§ 502. Environmental laboratories; examinations; certificates of approval. 1. For the purposes of this section, "environmental laboratory" is any facility that examines or is available for the examination of samples or specimens including, but not limited to: air, stack emissions, water, wastewater, surface water, ground water, recreational waters, swimming pools, leachate, land runoff, solid waste, hazardous waste, soil, sediments and vegetation, as well as any substance that could contribute to the pollution of or that could be contaminated by material contained in such samples or specimens. Such examinations shall be limited to the qualitative or quantitative determinations of the biological, chemical, radiochemical or physical characteristics of such samples or specimens for the purposes of public or personal health protection or the protection of the environment or natural resources. Environmental laboratories shall not include non-laboratory chemical testing associated with residential water softeners and residential swimming pools.

2. No environmental laboratory may perform any examination on samples collected in the state of New York for which the commissioner issues a certificate of approval for such examination unless the laboratory has been issued such certificate of approval. Such laboratory examinations shall conform to any conditions under which the approval is granted.

3. The commissioner may issue to laboratories certificates of approval covering laboratory examinations, including but not limited to, specific procedures or specialities within such categories as wastewaters, potable waters, sediments, solid wastes, and air, and may prescribe the conditions under which such approvals will be granted. Notwithstanding any other conditions which he may prescribe, such an approval shall not be issued hereafter to a laboratory, not heretofore approved, unless the director or other person in charge of such examinations shall possess such educational and technical qualifications as the commissioner shall prescribe.

4. No state agency, authority, county, city, including the city of New York, town, village, water district, sewer district or other political subdivision of the state shall contract with any laboratory for

laboratory examinations for which the commissioner issues certificates of approval pursuant to subdivision three of this section, unless such laboratory has been issued such certificate.

5. Subject to the approval of the director of the budget, the commissioner shall charge adequate and reasonable fees for the periodic inspection of out-of-state laboratories.

6. Subject to the approval of the director of the budget, the commissioner shall charge laboratories fees to recover the cost to the department of operating this program. The commissioner may waive all or any part of such fee charges for laboratories operated by the state. Fees shall include the following:

(a) a basic amount of five hundred dollars to be charged to each laboratory;

(b) the balance of the program cost from:

(1) an additional amount to be charged to each laboratory proportional to total adjusted volume of analytes performed by the laboratory in the preceding year as defined in regulations of the department, the total amount collected from which shall equal fifty percent of the balance of the program costs;

(2) an additional amount to be charged to each laboratory proportional to the number of analytes for which such laboratory maintains its certification.

Subparagraph one of paragraph (b) of this subdivision shall not apply to government laboratories.

7. For those categories, procedures or specialities as specified in subdivision three for which the commissioner has issued certificates of approval, the commissioner shall within thirty days of receipt of an application for a certificate from a laboratory existing on or before April first, nineteen hundred ninety-three, which is initially required to obtain certification, review such application and issue an interim certificate of approval in the particular category, procedure or speciality to all laboratories which provide adequate documentation in their application that they are capable of performing quality work in

the category, procedure or speciality under review. An interim certificate of approval in specified categories will remain valid until such time as the commissioner shall reach a determination on the application.

8. The commissioner may adopt and amend rules and regulations to effectuate the provisions and purposes of this title.

9. A person who intentionally violates or refuses or omits to comply with subdivision two of this section, or any regulation adopted pursuant thereto, is guilty of a misdemeanor, punishable upon conviction, by imprisonment for not more than one year or by a fine of not more than one thousand dollars or by both such fine and imprisonment. A second or subsequent conviction shall be punishable by imprisonment for not more than one year or a fine of not more than two thousand five hundred dollars or by both such fine and imprisonment.

10. The department may require an environmental laboratory to report laboratory test results to the department, or to any other health department in an electronic manner prescribed by the department.