



APHL Position Statement

State Laboratories should be the Principal Drinking Water Laboratories

A. Statement of Position

The Association of Public Health Laboratories (APHL) urges states (inclusive of commonwealths and territories) to continue designating state laboratories as their principal drinking water laboratory under the Safe Drinking Water Act.

B. Background

Due to recent financial and budgetary constraints, some states have or are considering privatization of traditionally government-provided services, including state laboratory services.

The purpose of governmental laboratories is to provide services to protect public health and safety. Laboratory testing helps assure drinking water is safe and guides jurisdictional response to water emergencies, both of which are core governmental functions.

The Safe Drinking Water Act requires states with primary drinking water enforcement responsibilities (also known as primacy) to ensure state oversight of drinking water supplies. Certified laboratory facilities must be available and the state primacy agency should designate a principal drinking water laboratory.¹ This primacy status provides state eligibility for federal funding opportunities, which could include grants and loans that support the laboratory.

Since the inception of the Safe Drinking Water Act, states typically designated the state laboratory as their principal state drinking water laboratory. These decisions were based on the state laboratories' analytical expertise, rigorous quality management systems, and recognition of their unique roles in confirmatory testing, identifying emerging contaminants and emergency response. State laboratories also maintain central relationships within the environmental health system, regularly interacting with federal, state and local governmental, non-governmental and academic partners.

According to the United States Environmental Protection Agency (US EPA), states may designate the principal drinking water laboratory by maintaining their state laboratory, contracting with another state laboratory, contracting a non-governmental laboratory, or by a combination of the above.² APHL believes it is important that state laboratories continue to serve as the state reference body – a role that may be jeopardized if the principal drinking water laboratory's responsibilities are transferred to a non-governmental laboratory. Non-governmental laboratories are not likely to maintain capability and competency for emergency preparedness and response or surge testing analytical capacity, as those necessary services may not be mandated or profitable.

In addition, state laboratories are part of the recognized infrastructure for national emergency preparedness with a direct line to first responders, generating and disseminating critical information to help determine the appropriate response. State laboratories remain available 24/7/365 to respond to emergency testing needs, with the requirement to maintain capacity and competency for tests that produce no revenue. This analytical surge capacity protects public health and safety.

State and federally-operated laboratories are integral members of the nation's emergency response laboratory networks that serve the public interest.

These networks include:

- Environmental Response Laboratory Network and Water Laboratory Alliance (US EPA),
- Food Emergency Response Network (FDA, USDA),
- Laboratory Response Network for Biological and Chemical Threats (CDC, APHL, FBI, DoD)

Laboratory networks facilitate coordination, mutual support and surge among states during emergencies. Due to their advanced laboratory capabilities, state laboratories are often involved in the initial stages of an

emergency to identify and measure contaminants of concern. After the initial phase, some functions may be transferred to the non-governmental sector for routine and ongoing efforts. State laboratories are well positioned to provide oversight and reference testing to ensure data quality and accountability as the response continues.

Shifting the role of the principal drinking water laboratory from state to non-governmental could reduce or eliminate important functions, such as:

- Working with state environmental and public health programs to identify contamination, disease outbreaks and pollution concerns
- Providing data to evaluate the efficacy of public health interventions
- Participating in enforcement and legal proceedings
- Coordinating with federal agencies such as the US EPA and CDC to develop new methods, transfer technology and perform new contaminant testing
- Providing assistance to and partnering with local public health laboratories that conduct drinking water testing within the state
- Maintaining readiness, specialized expertise and resources to provide testing and consultation to drinking water programs, municipalities and local laboratories with unmonitored environmental contaminants of emerging concern

APHL believes that state laboratories have a unique and defined role in protecting public health by assuring high-quality, defensible Safe Drinking Water Act data are available through direct communications with program partners.

C. APHL's Recommendations

State Drinking Water Decision-Makers should:

- Designate the state laboratory as the principal drinking water laboratory
- Advocate the value of designating the state laboratory as the principal drinking water laboratory
- Send drinking water collected from public water system inspections and enforcement activities to the state laboratory
- Engage with state laboratories to plan for and provide resources during drinking water emergencies
- Engage state laboratory staff in safe drinking water program development and implementation

- Adequately fund state laboratories so they can maintain and expand testing capability and capacity, employ staff, and purchase instrumentation and supplies

D. References

1. The US The US EPA Safe Drinking Water Act defines the requirements for a determination of primary enforcement responsibility. In particular, 40 CFR 142.10(b)(4) states: "Assurance of the availability to the State of laboratory facilities certified by the Administrator and capable of performing analytical measurements of all contaminants specified in the State primary drinking water regulations."
2. Memorandum from Cynthia C. Dougherty, "Clarification of Regional Office Responsibilities Related to Oversight of NELAP-Recognized State Drinking Water Laboratory Programs and NELAP-Accredited Principal State Laboratories." April 29, 2009.

E. Additional Resources

1. US EPA Office of Ground Water and Drinking Water - Water Security Division. Water Laboratory Alliance (WLA). <http://water.epa.gov/infrastructure/watersecurity/wla/index.cfm> (Accessed March 21, 2018).
2. US EPA Office of Water Manual for the Certification of Laboratories Analyzing Drinking Water. Criteria and Procedures Quality Assurance Fifth Edition EPA 814-R-05 <https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water> (Accessed March 21, 2018).
3. 40 CFR PART 142--NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION, https://www.epa.gov/sites/production/files/2015-11/documents/howeparegulates_cfr-2003-title40-vol20-part142.pdf (Accessed March 21, 2018).
4. US EPA Office of Ground Water and Drinking Water. Drinking Water State Revolving Fund. <https://www.epa.gov/drinkingwatersrf> (Accessed July 17, 2018).

Recommended by: The Environmental Laboratory Science Committee

Approved by Board of Directors: February 2019

Approved by Membership: March 2019

Sunset Date: March 2024

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