

CHAPTER 18

REGULATIONS GOVERNING THE CERTIFICATION OF LABORATORIES AND ENVIRONMENTAL MEASUREMENTS

Authority

N.J.S.A. 13:1E-1 et seq., 13:1K-6 et seq., 26:2D-70 et seq., 58:10-23.11 et seq., 58:10A-1 et seq. and 58:12A-1 et seq.

Source and Effective Date

R.2001 d.224, effective June 11, 2001.  
See: 33 N.J.R. 1063(a), 33 N.J.R. 2284(c).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 18, Regulations Governing the Certification of Laboratories and Environmental Measurements, expires on December 8, 2006. See: 38 N.J.R. 2944(a).

Chapter Historical Note

Chapter 18, Regulations Governing Laboratory Certification and Standards of Performance, was adopted as R.1981 d.279, effective August 6, 1981. See: 13 N.J.R. 260(d), 13 N.J.R. 481(c).

Pursuant to Executive Order No. 66(1978), Chapter 18, Regulations Governing Laboratory Certification and Standards of Performance, was readopted as R.1986 d.351, effective August 6, 1986. See: 18 N.J.R. 1239(b), 18 N.J.R. 1797(b).

Pursuant to Executive Order No. 66(1978), Chapter 18, Regulations Governing Laboratory Certification and Standards of Performance, was readopted as R.1991 d.385, effective July 3, 1991. See: 23 N.J.R. 1109(a), 23 N.J.R. 2346(c).

Chapter 18, Regulations Governing Laboratory Certification and Standards of Performance, was repealed and a new Chapter 18, Regulations Governing the Certification of Laboratories and Environmental Measurements, was adopted by R.1996 d.307, effective July 1, 1996. See: 27 N.J.R. 4761(a), 28 N.J.R. 3330(c).

Pursuant to Executive Order No. 66(1978), Chapter 18, Regulations Governing the Certification of Laboratories and Environmental Measurements, was readopted as R.2001 d.224, effective June 11, 2001. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:18-1.1 Scope and authority
- 7:18-1.2 Construction
- 7:18-1.3 Purposes of the regulations
- 7:18-1.4 Certification program requirements
- 7:18-1.5 Incorporation by reference
- 7:18-1.6 Program information; notices; submittals
- 7:18-1.7 Definitions
- 7:18-1.8 Severability
- 7:18-1.9 Signatories

SUBCHAPTER 2. PROGRAM PROCEDURES AND REQUIREMENTS

- 7:18-2.1 Scope
- 7:18-2.2 General prohibitions
- 7:18-2.3 Overview of the certification process
- 7:18-2.4 Categories for certification
- 7:18-2.5 Procedure for initial application of a laboratory seeking certification
- 7:18-2.6 Conditions for the granting of certification
- 7:18-2.7 Procedures for renewal of certification status for a certified environmental laboratory

- 7:18-2.8 Procedure for modification of certification status by the addition or deletion of parameters, categories and/or combined categories
- 7:18-2.9 Fees
- 7:18-2.10 Environmental laboratory personnel requirements
- 7:18-2.11 Duties of environmental laboratory personnel
- 7:18-2.12 Criteria for acceptance and analysis of environmental regulatory samples
- 7:18-2.13 Proficiency testing program
- 7:18-2.14 On-site audits
- 7:18-2.15 Cancellation, suspension or revocation of certification
- 7:18-2.16 Effect of suspension or revocation of certification
- 7:18-2.17 Procedure for requesting and conducting adjudicatory hearings
- 7:18-2.18 Termination of certification upon transfer of controlling interest.
- 7:18-2.19 Information to the Department
- 7:18-2.20 Application for alternate test procedure (ATP) approval
- 7:18-2.21 Changes in status of DSAMs
- 7:18-2.22 Required use of DSAMs

SUBCHAPTER 3. GENERAL REQUIREMENTS FOR FACILITIES, EQUIPMENT AND SAFETY

- 7:18-3.1 Scope
- 7:18-3.2 Environmental laboratory facilities and safety
- 7:18-3.3 Requirements for environmental laboratory equipment, supplies, materials, and general instrumentation

SUBCHAPTER 4. MICROBIOLOGICAL TESTING

- 7:18-4.1 Scope
- 7:18-4.2 Requirements for environmental laboratory equipment, supplies and materials
- 7:18-4.3 Required use of DSAMs
- 7:18-4.4 Requirements for general environmental laboratory practices
- 7:18-4.5 Requirements for quality assurance/quality control program
- 7:18-4.6 Requirements for records and data reporting

SUBCHAPTER 5. CHEMICAL TESTING

- 7:18-5.1 Scope
- 7:18-5.2 Requirements for environmental laboratory equipment and instruments
- 7:18-5.3 Required use of DSAMs
- 7:18-5.4 Requirements for general environmental laboratory practices
- 7:18-5.5 Requirements for quality assurance/quality control program
- 7:18-5.6 Requirements for records and data reporting

SUBCHAPTER 6. RADIOCHEMICAL TESTING PROCEDURES INCLUDING RADON GAS/RADON PROGENY

- 7:18-6.1 Scope
- 7:18-6.2 Requirements for radiochemistry environmental laboratory facilities
- 7:18-6.3 Requirements for radiochemistry laboratory equipment and instruments
- 7:18-6.4 Required use of DSAMs
- 7:18-6.5 Requirements for general radiochemical environmental laboratory practices
- 7:18-6.6 Requirements for quality assurance/quality control program
- 7:18-6.7 Requirements for records and data reporting

SUBCHAPTER 7. TOXICITY TESTING

- 7:18-7.1 Scope
- 7:18-7.2 Laboratory facilities and safety

- 7:18-7.3 Laboratory equipment, instruments and materials
- 7:18-7.4 General laboratory procedures
- 7:18-7.5 Acute toxicity testing methodology
- 7:18-7.6 Calculating, analyzing, and reporting of quantal test results
- 7:18-7.7 Laboratory quality control and recordkeeping

**SUBCHAPTER 8. ANALYZE IMMEDIATELY ENVIRONMENTAL MEASUREMENTS**

- 7:18-8.1 Scope
- 7:18-8.2 Requirements for environmental laboratory equipment, supplies, and materials
- 7:18-8.3 Required use of techniques specified in DSAMs
- 7:18-8.4 Requirements for quality assurance/quality control program
- 7:18-8.5 Requirements for records and data reporting

**SUBCHAPTER 9. SAMPLE REQUIREMENTS**

- 7:18-9.1 Scope and general requirements
- 7:18-9.2 Requirements for microbiological parameter samples
- 7:18-9.3 Requirements for inorganic, organic, and radiochemical parameter samples
- 7:18-9.4 Requirements for sample handling and preservation for specific parameters
- 7:18-9.5 Requirements for acute toxicity testing samples

**SUBCHAPTER 10. CIVIL ADMINISTRATIVE PENALTIES AND ADMINISTRATIVE ORDERS**

- 7:18-10.1 Purpose
- 7:18-10.2 Administrative orders
- 7:18-10.3 Civil administrative penalties
- 7:18-10.4 Classes of violations
- 7:18-10.5 Civil administrative penalty determination
- 7:18-10.6 Procedures for civil administrative orders, assessment of civil administrative penalties and suspension or revocation of certification
- 7:18-10.7 Procedures to request an adjudicatory hearing to contest an administrative order, administrative penalty assessment, suspension of certification or revocation of certification
- 7:18-10.8 Civil penalties for violations of N.J.S.A. 26:2D-70 et seq. (The provisions of the Radiation Protection Act governing Radon)
- 7:18-10.9 Other enforcement actions

**SUBCHAPTER 1. GENERAL PROVISIONS**

**7:18-1.1 Scope and authority**

(a) This chapter constitutes the Department's regulations governing certification of laboratories performing sample analyses for compliance with any of the statutes listed in (c) below, with any regulations or orders issued pursuant to those statutes, or with the Contract Laboratory Program.

(b) This chapter establishes the procedures for obtaining and maintaining certifications, and the criteria and procedures that certified environmental laboratories shall follow in handling, preserving, and analyzing regulatory samples, and in collecting samples for acute toxicity testing.

(c) This chapter is adopted pursuant to the following statutes:

- 1. The Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.;

2. The Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.;

3. The portion of the Radiation Protection Act governing radon and radon progeny, N.J.S.A. 26:2D-70 et seq.;

4. The Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.;

5. The Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq.;

6. The Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.;

7. The Private Well Testing Act, N.J.S.A. 58:12A-26 et seq.; and

8. The Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq.

Amended by R.2002 d.316, effective September 16, 2002.

See: 34 N.J.R. 1613(a), 34 N.J.R. 3256(a).

In (c), added 7.

Amended by R.2003 d.411, effective October 20, 2003.

See: 35 N.J.R. 312(a), 35 N.J.R. 4878(a).

In (c), added 8.

**7:18-1.2 Construction**

These rules shall be liberally construed to permit the Department to discharge its statutory functions and to effectuate the purposes of the laboratory certification program.

**7:18-1.3 Purposes of the regulations**

(a) This chapter is promulgated for the following purposes:

1. To establish a certification program for laboratories performing environmental analyses, and to confine a laboratory's scope of certification to the specific parameters, techniques, method references, and corresponding approved methods as shown on the certified environmental laboratory's annual certified parameter list;

2. To establish the administrative procedures to be followed by certified environmental laboratories, and by laboratories seeking to become certified environmental laboratories;

3. To require that certification status be contingent upon continued compliance with the standards of performance set forth herein, including, but not limited to, standards pertaining to facility conditions, equipment and supplies, personnel, quality assurance and quality control, data reporting and data maintenance; and

4. To establish the enforcement procedures that the Department shall follow to ensure that a certified environmental laboratory is in compliance with this chapter.