on a form approved by the Division; and

(c) Include, without limitation:

(1) The signature of the person who prepared the plan; and

(2) The proposed date by which the laboratory will correct the deficiency.

8. If, after reviewing the plan submitted pursuant to subsection 7, the Division determines that the plan is insufficient to correct the deficiency, the Division shall notify the laboratory of that fact in writing. Upon receipt of the written notice, the laboratory shall, not more than 30 days after receiving the notice, submit a revised plan to the Division. If, after reviewing the revised plan, the Division determines that the revised plan is insufficient to correct the deficiency, or if the Division conducts an inspection of the laboratory and determines that the deficiency has not been corrected, the Division shall deny the laboratory's application for certification or revoke its certification.

(Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0642 Grounds for denial of application for certification, or revocation, suspension or limitation of certification. ([NRS 445A.425](#), [445A.428](#))

1. The Division may deny an application for certification of a laboratory or revoke, suspend or limit the certification of a certified laboratory if the laboratory:

(a) Makes a false statement in:

(1) An application for certification;

(2) A report concerning the analysis of an environmental sample; or

(3) Any other document relating to certification in violation of the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive;

(b) Falsifies any results of laboratory testing or misrepresents any information obtained from laboratory testing in violation of the provisions of [NAC 445A.0626](#) or [445A.0654](#);

(c) Fails to maintain the facilities or equipment of the laboratory in accordance with the quality manual or quality system of the laboratory;

(d) Fails to participate satisfactorily in a proficiency testing program, if the program is available, in violation of the provisions of [NAC 445A.0634](#);

(e) Falsely claims certification for a method of testing or an analyte for which the laboratory is not certified in violation of the provisions of [NAC 445A.0654](#);

(f) Fails to prepare a plan of correction or to correct any deficiency specified by the Division within the period specified in the plan in violation of the provisions of [NAC 445A.0638](#);

(g) Fails to pay any fees or expenses of the Division in violation of the provisions of [NAC 445A.066](#);

(h) Fails to notify the Division of any changes specified in [NAC 445A.0652](#);

(i) Authorizes a person who is not qualified to perform an analysis in violation of the provisions of [NAC 445A.0626](#);

(j) Communicates with or receives a communication concerning the results of a proficiency test sample from a laboratory on or before the date established for submitting the results of that sample to the provider of the sample pursuant to the provisions of [NAC 445A.0634](#);

(k) Knowingly receives a proficiency test sample from a laboratory or provides a proficiency test sample to a laboratory on or before the date specified in paragraph (j);

(l) Prohibits an employee of the Division from conducting an inspection of the laboratory in violation of the provisions of [NAC 445A.0638](#);

(m) Fails to provide to the Division any information required by the Division to determine whether a laboratory is operated in compliance with the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive;

(n) Misrepresents any material fact to obtain or maintain certification pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive;

(o) Engages in any activity that is a ground for the denial of an application for certification or for the suspension or revocation of the certification of a laboratory set forth in section 4.1.4(d) or 4.4 of the Standards; or

(p) Knowingly employs, directly or indirectly, a person who has violated a provision of [NRS 445A.300](#) to [445A.730](#), inclusive, or [NAC 445A.0552](#) to [445A.067](#), inclusive.

2. In determining whether to deny an application for certification or to revoke, suspend or limit the certification of a laboratory pursuant to this section, the Division shall consider:

(a) The gravity of the violation;

(b) The harm to the health and safety of the members of the general public;

(c) The intent of the person who committed the violation;

(d) The extent of the violation; and

(e) Any proposed correction of the violation.

3. As used in this section, “quality system” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards.

(Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0644 Reapplication after denial of application or revocation of certification. ([NRS 445A.425](#), [445A.428](#)) If the Division denies an application for certification submitted by a laboratory or revokes the certification of a certified laboratory, the laboratory may, after the period specified in section 4.4 of the Standards expires, reapply for certification in the manner prescribed in [NAC 445A.0632](#).

(Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000)

NAC 445A.0646 Renewal of certification. ([NRS 445A.425](#), [445A.428](#))

1. The Division may renew the certificate of a certified laboratory if:

(a) The laboratory pays the applicable fee to renew the certificate;

(b) The laboratory submits a statement on a form approved by the Division indicating that it is in compliance with the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive, concerning each category of testing, method of testing and analyte for which it is certified;

(c) The laboratory submits a report to the Division indicating that it has received satisfactory proficiency test results for each category of testing and analyte for which it is certified; and

(d) The Division determines that the laboratory is in compliance with the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive.

2. A certificate issued to a laboratory pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive, expires on July 31 of each year. If the certificate of a certified laboratory expires, the laboratory may apply for certification in the manner prescribed in [NAC 445A.0632](#).

3. The Division shall make available to each certified laboratory a notice for the renewal of the certificate and a form to provide a statement of compliance specified in paragraph (b) of subsection 1.

4. Each certified laboratory shall maintain any record specified in section 4.3.3 of the Standards in accordance with the provisions of that section.

(Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0648 Display of certificate; conditions for surrender of certificate; issuance of document. ([NRS 445A.425](#), [445A.428](#))

1. The director of the laboratory shall display the certificate issued by the Division in a conspicuous place in the laboratory to which the members of the general public have access.
2. The certificate is the property of the Division and must be surrendered to the Division if:
 - (a) The Division revokes the certificate;
 - (b) The laboratory for which the certificate is issued ceases to conduct analyses of water for which a certificate is required; or
 - (c) The Division ceases to be an accrediting authority approved by the Environmental Protection Agency. As used in this paragraph, “accrediting authority” has the meaning ascribed to it in Appendix A of chapter 1 of the Standards.
3. In addition to issuing a certificate to each certified laboratory, the Division shall provide to each certified laboratory a document which indicates each category of testing an analyte for which the laboratory is certified. If, after the Division provides the document to the laboratory, the Division certifies the laboratory for an additional analyte or the Division revokes, suspends or limits the certification of the laboratory for a category of testing or analyte, the Division shall revise the document to include the additional analyte for which the laboratory is certified or the category of testing or analyte that is revoked, suspended or limited by the Division.
(Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

NAC 445A.0652 Notification of Division of certain changes concerning certified laboratory.

([NRS 445A.425](#), [445A.428](#)) If, as determined by the Division, a change concerning a certified laboratory occurs that substantially affects the ability of the laboratory to perform any analysis for which the laboratory is certified, the director of the laboratory shall, not more than 30 days after the change occurs, notify the Division of the change in writing. For the purposes of this section, a change includes, without limitation, a change in the name, ownership, location or personnel of a laboratory or any other change specified in sections 4.1.8 and 4.3.2 of the Standards. (Added to NAC by Environmental Comm’n by R070-99, eff. 5-26-2000)

NAC 445A.0654 Contractual agreements, records and reports. ([NRS 445A.425](#), [445A.428](#))

1. A certified laboratory shall ensure that each analysis it performs complies with the provisions of Appendix D of chapter 5 of the Standards.
2. A certified laboratory shall maintain any document or other information required by the provisions of section 4.3.3 of the Standards in accordance with the provisions of that section.
3. If a certified laboratory prepares a report of any test conducted pursuant to the provisions of this section, the report must be prepared in accordance with the provisions of section 5.13 of the Standards.
4. If a certified laboratory is not certified to conduct a test in a category of testing or to use a method of testing or test for an analyte pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive, the director of the laboratory may contract with a certified laboratory to perform that test if:
 - (a) Before entering into the contract, the director notifies in writing the person for whom the test will be conducted of his intent to enter into the contract; and
 - (b) The laboratory complies with the requirements specified in section 5.14 of the Standards.
5. If a certified laboratory contracts with another certified laboratory pursuant to the provisions of this section, the director of the certified laboratory shall ensure that the certified laboratory that will conduct the test is certified pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive. If the certified laboratory that offered the contract maintains any record of the contract or of any test conducted pursuant to the contract, it shall include in that record:
 - (a) Any report submitted by the certified laboratory that conducted the test concerning the results of the test; and
 - (b) The certification number of the certified laboratory that conducted the test.

6. If the certified laboratory that offered the contract prepares a report concerning the results of any test conducted pursuant to the contract, it shall specify in the report that the results of that test were obtained by contract pursuant to the provisions of this section.
 (Added to NAC by Environmental Comm'n by R070-99, eff. 5-26-2000; A by R061-04, 10-7-2004)

A3. MISCELLANEOUS PROVISIONS

NAC 445A.066 Fees for certification. ([NRS 445A.425](#), [445A.428](#))

1. Except as otherwise provided in subsection 2, a laboratory must submit an annual fee of \$500 with each application for certification.
2. A laboratory which only performs analysis for microbiology is not required to pay the fee provided pursuant to subsection 1.
3. In addition to the fee required pursuant to the provisions of subsections 1 and 4, a laboratory must submit an annual certification fee for each category of contaminant for which certification is requested. The categories of contaminants and annual fees are:

CATEGORY OF CONTAMINANT	ANNUAL FEE
Asbestos.....	\$400
Cyanide.....	250
Demands.....	350
Dioxin.....	545
Herbicides.....	545
Microbiology.....	400
Minerals.....	400
Nutrients.....	250
Oil and grease.....	250
Perchlorate.....	250
Pesticides.....	545
Phenolics.....	250
Polyaromatic hydrocarbons.....	545
Polychlorinated biphenyls in oil.....	545
Polychlorinated biphenyls in wastewater.....	545
Radiochemistry.....	545
Residual chlorine.....	125
Residue.....	350
Semivolatile organic chemistry.....	545
Synthetic Organic Compounds Group 1 (includes semivolatile organic chemistry, pesticides, herbicides and polyaromatic hydrocarbons).....	1,500
Toxicity bioassay.....	400
Trace metals.....	545
Volatile organic chemistry.....	545
Any other individual contaminant.....	200
Any other individual multicontaminant method.....	400

4. In addition to the fees required pursuant to the provisions of subsections 1 and 3, if a laboratory applies for certification for a contaminant in more than two of the approved methods of testing for that contaminant, the laboratory must submit a fee of \$200 for each additional approved method of testing.

5. If a laboratory applies for certification for additional contaminants after the laboratory has been issued a certification for an annual period of certification, the fee for certification for each additional contaminant is the fee provided for that contaminant pursuant to the provisions of subsection 3. The fee must be prorated pursuant to subsection 6 if the provisions of that subsection otherwise apply. If

the Division conducts an evaluation for certification at the laboratory, the laboratory must pay, at the rate provided for state officers and employees generally, the actual travel and per diem expenses of the Division. If the laboratory is located outside of this State, the expenses must be paid pursuant to the provisions of subsection 7.

6. The fees are effective for 12 months beginning on August 1 of each year. If an application for certification to test for an analyte is submitted during that period, the fees for that certification must be prorated using the following formula:

Fee X .083 X the number of months remaining in the period of certification.

For the purpose of prorating fees, an application for certification to test for an analyte shall be deemed to have been submitted at the beginning of a month regardless of the date of the application. The prorated fee must be rounded to the next highest dollar. The fee provided pursuant to the provisions of subsection 1 must not be prorated.

7. If an evaluation for certification of a laboratory that is located outside of this State is conducted, the laboratory must pay the actual travel and per diem expenses of the employee of the Division who conducts the evaluation.

8. The fee for certification to test for a specific analyte must be paid before a certificate for that analyte may be issued.

9. Any fee paid pursuant to the provisions of this section is nonrefundable.

(Added to NAC by Environmental Comm'n, eff. 9-13-91; A 10-3-96; R070-99, 5-26-2000; R061-04, 10-7-2004)

NAC 445A.0665 Acceptance of analyses conducted by laboratory located outside State. ([NRS 445A.425](#), [445A.428](#)) The Division shall accept data relating to the analysis of contaminants regulated pursuant to [NRS 445A.300](#) to [445A.730](#), inclusive, that are submitted from a laboratory located outside of this State if:

1. The laboratory has otherwise complied with the requirements set forth in [NAC 445A.0552](#) to [445A.0665](#), inclusive;
2. The:
 - (a) Laboratory is certified by the United States Environmental Protection Agency;
 - (b) Division determines that the state where the laboratory is located:
 - (1) Has adopted a program for certifying laboratories for the analysis of water that is equivalent to the program for certifying those laboratories adopted by the Division; and
 - (2) Accepts the results of evaluations conducted pursuant to the program adopted by the Division; or
 - (c) Laboratory:
 - (1) Is located in a state that has established an agreement with this State concerning certification of laboratories by reciprocity; or
 - (2) Is certified pursuant to the National Environmental Laboratory Accreditation Program; and
3. The laboratory submits to the Division a copy of an acceptable report relating to the most recent evaluation conducted at the laboratory by:
 - (a) The state where the laboratory is certified;
 - (b) An independent organization that is approved by the Division to certify laboratories for the analysis of water; or
 - (c) The United States Environmental Protection Agency.

→ The evaluation to which the report relates must be conducted within the 2 years immediately preceding the date of the application of the laboratory for certification.

(Added to NAC by Environmental Comm'n, eff. 9-13-91; A 10-3-96; 10-29-97; A by R070-99, 5-26-2000; R061-04, 10-7-2004)

NAC 445A.067 Review by Commission of publications adopted by reference. ([NRS 445A.425](#), [445A.428](#)) If any publication adopted by reference pursuant to the provisions of [NAC 445A.0552](#) to Appendix A, Final QA Program Plan for the NBP, January 31, 2013

[445A.067](#), inclusive, is revised, the Commission may review the revision to determine its suitability for this State. If the Commission determines that the revision is not suitable for this State, it will hold a public hearing to review its determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the Commission does not revise its determination, the Commission will give notice that the revision is not suitable for this State within 30 days after the hearing. If the Commission does not give such notice, the revision becomes part of the publication adopted by reference pursuant to the provisions of [NAC 445A.0552](#) to [445A.067](#), inclusive. (Added to NAC by Environmental Comm'n, eff. 10-3-96; A by R070-99, 5-26-2000; R061-04, 10-7-2004)

A4. CERTIFICATION OF LABORATORIES TO ANALYZE DRINKING WATER

NAC 445A.542 Definitions. ([NRS 445A.860](#), [445A.863](#)) As used in [NAC 445A.542](#) to [445A.54296](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 445A.5421](#) to [445A.5425](#), inclusive, have the meanings ascribed to them in those sections. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.5421 “Accuracy” defined. ([NRS 445A.860](#), [445A.863](#)) “Accuracy” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54212 “Analyst” defined. ([NRS 445A.860](#), [445A.863](#)) “Analyst” means a chemist, microbiologist, physicist or technician who:

1. Is qualified to conduct analyses of environmental samples pursuant to the provisions of the Manual specified in subsection 6 of [NAC 445A.54254](#); and
2. Performs those tests or assists in performing those tests with other qualified employees of a certified laboratory.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54214 “Analyte” defined. ([NRS 445A.860](#), [445A.863](#)) “Analyte” means any compound, element, radical, isotope, contaminant organism, species or other substance for which an environmental sample is tested by a laboratory. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54216 “Approved method of testing” defined. ([NRS 445A.860](#), [445A.863](#)) “Approved method of testing” means a laboratory procedure specified in subsection 4 of [NAC 445A.54264](#) that is approved by the Environmental Protection Agency or the Bureau to test an environmental sample. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54218 “Board” defined. ([NRS 445A.860](#), [445A.863](#)) “Board” means the State Board of Health. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.5422 “Bureau” defined. ([NRS 445A.860](#), [445A.863](#)) “Bureau” means the Bureau of Licensure and Certification of the Health Division of the Department of Health and Human Services. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54222 “Certified laboratory” defined. ([NRS 445A.860](#), [445A.863](#)) “Certified laboratory” means a laboratory for which a certificate to conduct analyses of drinking water is issued pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54224 “Director” defined. ([NRS 445A.860](#), [445A.863](#)) “Director” means:

1. A person who is qualified to administer any technical or scientific operation of a certified laboratory and supervise the procedures for the testing and reporting of the results of tests pursuant to the provisions of the standards; or

2. A chemist, microbiologist or physicist who is qualified to engage in an activity specified in subsection 1 pursuant to the provisions of the manual specified in subsection 6 of [NAC 445A.54254](#).
(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54226 “Environmental sample” defined. ([NRS 445A.860](#), [445A.863](#)) “Environmental sample” means a sample of any substance obtained from any natural source or any source that may reasonably be expected to pollute or receive pollution from the atmosphere, supplies of drinking water, groundwater, surface water, soil, sediment or ecosystem biota of this State, including, without limitation:

1. Ambient air;
2. Emissions of air from point sources;
3. Drinking water;
4. Receiving waters;
5. Soil or sediment;
6. Effluents from industrial, municipal or residential sources;
7. Samples from facilities used to store or handle chemicals;
8. Facilities used to dispose of waste;
9. Runoff of surface water; and
10. Samples obtained from facilities used to handle or apply substances for the control of weeds or insects. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54228 “Federal Act” defined. ([NRS 445A.860](#), [445A.863](#)) “Federal Act” has the meaning ascribed to it in [NRS 445A.815](#). (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.5423 “National Environmental Laboratory Accreditation Conference” defined. ([NRS 445A.860](#), [445A.863](#)) “National Environmental Laboratory Accreditation Conference” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards.
(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54232 “Performance-based measurement system” defined. ([NRS 445A.860](#), [445A.863](#)) “Performance-based measurement system” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54234 “Point source” defined. ([NRS 445A.860](#), [445A.863](#)) “Point source” has the meaning ascribed to it in [NRS 445A.395](#). (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54236 “Precision” defined. ([NRS 445A.860](#), [445A.863](#)) “Precision” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54238 “Proficiency test sample” defined. ([NRS 445A.860](#), [445A.863](#)) “Proficiency test sample” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.5424 “Proficiency testing program” defined. ([NRS 445A.860](#), [445A.863](#)) “Proficiency testing program” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54242 “Quality control sample” defined. ([NRS 445A.860](#), [445A.863](#)) “Quality control sample” means an uncontaminated environmental sample that is spiked with a known analyte and provided to a laboratory for analysis to determine the performance of the laboratory in testing for the presence of that analyte by using a specified method of testing for the analyte. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54244 “Quality manual” defined. ([NRS 445A.860](#), [445A.863](#)) “Quality manual” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54246 “Sensitivity” defined. ([NRS 445A.860](#), [445A.863](#)) “Sensitivity” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54248 “Spike” defined. ([NRS 445A.860](#), [445A.863](#)) “Spike” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.5425 “Standards” defined. ([NRS 445A.860](#), [445A.863](#)) “Standards” means the Standards of the National Environmental Laboratory Accreditation Conference adopted by reference pursuant to the provisions of [NAC 445A.54252](#). (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54252 Adoption by reference of *National Environmental Laboratory Accreditation Conference-Constitution, Bylaws and Standards*. ([NRS 445A.860](#), [445A.863](#)) The Board hereby adopts by reference the *National Environmental Laboratory Accreditation Conference-Constitution, Bylaws and Standards*, EPA 600/R-98/151, in the form most recently published by the Environmental Protection Agency, unless the Board gives notice pursuant to the provisions of [NAC 445A.5426](#) that the most recent publication is not suitable for this State. The publication is available, free of charge, from the United States Environmental Protection Agency, Office of Research and Development, 401 M Street, S.W., Washington, D.C. 20460, or from the Environmental Protection Agency at the Internet address: http://www.epa.gov/esd/trc/publications/ntis_docs/reports/nelac/nelac.pdf. See also: <http://www.nelac-institute.org/>. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54254 Adoption by reference of certain publications related to sample collection procedures, analytical methodologies and requirements of certification. ([NRS 445A.860](#), [445A.863](#)) The Board hereby adopts by reference the following publications in the forms most recently published, unless the Board gives notice pursuant to the provisions of [NAC 445A.5426](#) that the most recent publication is not suitable for this State. The publications are available, unless otherwise specified in this section, by mail from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (800) 553-6847. The publications may also be obtained from the National Technical Information Service at the Internet address <http://www.ntis.gov/products/publications.aspx>. The publications are:

1. *Consensus Method for Determining Groundwaters under the Direct Influence of Surface Water Using Microscopic Particulate Analysis (MPA)*, EPA 910/9-92-029, Order Number PB93-180818, for the price of \$31.50.

2. *DBP/ICR Analytical Methods Manual*, EPA 814-B-96-002, Order Number PB96-157516, for the price of \$45.

3. *ICR Microbial Laboratory Manual*, April 1996, EPA 600/R-95/178, Order Number PB96-157557, for the price of \$63.

4. *ICR Sampling Manual*, April 1996, EPA 814-B-96-001, Order Number PB96-157508, for the price of \$45.

5. *Interim Radiochemical Methodology for Drinking Water*, EPA/600/4-75-008, Order Number PB253258, for the price of \$31.50.
6. *Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures, Quality Assurance*, 3rd edition, EPA 815-B-97-001, Order Number PB90-220500, for the price of \$36.50.
7. *Method 100.1 - Analytical Method for Determination of Asbestos Fibers in Water*, September 1983, EPA 600/4-83-043, Order Number PB83-260471, for the price of \$67.50.
8. *Method 100.2 - Determination of Asbestos Structures over 10 Micrometers in Length in Drinking Water*, June 1994, EPA/600/R-94/134, Order Number PB94-201902, for the price of \$28.50.
9. *Method 1613: Tetra-Through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS, Revision B*, October 1994, EPA 821-B-94-005, Order Number PB95-104774, for the price of \$34.
10. *Methods for Chemical Analysis of Water and Wastes*, EPA 600/4-79-020, Order Number PB84-128677, for the price of \$101.
11. *Methods for the Determination of Inorganic Substances in Environmental Samples*, August 1993, EPA/600/R-93-100, Order Number PB94-120821, for the price of \$45.
12. *Methods for the Determination of Metals in Environmental Samples*, EPA/600-4-91/010, Order Number PB91-231498, for the price of \$70.
13. *Methods for the Determination of Metals in Environmental Samples, Supplement I*, EPA/600/R-94/111, Order Number PB95-125472, for the price of \$63.
14. *Methods for the Determination of Nonconventional Pesticides in Municipal and Industrial Wastewater, Volume I, Revision 1*, August 1993, EPA-821-R-93-010-A, Order Number PB94-121654, for the price of \$133.
15. *Methods for the Determination of Organic Compounds in Drinking Water*, Revised July 1991, EPA/600/4-88/039, Order Number PB91-231480, for the price of \$77.50.
16. *Methods for the Determination of Organic Compounds in Drinking Water, Supplement 1*, EPA/600/4-90/020, Order Number PB91-146027, for the price of \$58.50.
17. *Methods for the Determination of Organic Compounds in Drinking Water, Supplement 2*, EPA/600/R-92/129, Order Number PB92-207703, for the price of \$63.
18. *Methods for the Determination of Organic Compounds in Drinking Water, Supplement 3*, EPA/600/R-95/131, Order Number PB95-261616, for the price of \$101.
19. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 4th edition, EPA/600/4-90/027F, Order Number PB94-114733, for the price of \$70.
20. *Prescribed Procedures for Measurement of Radioactivity in Drinking Water*, EPA 600/4-80-032, Order Number PB80-224744, for the price of \$41.
21. *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms*, 3rd edition, EPA/600/4-91/002, Order Number PB96-141452, for the price of \$60.
22. *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms*, 2nd edition, EPA/600/4-91-003, Order Number PB96-141445, for the price of \$77.
23. *Technical Notes on Drinking Water Methods*, EPA 600/R-94-173, Order Number PB95-104766, for the price of \$31.50.
24. *Test Methods for "Escherichia Coli" in Drinking Water: EC Medium with Mug Tube Procedure, Nutrient Agar with Mug Membrane Filter Procedure*, EPA/600/4-91/016, Order Number PB91-234591, for the price of \$15.
25. *US EPA Contract Laboratory Program - Statement of Work for Organics Analysis - Multi-Media, Multi-Concentration, OLM01.0 (Includes Revisions OLM01.1 through OLM01.8)*, Order Number PB95-963508, for the price of \$86.50.
26. *US EPA Contract Laboratory Program - Statement of Work for Inorganics Analysis - Multi-Media, Multi-Concentration, ILM02.1*, Order Number PB95-963514, for the price of \$70.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54256 Adoption by reference of certain publications related to methods of testing for certain contaminants. ([NRS 445A.860](#), [445A.863](#)) The Board hereby adopts by reference the following publications in the forms most recently published, unless the Board gives notice pursuant to the provisions of [NAC 445A.5426](#) that the most recent publication is not suitable for this State. The publications are available, unless otherwise specified in this section, by mail from the Superintendent of Documents, United States Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, or by telephone at (202) 512-1800. The publications are:

1. *Method 1600-Membrane Filter Test Method for Enterococci in Water*, May 1997, EPA-821-R-97-004, which is available, free of charge, from the United States Environmental Protection Agency, National Center for Environmental Publications and Information, 11029 Kenwood Road, Building 5, Cincinnati, Ohio 45242.

2. *Method 1664, Revision A: N-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM; Non-Polar Material) by Extraction and Gravimetry*, February 1999, EPA-821-R-98-002. The publication is available, free of charge, from the Environmental Protection Agency at the Internet address <http://www.epa.gov/waterscience/methods/1664f051.html>.

3. *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846*, 3rd edition, and Updates I, II, IIA, IIB, III and IIIA, Publication Number 955-001-00000-1, for the price of \$367. The publication is also available, free of charge, from the United States Government Printing Office at <http://www.epa.gov/epaoswer/hazwaste/test/main.htm>.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54258 Adoption of certain ASTM standards and other publications related to calibration and testing laboratories, and examination of water and wastewater. ([NRS 445A.860](#), [445A.863](#)) The Board hereby adopts by reference the following publications in the forms most recently published unless the Environmental Protection Agency fails to publish notice of its approval of the publication in the Federal Register or the Board gives notice pursuant to the provisions of [NAC 445A.5426](#) that the most recent publication is not suitable for this State:

1. *Annual Book of ASTM Standards, Section 5, Petroleum Products, Lubricants, and Fossil Fuels*, which is available from the American Society For Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, for the price of \$657.

2. *Annual Book of ASTM Standards, Section 11, Water and Environmental Technology*, which is available from the American Society For Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, for the price of \$686.

3. *ISO/IEC Guide 25, General Requirements for the Competence of Calibration and Testing Laboratories*, 1990, which is available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado 80112, for the price of \$76.

4. *Standard Methods for the Examination of Water and Wastewater*, Order Number 10079, which is available from the American Water Works Association, Customer Service, 6666 West Quincy Avenue, Denver, Colorado 80235, for the price of \$155 for members and \$200 for nonmembers.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.5426 Review by Board of publications adopted by reference. ([NRS 445A.860](#), [445A.863](#)) If any publication adopted by reference pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive, is revised, the Board may review the revision to determine its suitability for this State. If the Board determines that the revision is not suitable for this State, it will hold a public hearing to review its determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the Board does not revise its determination, the Board will give notice that the revision is not suitable for this State within 30 days after the hearing. If the Board does not give the notice, the revision becomes part of the publication adopted by reference

pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54262 Interpretation of provisions; resolution of conflicting requirements. ([NRS 445A.860](#), [445A.863](#))

1. The provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive, must not be interpreted to circumvent any of those provisions to make them less effective. If more than one interpretation exists for any of those provisions, the more restrictive interpretation applies.

2. If any provision of a publication adopted by reference pursuant to the provisions of [NAC 445A.54254](#), [445A.54256](#) or [445A.54258](#) conflicts with any provision of [NAC 445A.542](#) to [445A.54296](#), inclusive, or with the standards, the provision set forth in [NAC 445A.542](#) to [445A.54296](#), inclusive, or the standards applies.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54264 Scope of certification. ([NRS 445A.860](#), [445A.863](#))

1. Laboratory testing is the category of testing specified in Figure 1-3 of the standards for which a laboratory may obtain certification pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive.

2. The scientific disciplines within the category of testing specified in subsection 1 for which a laboratory may obtain certification are:

- (a) Chemistry;
- (b) Microbiology; and
- (c) Radiochemistry.

3. A laboratory may obtain certification pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive, for any program relating to the analysis of drinking water approved by the Environmental Protection Agency pursuant to the Federal Act.

4. Except as otherwise provided in subsection 5, the approved methods of testing for which a laboratory may obtain certification are set forth in:

(a) 40 C.F.R. §§ 141.21(f), 141.23(k)(1), 141.24(e), 141.25(a) and (b), 141.40(n)(11), 141.74(a), 141.142(b), 141.143(b) and 143.4(b); and

(b) The publications adopted by reference pursuant to the provisions of subsections 1 to 13, inclusive, 15 to 18, inclusive, 20, 23 and 24 of [NAC 445A.54254](#) and subsections 1, 2 and 4 of [NAC 445A.54258](#).

5. A laboratory may obtain certification to use a performance-based measurement system or any other alternative method of testing if the Environmental Protection Agency indicates in the Federal Register that the method of testing is equivalent to an approved method of testing and the laboratory:

(a) Complies with the provisions of subsection 5 of [NAC 445A.54268](#); and

(b) Provides proof and evaluates the performance-based measurement system or any other alternative method of testing in accordance with the provisions of:

- (1) Appendix E of chapter 5 of the Standards; and
- (2) 40 C.F.R. § 141.27.

6. To be certified to conduct an analysis of an analyte using an approved method of testing specified in subsection 4, the analyte must be listed by the Bureau in the approved method of testing pursuant to that subsection.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54266 Categories of analytes for which laboratory may be certified. ([NRS 445A.860](#), [445A.863](#)) For the purposes of charging and collecting fees and conducting performance evaluations pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive, the Bureau shall classify each analyte for which a laboratory may be certified into the following categories:

- 1. Primary inorganic contaminants;
- 2. Secondary inorganic contaminants;

3. Regulated and unregulated volatile organic contaminants, including, without limitation, vinyl chloride and trihalomethanes;
4. Regulated and unregulated synthetic organic contaminants;
5. Radiochemical contaminants;
6. Individual primary or secondary inorganic contaminants; or
7. Microbiological contaminants.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54268 Requirements for certification in certain areas. ([NRS 445A.860](#), [445A.863](#))

1. To be certified to conduct laboratory testing, a laboratory must comply with the requirements set forth in sections 1.8.3, 4.1.1, 5.0, 5.1 and 5.4 to 5.16, inclusive, of the Standards.

2. To be certified in:

(a) Chemistry, a laboratory must comply with the requirements set forth in section 1.8.5 and Appendix D.1 of chapter 5 of the Standards;

(b) Microbiology, a laboratory must comply with the requirements set forth in section 1.8.7 and Appendix D.3 of chapter 5 of the Standards; or

(c) Radiochemistry, a laboratory must comply with the requirements set forth in section 1.8.8 and Appendix D.4 of chapter 5 of the Standards.

3. To be certified pursuant to the program specified in subsection 3 of [NAC 445A.54264](#), a laboratory must comply with the provisions concerning method detection limits, sample containers, holding times, proficiency testing and quality assurance set forth in 40 C.F.R. §§ 141.21(c), 141.21(f), 141.23(k), 141.24(e), 141.24(f)(17), 141.24(f)(20), 141.24(h)(13), 141.24(h)(19), 141.25, 141.30(e), 141.40(g), 141.40(n)(11), 141.40(n)(12), 141.74(a) and 141.89.

4. To be certified for an approved method of testing, a laboratory must comply with the requirements for using that approved method of testing specified in subsection 4 of [NAC 445A.54264](#) and the Standards. If a conflict occurs between a provision specified in that subsection and the Standards concerning an approved method of testing, the Standards apply. If a manufacturer provides instructions for maintaining any equipment used for testing or for ensuring the performance of any test or demonstrating the performance of any system of measurement, the laboratory shall comply with those instructions. If a conflict occurs between a provision of those instructions and a provision specified in subsection 4 of [NAC 445A.54264](#) or the Standards, the provisions specified in that subsection or the Standards apply.

5. If a laboratory intends to use a performance-based measurement system or any other alternative method of testing, the laboratory shall, before the Bureau conducts an inspection of the laboratory pursuant to the provisions of [NAC 445A.5428](#), submit to the Bureau a written statement setting forth the performance-based measurement system or other alternative method of testing it intends to use. The Bureau may approve the performance-based measurement system or alternative method of testing if, as determined by the Bureau:

(a) The system or method is equivalent to or exceeds the approved method of testing for accuracy, precision, completeness and comparability relating to determining compliance with the regulatory concentration levels or system conditions;

(b) An approved method of testing is not available for use by the laboratory to determine the presence of an analyte for which the laboratory requests certification pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive; or

(c) The laboratory obtains approval for the system or method from the Environmental Protection Agency.

6. To be certified to test for a specific analyte using an approved method of testing, a laboratory must comply with the requirements established by the Bureau for the approved method of testing and the Standards for initial and continuing calibrations of test equipment and demonstrations by analysts of precision, accuracy, sensitivity and low system background for each analyte. If a conflict occurs between the requirements established by the Bureau and the Standards, the Standards apply.

7. As used in this section:

(a) "Holding times" has the meaning ascribed to it in Appendix B of chapter 5 of the Standards.

- (b) “Low system background” means an analysis of a method blank that does not yield contamination at a concentration that is greater than the method detection limit.
- (c) “Method blank” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards.
- (d) “Method detection limit” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards.
- (e) “Quality assurance” has the meaning ascribed to it in Appendix B of the Standards.
(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.5427 Certification by Bureau or pursuant to National Environmental Laboratory Accreditation Program. ([NRS 445A.860](#), [445A.863](#))

1. A laboratory may apply for certification by the Bureau or certification pursuant to the National Environmental Laboratory Accreditation Program.
2. To obtain certification by the Bureau, a laboratory must comply with the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive.
3. A laboratory that is certified by the Bureau may provide analytical data for an environmental sample originating in this State for each analyte for which the laboratory is certified.
4. To obtain certification pursuant to the National Environmental Laboratory Accreditation Program, a laboratory must:
 - (a) Comply with the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive;
 - (b) Before obtaining certification pursuant to the program and every 2 years after obtaining the certification, submit to an assessment of the laboratory conducted at the laboratory under the direction of a person who is approved pursuant to the National Environmental Laboratory Accreditation Program; and
 - (c) Specify in its application for certification at least one approved method of testing and analyte pursuant to the provisions of subsections 4 and 6 of [NAC 445A.54264](#).
5. As used in this section, “National Environmental Laboratory Accreditation Program” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards.
(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54272 Application for certification. ([NRS 445A.860](#), [445A.863](#))

1. To apply for certification pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive, the director of the laboratory for which certification is requested must submit an application to the Bureau on a form approved by the Bureau. The application must be accompanied by the fees prescribed in [NAC 445A.54296](#) and include the information specified in sections 4.1.7 and 4.1.9 of the Standards.
2. The provisions of this section do not require an application and certificate for each building or other portion of a certified laboratory that:
 - (a) Is operated by the same management, quality manual and quality assurance officer as the certified laboratory;
 - (b) Uses only methods for which the laboratory is certified;
 - (c) Does not issue reports directly but forwards data to the certified laboratory for reporting purposes; and
 - (d) The Bureau determines is used to analyze the same environmental samples as the certified laboratory.

➔ As used in this subsection, “quality assurance officer” means the quality assurance officer specified in section 5.4.2 of the Standards.
3. The Bureau shall not consider an application for certification submitted pursuant to this section to be complete unless:
 - (a) The laboratory specifies in the application the approved methods of testing in accordance with the provisions of [NAC 445A.54264](#);
 - (b) The laboratory satisfactorily analyzes proficiency test samples in accordance with the provisions of [NAC 445A.54276](#);

(c) The laboratory adopts a quality manual and submits the manual to the Bureau pursuant to the provisions of [NAC 445A.54278](#);

(d) The Bureau conducts an inspection of the laboratory for the approved methods of testing and analytes for which the laboratory requests certification pursuant to the provisions of [NAC 445A.5428](#), except that an inspection is not required pursuant to this paragraph if the laboratory has complied with the provisions of [NAC 445A.54274](#);

(e) If the report of an inspection of the laboratory conducted by the Bureau includes any deficiency that must be corrected, the laboratory submits to the Bureau a written plan to correct the deficiency in accordance with the provisions of subsection 7 of [NAC 445A.5428](#);

(f) The director of the laboratory is qualified for that position pursuant to the provisions of the manual specified in subsection 6 of [NAC 445A.54254](#); and

(g) The applicable fees prescribed in [NAC 445A.54296](#) have been paid.

4. An application for certification shall be deemed withdrawn by the applicant if it is not completed pursuant to the provisions of this section within 1 year after the Bureau receives the application. The Bureau may extend the period in which an application must be completed pursuant to this subsection if the applicant submits to the Bureau a written request for an extension setting forth the reasons for the request.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54274 Acceptance of analysis conducted by laboratory located outside State. ([NRS 445A.860](#), [445A.863](#)) The Bureau shall accept data relating to the analysis of contaminants regulated pursuant to the provisions of the Federal Act that are submitted from a laboratory located outside this State if:

1. The laboratory has otherwise complied with the requirements set forth in [NAC 445A.542](#) to [445A.54296](#), inclusive;

2. The laboratory is certified by:

(a) The state where it is located or, if the state where the laboratory is located does not have a program for certifying laboratories for the analysis of drinking water, by any other state that provides those certifications; or

(b) The Environmental Protection Agency;

3. The Bureau determines that the state where the laboratory is located:

(a) Has adopted a program for certifying laboratories for the analysis of drinking water that is equivalent to the program for certifying those laboratories adopted by this State; and

(b) Accepts the results of laboratories certified in this State; and

4. The laboratory submits to the Bureau a copy of an acceptable report relating to the most recent evaluation conducted at the laboratory by:

(a) The state where the laboratory is certified;

(b) An independent organization that is approved by the Bureau to certify laboratories for the analysis of drinking water; or

(c) The Environmental Protection Agency.

↪ The evaluation to which the report relates must be conducted within the 2 years immediately preceding the date of the application for certification of the laboratory.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54276 Participation in proficiency testing program. ([NRS 445A.860](#), [445A.863](#))

1. Each laboratory for which an application for certification is submitted and each certified laboratory must participate in a proficiency testing program. The laboratory must:

(a) Obtain single-blind proficiency test samples from a provider approved by the National Institute of Standards and Technology;

(b) Analyze the proficiency test samples, if available, for each category of certification and analyte that is included in the program; and

(c) Report the results of the analysis to the provider specified in paragraph (a).

↪ If the laboratory is a certified laboratory and if a test will be conducted for each category of certification and analyte for which the laboratory is certified, the certified laboratory must analyze a proficiency test sample pursuant to the program not less than once every 6 months.

2. Each laboratory specified in subsection 1 shall pay the costs of subscribing to a program specified in that subsection.

3. Each laboratory specified in subsection 1 must satisfactorily analyze each analyte that is included in the program specified in subsection 3 of [NAC 445A.54264](#) on two of the most recent three rounds of testing. Each laboratory shall, before obtaining a proficiency test sample pursuant to paragraph (a) of subsection 1, authorize the provider of the proficiency test sample to submit to the Bureau the results of any test taken pursuant to the provisions of this section. If the laboratory fails to provide that authorization, the Bureau may refuse to consider the results of any test taken pursuant to those provisions.

4. The Bureau shall consider the results of any test taken pursuant to this section to be satisfactory if the results are within the limits of acceptance established by the provider of the proficiency test samples in accordance with the provisions of Appendix C of chapter 2 of the Standards.

5. If the Bureau determines that the results of a test are satisfactory, the laboratory may be certified to use any approved method of testing for each analyte that is satisfactorily analyzed by the laboratory if, as determined by the Bureau, data sufficient to validate the use of that method of testing on an annual basis are available. If such data are not available, the Bureau shall deny or revoke the certification for that method of testing. As used in this paragraph, “data sufficient to validate” means performance of an initial demonstration of capability as defined in section 7.2.8 of the manual specified in subsection 6 of [NAC 445A.54254](#).

6. If a certified laboratory fails:

(a) Two rounds of testing pursuant to subsection 3, the Bureau shall suspend the certification of that laboratory for each analyte the laboratory failed to analyze during those rounds; or

(b) Three rounds of testing pursuant to subsection 3, the Bureau shall revoke the certification of that laboratory for each analyte the laboratory failed to analyze during those rounds.

7. If the Bureau suspends the certification of a certified laboratory pursuant to subsection 6 because the laboratory failed two nonconsecutive rounds of testing, the Bureau shall reinstate the certification of that laboratory for the method of testing and analyte for which the certification was suspended if the certified laboratory satisfactorily analyzes the analyte in a proficiency test sample that is approved by the Bureau.

8. If the Bureau suspends the certification of a certified laboratory pursuant to subsection 6 because the laboratory failed to analyze an analyte on two consecutive rounds of testing, the laboratory must satisfactorily analyze the analyte during each of two consecutive rounds of testing conducted after the Bureau suspends the certification.

9. If the Bureau revokes the certification of a certified laboratory pursuant to subsection 6, the laboratory must:

(a) Analyze satisfactorily the analyte for which the certification was revoked during each of two consecutive rounds of testing conducted after the Bureau revoked the certification; and

(b) Reapply for certification and pay the applicable fees pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive.

↪ If a certified laboratory complies with the provisions of this subsection and is otherwise qualified for certification pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive, the Bureau shall reinstate the certification of the laboratory for each method of testing and analyte for which the laboratory was certified.

10. Each certified laboratory must comply with the requirements concerning enrollment, testing, conduct and participation in the program specified in subsection 1 pursuant to the provisions of sections 2.4, 2.5 and 2.7 of the Standards.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54278 Adoption of quality manual by laboratory; contents. ([NRS 445A.860](#), [445A.863](#))

1. Each laboratory that applies for certification pursuant to [NAC 445A.542](#) to [445A.54296](#), inclusive, shall adopt a quality manual and comply with the provisions of that manual. The director of the laboratory shall submit the manual to the Bureau before the Bureau conducts an inspection of the laboratory.

2. Each quality manual specified in subsection 1 must be adopted in accordance with the provisions of section 5.5 of the standards and include, without limitation:

(a) A statement setting forth the requirements of the laboratory for sensitivity, precision and accuracy for each method of testing or analyte for which the laboratory requests certification; and

(b) The policy of the laboratory concerning any unauthorized use of data or fraudulent activity that occurs at the laboratory.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.5428 Inspection of laboratory by Bureau. ([NRS 445A.860](#), [445A.863](#))

1. The Bureau shall conduct an inspection of the premises and operation of each certified laboratory or laboratory for which an application for certification is submitted pursuant to the provisions of [NAC 445A.54272](#). An inspection conducted pursuant to this section must be conducted in accordance with the provisions of sections 3.4 to 3.7, inclusive, of the Standards. If a certified laboratory conducts analyses of drinking water, the laboratory must be inspected in accordance with the manual specified in subsection 6 of [NAC 445A.54254](#). A certified laboratory shall analyze a control sample for each method of testing and analyte for which it is certified:

(a) At least once every 12 months; and

(b) Each time a new calibration curve is generated.

2. The Bureau shall conduct an inspection specified in subsection 1:

(a) Not less than once every 2 years, if the laboratory is a certified laboratory; or

(b) If the laboratory submits an application for certification pursuant to the provisions of [NAC 445A.54272](#), not more than 30 days after the Bureau determines that the laboratory has complied with the provisions of paragraphs (a), (b) and (c) of subsection 3 of that section.

3. The Bureau may conduct an inspection of a laboratory more than once every 2 years pursuant to this section if:

(a) The Bureau receives a complaint concerning the quality of the laboratory from a member of the general public or any public agency;

(b) The Bureau has reasonable cause to believe the laboratory is engaging in fraudulent activity;

(c) The Bureau identifies deficiencies in the operation of the laboratory after conducting an inspection of the laboratory pursuant to this section;

(d) The laboratory notifies the Bureau pursuant to [NAC 445A.5429](#) of any changes specified in that section; or

(e) Any circumstance specified in section 3.3 of the Standards occurs.

4. An inspection conducted pursuant to the provisions of this section may include, without limitation:

(a) Requiring the laboratory to conduct an analysis of a proficiency test sample; and

(b) Photocopying, photographing or videotaping:

(1) Any part of the laboratory that is used for analyzing samples of drinking water;

(2) Any equipment, activity, environmental sample, records or results of any test relating to the analysis of regulated samples of drinking water;

(3) Any data concerning the control of the quality of any analysis relating to samples of drinking water conducted by the laboratory; and

(4) Any other information required by the Bureau to ensure compliance with the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive.

5. Except as otherwise provided in this subsection, the Bureau shall announce each inspection conducted pursuant to the provisions of this section. The Bureau may conduct an unannounced inspection of a laboratory if the Bureau determines that such an inspection is required to ensure compliance by the laboratory with the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive. In determining whether to conduct an unannounced inspection, the Bureau shall consider:

- (a) The laboratory's record of compliance with the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive;
- (b) The results of any proficiency test taken by the laboratory;
- (c) The performance of any analyst or other employee of the laboratory in conducting an analysis of an environmental sample pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive;
- (d) Any complaints concerning the laboratory that the Bureau has received from members of the general public or any public agency; and
- (e) The performance of the laboratory in conducting analyses pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive.

6. If the Bureau conducts an inspection of a laboratory pursuant to the provisions of this section, the laboratory shall:

(a) Ensure that any record or other information which relates to compliance by the laboratory with the Federal Act or [NAC 445A.542](#) to [445A.54296](#), inclusive, and which is required by the Bureau to conduct the inspection is available for review, including, without limitation:

- (1) The quality manual adopted pursuant to the provisions of [NAC 445A.54278](#);
- (2) Any information concerning the methods of testing used by the laboratory;
- (3) Any data concerning the control of the quality of a regulated analysis conducted by the laboratory; and
- (4) Any information concerning any proficiency test taken by the laboratory; and

(b) Allow the Bureau to:

- (1) Examine any records of the laboratory concerning the operation or certification of the laboratory that relate to compliance by the laboratory with the Federal Act or [NAC 445A.542](#) to [445A.54296](#), inclusive;
- (2) Observe the operation, facilities and equipment of the laboratory that relate to compliance with the Federal Act or [NAC 445A.542](#) to [445A.54296](#), inclusive;
- (3) Interview any employee of the laboratory who performs duties relating to compliance by the laboratory with the Federal Act or [NAC 445A.542](#) to [445A.54296](#), inclusive; and
- (4) Engage in any activity which is necessary and appropriate for determining compliance by the laboratory with the Federal Act or [NAC 445A.542](#) to [445A.54296](#), inclusive, and which is required by the Bureau.

7. If the Bureau conducts an inspection of a laboratory, it shall, within 30 days after it conducts the inspection, provide to the laboratory a copy of the report of the inspection. The report must include any deficiency the Bureau discovers during its inspection of the laboratory. The laboratory shall prepare a plan to correct the deficiency specified in the report. The plan must:

- (a) Be submitted to the Bureau not more than 30 days after the laboratory receives the report from the Bureau;
- (b) Be submitted on a form approved by the Bureau; and
- (c) Include, without limitation:
 - (1) The signature of the person who prepared the plan; and
 - (2) The proposed date by which the laboratory will correct the deficiency.

8. If, after reviewing the plan submitted pursuant to subsection 7, the Bureau determines that the plan is insufficient to correct the deficiency, the Bureau shall notify the laboratory of that fact in writing. Upon receipt of the written notice, the laboratory shall, not more than 30 days after receiving the notice, submit a revised plan to the Bureau. If, after reviewing the revised plan, the Bureau determines that the revised plan is insufficient to correct the deficiency, or if the Bureau conducts an inspection of the laboratory and determines that the deficiency has not been corrected, the Bureau shall deny the laboratory's application for certification or revoke its certification.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54282 Grounds for denial of application for certification, or revocation, suspension or limitation of certification. ([NRS 445A.860](#), [445A.863](#))

1. The Bureau may deny an application for certification of a laboratory or revoke, suspend or limit the certification of a certified laboratory if the laboratory:

- (a) Makes a false statement in:
 - (1) An application for certification;
 - (2) A report concerning the analysis of an environmental sample; or
 - (3) Any other document relating to certification in violation of the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive;
- (b) Falsifies the results of any laboratory testing or misrepresents any information obtained from laboratory testing in violation of the provisions of [NAC 445A.54268](#) or [445A.54292](#);
- (c) Fails to maintain the facilities or equipment of the laboratory in accordance with the quality manual or quality system of the laboratory;
- (d) Fails to participate satisfactorily in a proficiency testing program, if the program is available, in violation of the provisions of [NAC 445A.54276](#);
- (e) Falsely claims certification for a method of testing or an analyte for which the laboratory is not certified in violation of the provisions of [NAC 445A.54292](#);
- (f) Fails to prepare a plan of correction or to correct any deficiency specified by the Bureau within the period specified in the plan in violation of the provisions of [NAC 445A.5428](#);
- (g) Fails to pay any fees or expenses of the Bureau in violation of the provisions of [NAC 445A.54296](#);
- (h) Fails to notify the Bureau of any changes specified in [NAC 445A.5429](#);
- (i) Authorizes a person who is not qualified to perform an analysis in violation of the provisions of [NAC 445A.54268](#);
- (j) Communicates with or receives a communication concerning the results of a proficiency test sample from a laboratory on or before the date established for submitting the results of that sample to the provider of the sample pursuant to the provisions of [NAC 445A.54276](#);
- (k) Knowingly receives a proficiency test sample from a laboratory or provides a proficiency test sample to a laboratory on or before the date specified in paragraph (j);
- (l) Prohibits an employee of the Bureau from conducting an inspection of the laboratory in violation of the provisions of [NAC 445A.5428](#);
- (m) Fails to provide to the Bureau any information required by the Bureau to determine whether the laboratory is operated in compliance with the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive;
- (n) Misrepresents any material fact to obtain or maintain certification pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive; or
- (o) Engages in any activity that is a ground for the denial of an application for certification or for the suspension or revocation of the certification of a laboratory set forth in section 4.4 of the Standards.

2. In determining whether to deny an application for certification or to revoke, suspend or limit the certification of a laboratory pursuant to this section, the Bureau shall consider:

- (a) The gravity of the violation;
- (b) The harm to the health and safety of the members of the general public;
- (c) The intent of the person who committed the violation;
- (d) The extent of the violation; and
- (e) Any proposed correction of the violation.

3. As used in this section:

- (a) "Protocol" has the meaning ascribed to it in Appendix B of chapter 5 of the Standards.
 - (b) "Quality system" has the meaning ascribed to it in Appendix B of chapter 5 of the Standards.
- (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54284 Reapplication after denial of application or revocation of certification. ([NRS 445A.860](#), [445A.863](#)) If the Bureau denies an application for certification of a laboratory or revokes the certification of a certified laboratory, the laboratory may, after the period specified in section 4.4 of the Standards has expired, reapply for certification in the manner prescribed in [NAC 445A.54272](#).

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54286 Renewal of certification. ([NRS 445A.860](#), [445A.863](#))

1. The Bureau may renew the certificate of a certified laboratory if:
 - (a) The laboratory pays the applicable fee to renew the certificate;
 - (b) The laboratory submits a statement on a form approved by the Bureau indicating that it is in compliance with the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive, concerning each category of testing, method of testing and analyte for which it is certified;
 - (c) The laboratory submits a report to the Bureau indicating that it has received satisfactory proficiency test results for each category of testing and analyte for which it is certified; and
 - (d) The Bureau determines that the laboratory is in compliance with the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive.
2. A certificate issued to a laboratory pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive, expires on July 31 of each year. If the certificate of a certified laboratory expires, the laboratory may reapply for certification in the manner prescribed in [NAC 445A.54272](#).
3. Not later than July 1 of each year, the Bureau shall mail to each certified laboratory a notice for the renewal of the certificate and a form to provide a statement of compliance specified in paragraph (b) of subsection 1.
(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54288 Display and contents of certificate. ([NRS 445A.860](#), [445A.863](#))

1. The director of the laboratory shall display the certificate issued by the Bureau in a conspicuous place in the laboratory to which the members of the general public have access.
 2. A certificate:
 - (a) Must include a statement indicating each category of testing and analyte for which the laboratory is certified; and
 - (b) Is the property of the Bureau and must be surrendered to the Bureau if:
 - (1) The Bureau revokes the certificate;
 - (2) The laboratory for which the certificate is issued ceases to conduct analyses of drinking water for which a certificate is required; or
 - (3) The Bureau ceases to be an accrediting authority approved by the Environmental Protection Agency. As used in this subparagraph, “accrediting authority” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards.
- (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.5429 Notification of Bureau of certain changes concerning certified laboratory.

([NRS 445A.860](#), [445A.863](#)) If, as determined by the Bureau, a change concerning a certified laboratory occurs which substantially affects the ability of the laboratory to perform any analysis for which the laboratory is certified, the director of the laboratory shall, not more than 30 days after the change occurs, notify the Bureau of that change in writing. For the purposes of this section, a change includes, without limitation, a change in the name, ownership, location or personnel of a laboratory or any other change specified in sections 4.1.8 and 4.3.2 of the Standards. (Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54292 Contractual agreements, records and reports. ([NRS 445A.860](#), [445A.863](#))

1. A certified laboratory shall ensure that each analysis it performs complies with the provisions of Appendix D of chapter 5 of the Standards.
2. A certified laboratory shall maintain any document or other information required by the provisions of section 4.3.3 of the Standards in accordance with the provisions of that section.
3. If a certified laboratory prepares a report of any test conducted pursuant to the provisions of this section, the report must be prepared in accordance with the provisions of section 5.13 of the Standards.
4. If a certified laboratory is not certified to conduct a test in a category of testing or to use a method of testing or test for an analyte pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive, the director of the laboratory may contract with a certified laboratory to perform that test if:

(a) Before entering into the contract, the director notifies in writing the person for whom the test will be conducted of his intent to enter into the contract; and

(b) The laboratory complies with [NAC 445A.542](#) to [445A.54296](#), inclusive, or the requirements specified in section 5.14 of the Standards.

5. If a certified laboratory contracts with another certified laboratory pursuant to the provisions of this section, the director of the certified laboratory shall ensure that the certified laboratory that will conduct the test is certified pursuant to the provisions of [NAC 445A.542](#) to [445A.54296](#), inclusive. If the certified laboratory that offered the contract maintains any record of the contract or of any test conducted pursuant to the contract, it shall include in that record:

(a) Any report submitted by the certified laboratory that conducted the test concerning the results of the test conducted pursuant to the contract; and

(b) The certification number of the certified laboratory that conducted the test.

6. If the certified laboratory that offered the contract prepares a report concerning the results of any test conducted pursuant to the contract, it shall specify in the report that the results of the test were obtained by contract pursuant to the provisions of this section.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54294 Issuance of emergency order. ([NRS 445A.860](#), [445A.863](#))

1. If the Bureau determines that any facility, equipment, operation or other condition of a certified laboratory requires immediate action to protect the health and safety of the members of the general public and the Bureau receives the approval of the Administrator of the Health Division of the Department of Health and Human Services, the Bureau may, without notice or hearing, issue an emergency order:

(a) Suspending the certification of the laboratory; and

(b) Requiring the person to whom the Bureau issues the order to correct the condition for which the emergency order is issued.

2. An emergency order is effective upon issuance and is not subject to review unless, within 30 days after the date the order is served, the person to whom the Bureau issues the order petitions for a hearing before the Board.

3. The Board shall continue, modify or revoke the emergency order within 30 days after it conducts the hearing required by the provisions of subsection 2.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

NAC 445A.54296 Fees. ([NRS 445A.860](#), [445A.863](#))

1. Each application for:

(a) Chemistry certification must include a fee of \$500.

(b) Microbiology certification must include a fee of \$600.

2. In addition to the fees specified in subsection 1, the Bureau shall charge and collect the following fees:

For an application to renew certification.....	\$500
Initial fee or annual renewal fee for certification to analyze primary inorganic contaminants.....	545
Initial fee or annual renewal fee for certification to analyze secondary inorganic contaminants.....	545
Initial fee or annual renewal fee for certification to analyze regulated and unregulated volatile organic contaminants, including trihalomethanes and vinyl chloride.....	545
Initial fee or annual renewal fee for certification to analyze regulated and unregulated synthetic organic contaminants.....	1,090
Initial fee or annual renewal fee for certification to analyze radiochemical contaminants.....	545
Annual renewal fee for certification to analyze specific primary or secondary inorganic contaminants, or both.....	200
Annual renewal fee for microbiology certification.....	600

3. The initial or annual renewal fee for certification to analyze any chemical contaminant not set forth in subsection 2 is \$400, plus the per diem allowance and travel expenses provided for state officers and employees generally for each person who conducts an inspection that is required for certification of the laboratory.

4. If an application for certification to test for an analyte is received during the fiscal year, the fees for that certification must be prorated by using the following formula:

Fee x .083 x the number of months remaining in the fiscal year.

The month in which the application is submitted must not be counted as a month remaining in the fiscal year. The prorated fee must be rounded to the next highest dollar. The fee for submitting an application for certification to test for an analyte must not be prorated.

5. In addition to any fees paid by a laboratory located outside this State, each such laboratory shall pay to the Bureau the costs incurred by the Bureau to conduct an inspection of the laboratory.

6. A fee for certification to analyze a specific contaminant must be paid before a certificate may be issued.

7. Any fee paid pursuant to the provisions of this section is nonrefundable.

(Added to NAC by Bd. of Health by R203-99, eff. 8-1-2001)

Table 1. Guidelines for Submitting an Application

For Initial Application Please Submit:

1. Completed application
2. Fees
3. Proficiency test (PT) data for each method & matrix if available
 - If 2 sets of PT data are submitted they should have been acquired within the last 12 months,
 - If 3 sets of PT data are submitted, it should be less than 18 months old. PT studies should be performed at approximately 6 months intervals.
4. Latest onsite report and responding corrective action report
5. Quality Assurance Manual
6. Standard Operation Procedures
7. Demonstration of Capability Packet for each method.
8. Out of State Labs need to submit proof of certification by their home state or a NELAC Accrediting Authority.

For Renewing Labs Please Submit:

1. Completed application
2. Fees Proficiency test (PT) data for each method & matrix if available
 - Submission of data with the application is not necessary if PT data is being submitted by third party vendor to the state.
 - PT data must be less than 18 months old.
3. Latest onsite report and responding corrective action report
4. Quality Assurance Manual
5. Standard Operation Procedures updated procedures only or for any new methods requested

Out of state labs need to submit proof of continued certification by their home state or a NELAC Accrediting Authority. Please have your home state or NELAC AA submit certificates and scope to our program as they expire. They need not be submitted with the application package if the documentation on file is current.

Table 2. Applicable Nevada Statutes and Administrative Codes

NRS Nevada Revised Statutes HTML/LCB	NAC Nevada Administrative Code HTML/LCB	Topical Areas
40.501 - 40.512	No NAC Exists	Environmental Impairment of Real Collateral of Secured Lender ⁽¹⁾
41.540 - 41.570	No NAC Exists	Private Actions to Enforce Statutory or Regulatory Controls for Environmental Protection ⁽¹⁾
233B. - ALL	233B	Administrative Procedures Act - ⁽¹⁾
278.335 - 278.377	278.010 - 278.530	Subdivision of Land (DWR, HEALTH)
*444.440 - 444.645	444.570 - 444.7499	Disposal of Solid Waste
*459.400 - 459.600	444.842 - 444.8482	Facilities for Management of Hazardous Waste
*459.400 - 459.600	444.850 - 444.8746	Disposal of Hazardous Waste
*459.400 - 459.600	444.8752- 444.8788	Program for Reduction of Hazardous or Industrial Waste
*459.400 - 459.600	444.940 - 444.9555	Polychlorinated Biphenyl
459.400 - 459.600	444.960	Limits on Hazardous Waste Facility Permits
*459.400 - 459.600	444.965 - 444.976	Disposal of Asbestos
444A.010 - 444A.110	444A.005 - 444A.470	Recycling
444A.420	445A.118 - 445A.225	Water Quality Standards
445A.425, 445A.430, 445A.660	445A.0552 - 445A.067	Water Quality Laboratory Certification
*445A.300-445A.730	445A.070 - 445A.117 445a.226 - 445A.348	Definitions Water Pollution Control Program
445A.300 - 445A.730	445A.350 - 445A.447	Mining Facilities
445A.060 - 445A.190	445A.685 - 445A.805	Sewer Loan Program
445A.265 - 445A.470	445A.810 - 445A.925	Underground Injection Control
*445B.100 - 445B.640	445B.001 - 445B.395	Air Pollution Control

<u>445B.700 - 445B.845</u>	<u>445B.400 - 445B.775</u>	Engine Emission Control (DMV & PS - SEC)
<u>445B.200 - 445B.245</u>	<u>445B.875 - 445B.899</u>	Practice Before the Commission
* <u>445C.010 - 445C.140</u>	<u>445C.010 - 445C.140</u>	Environmental Audit
<u>459.380 - 459.3874</u>	<u>459.952 - 459.9542</u>	Highly Hazardous Substances
* <u>459.500, 459.535</u>	<u>459.970 - 459.9729</u>	Consultant Certification
* <u>459.610, 459.658</u>	<u>459.973 - 459.9743</u>	Voluntary Cleanup
* <u>459.800 - 459.856</u>	<u>459.9921 - 445.9995</u>	Storage Tanks
<u>486A.010 - 486A.180</u>	<u>486A.101 - 486A.250</u>	Use of Alternative Fuels
<u>519A.010 - 519A.240</u>	<u>519A.010 - 519A.415</u>	Mining Regulation & Reclamation
<u>519A.260 - 519A.280</u>		
<u>590.700 - 590.920</u>	<u>590.700 - 590.790</u>	Cleanup of Petroleum Discharges (PETROLEUM BD)
<u>618.775</u>	<u>444.965 - 444.976</u>	Disposal of Asbestos
<u>704.820 - 704.900</u>	704.9063 704.9359 - 704-9361 704.9361	Utility Environmental Protection Act (PSC) ²

(1) No direct statutory or regulatory impact; provided only for information purposes.

(2)The Regulations are defined only with the context of electrical energy demand and supply.

* A requirement contained in NRS 444.440 to 444.645 inclusive; 445A.300 to 445A.730 inclusive, 445B.100 to 445B.640 inclusive, 459.400 to 459.856 inclusive; and 519A.010 to 519A.280 inclusive. These are the statutory areas applicable to NRS 445C -"Environmental Audits"

² The Nevada Administrative Code (NAC) contain the State of Nevada's code of regulations. State regulations are defined under State law (NRS 233B.038) as an agency rule, standard, directive or statement of general applicability which effectuates or interprets (state) law or policy, or describes the organization, procedure or practice requirements of any agency. Of note, the NAC's have the same force of law as the NRS's

NOTE: Nevada Administrative Code (NAC) Chapter 445 was revised into two chapters by the Legislative Counsel Bureau in November, 1994, Chapter 445A (Water Regulations) and Chapter 445B (Air Regulations); the NRS was revised into NRS 445A and NRS 445B in March, 1995.

Table 3. Certification of Laboratories to Analyze Substances in Water

General Provisions

445A.0552	Definitions.
445A.0554	“Accuracy” defined.
445A.0556	“Analyst” defined.
445A.0558	“Analyte” defined.
445A.0562	“Approved method of testing” defined.
445A.0564	“Certified laboratory” defined.
445A.0566	“Commission” defined.
445A.0568	“Director” defined.
445A.0572	“Division” defined.
445A.0574	“Environmental sample” defined.
445A.0576	“Federal Act” defined.
445A.0578	“National Environmental Laboratory Accreditation Conference” defined.
445A.0582	“National Environmental Laboratory Accreditation Program” defined.
445A.0584	“Performance-based measurement system” defined.
445A.0588	“Precision” defined.
445A.0592	“Proficiency test sample” defined.
445A.0594	“Proficiency testing program” defined.
445A.0596	“Quality control sample” defined.
445A.0598	“Quality manual” defined.
445A.0602	“Sensitivity” defined.
445A.0604	“Spike” defined.
445A.0606	“Standards” defined.

Guidelines and Procedures

445A.0608	Adoption by reference of <i>National Environmental Laboratory Accreditation Conference-Constitution, Bylaws and Standards</i> .
445A.0612	Adoption by reference of certain publications related to sample collection procedures, analytical methodologies and requirements for certification.
445A.0614	Adoption by reference of <i>Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846</i> .
445A.0615	Adoption by reference of <i>Method 1600: Membrane Filter Test Method for Enterococci in Water</i> .
445A.0616	Adoption of certain ASTM standards and other publications related to calibration and testing laboratories, and examination of water and wastewater.
445A.0618	Interpretation of provisions; resolution of conflicting requirements.
445A.0622	Scope of certification.
445A.0624	Categories of analytes for which laboratory may be certified.
445A.0626	Requirements for certification.
445A.0628	Certification by Division or pursuant to National Environmental Laboratory Accreditation Program.
445A.0632	Application for certification.
445A.0634	Participation in proficiency testing program.
445A.0636	Adoption of quality manual by laboratory; contents.
445A.0638	Inspection of laboratory by Division.
445A.0642	Grounds for denial of application for certification, or revocation, suspension or limitation of certification.
445A.0644	Reapplication after denial of application or revocation of certification.
445A.0646	Renewal of certification.
445A.0648	Display of certificate; conditions for surrender of certificate; issuance of document.
445A.0652	Notification of Division of certain changes concerning certified laboratory.

[445A.0654](#) Contractual agreements, records and reports.

Miscellaneous Provisions

[445A.066](#) Fees for certification.

[445A.0665](#) Acceptance of analyses conducted by laboratory located outside State.

[445A.067](#) Review by Commission of publications adopted by reference

Certification of Laboratories to Analyze Drinking Water

[445A.542](#) Definitions.

[445A.5421](#) “Accuracy” defined.

[445A.54212](#) “Analyst” defined.

[445A.54214](#) “Analyte” defined.

[445A.54216](#) “Approved method of testing” defined.

[445A.54218](#) “Board” defined.

[445A.5422](#) “Bureau” defined.

[445A.54222](#) “Certified laboratory” defined.

[445A.54224](#) “Director” defined.

[445A.54226](#) “Environmental sample” defined.

[445A.54228](#) “Federal Act” defined.

[445A.5423](#) “National Environmental Laboratory Accreditation Conference” defined.

[445A.54232](#) “Performance-based measurement system” defined.

[445A.54234](#) “Point source” defined.

[445A.54236](#) “Precision” defined.

[445A.54238](#) “Proficiency test sample” defined.

[445A.5424](#) “Proficiency testing program” defined.

[445A.54242](#) “Quality control sample” defined.

[445A.54244](#) “Quality manual” defined.

[445A.54246](#) “Sensitivity” defined.

[445A.54248](#) “Spike” defined.

[445A.5425](#) “Standards” defined.

[445A.54252](#) Adoption by reference of *National Environmental Laboratory Accreditation Conference-Constitution, Bylaws and Standards*.

[445A.54254](#) Adoption by reference of certain publications related to sample collection procedures, analytical methodologies and requirements of certification.

[445A.54256](#) Adoption by reference of certain publications related to methods of testing for certain contaminants.

[445A.54258](#) Adoption of certain ASTM standards and other publications related to calibration and testing laboratories, and examination of water and wastewater.

[445A.5426](#) Review by Board of publications adopted by reference.

[445A.54262](#) Interpretation of provisions; resolution of conflicting requirements.

[445A.54264](#) Scope of certification.

[445A.54266](#) Categories of analytes for which laboratory may be certified.

[445A.54268](#) Requirements for certification in certain areas.

[445A.5427](#) Certification by Bureau or pursuant to National Environmental Laboratory Accreditation Program.

[445A.54272](#) Application for certification.

[445A.54274](#) Acceptance of analysis conducted by laboratory located outside State.

[445A.54276](#) Participation in proficiency testing program.

[445A.54278](#) Adoption of quality manual by laboratory; contents.

[445A.5428](#) Inspection of laboratory by Bureau.

[445A.54282](#) Grounds for denial of application for certification, or revocation, suspension or limitation of certification.

445A.54284	Reapplication after denial of application or revocation of certification.
445A.54286	Renewal of certification.
445A.54288	Display and contents of certificate.
445A.5429	Notification of Bureau of certain changes concerning certified laboratory.
445A.54292	Contractual agreements, records and reports.
445A.54294	Issuance of emergency order.
445A.54296	Fees.