

BILL ANALYSIS

Senate Research Center
76R10897 DLF-D

C.S.S.B. 1238
By: Nelson
Health Services
3/31/1999
Committee Report (Substituted)

DIGEST

Currently, the Texas Department of Health (TDH) has regulatory authority for the Safe Drinking Water Act, a laboratory assessment program. Other states have comprehensive environmental assessment programs that require formal state accreditation for all laboratories. The lack of uniform standards puts laboratories in Texas at a competitive disadvantage for federal fund contracts. C.S.S.B. 1238 would authorize TDH to develop and implement a voluntary accreditation program for environmental testing laboratories consistent with national standards.

PURPOSE

As proposed, C.S.S.B. 1238 authorizes the development and implementation of a voluntary accreditation program for environmental laboratories.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Board of Health in SECTION 1 (Sections 421.004(b) and 421.005, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 5E, Health and Safety Code, by adding Chapter 421, as follows:

CHAPTER 421. ACCREDITATION OF ENVIRONMENTAL TESTING LABORATORIES

Sec. 421.001. DEFINITIONS. Defines “board,” “department,” and “environmental testing laboratory.”

Sec. 421.002. ADMINISTRATION BY DEPARTMENT. Requires the Texas Department of Health (TDH) to administer the environmental testing laboratory (ETL) accreditation program established by this chapter.

Sec. 421.003. APPLICATION; FEE. Requires ETL to submit an application to TDH on a form prescribed by TDH, accompanied by the accreditation fee, to be accredited under this chapter. Requires the application to contain the information that TDH requires. Requires the Texas Board of Health (board) to establish an accreditation fee in an amount sufficient to defray the cost of administering this chapter.

Sec. 421.004. ISSUANCE OF ACCREDITATION; RECIPROCITY. Authorizes TDH to accredit an ETL that complies with the requirement established under this chapter. Authorizes the board, by rule, to provide for the accreditation of an ETL that is accredited or licensed by another state.

Sec. 421.005. RULES; MINIMUM STANDARDS. Authorizes the board to adopt rules to implement this chapter and minimum standards for accreditation of an ETL. Requires the board to give great weight to the standards developed under the National Environmental Laboratory Accreditation Program of the United States Environmental Protection Agency and any benefits that would accrue to the state through using uniform national standards, in developing the minimum standards.

Sec. 421.006. DISCIPLINE. Authorizes TDH to suspend or revoke the accreditation of an ETL

that does not comply with the minimum standards established under this chapter, after notice and an opportunity for hearing.

SECTION 2. Amends Title 5E, Health and Safety Code, as follows:

SUBTITLE E. New heading: TEXAS DEPARTMENT OF HEALTH PROGRAMS

SECTION 3. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 421.005, Health and Safety Code, to add text requiring the board to give great weight to the standards developed under the National Environmental Laboratory Accreditation Program of the United States Environmental Protection Agency and any benefits that would accrue to the state through using uniform national standards, in developing the minimum standards.