



Legislative / Regulatory / Political Update

The Role of Independent Testing Laboratories

Tuesday, September 24, 2024

10:45 – 11:30 A.M.

Michael T. Oscar

ACIL Government Relations Director

Meet ACIL



Vision

Realizing a healthy safe environment for society through the application of unbiased, scientific testing.

Mission

Providing the independent testing community with advocacy, education, and alliances to enable members to better address environmental and product risks to the public.

Meet ACIL



Who we are? Our members consist of commercial laboratories, analytical instrument companies, laboratory supply vendors, accreditation organizations, laboratory assessment organizations, and other suppliers to the industry.

ACIL focuses on: Environmental Science, Food Sciences, Construction Materials Engineering and Testing, Conformity Assessment, Dietary Supplement Testing, and Cannabis/Hemp testing.

ACIL's environmental science members carry out the bulk of the nation's environmental assessment and compliance monitoring testing for industry and government.

Members in Action

Values

- Ethical, Objective and Quality Business Practices
 - Spirit of Community and Collaboration
 - Anticipate and Lead
-

**Forging Ahead
Building Relationships**



Policy Pillars

- Rely on Private Sector Conformity Assessment
 - Leverage International Standards to Ensure Fairness
 - Protect Against Unfair Competition
 - Foster the Establishment and Use of Public-Private Partnerships
-

ACIL Environmental Testing Laboratories

ACIL's Commitment to Advancing Environmental Testing

Promoting standardization of testing procedures and laboratory accreditation.

ACIL members have tremendous expertise in environmental sampling and testing to assess a wide variety of hazards, and to determine facility compliance with environmental standards.

Working with federal partners, ACIL members have been in the forefront of developing and validating test methods used for compliance testing of the nation's wastewater, drinking water, hazardous waste, Superfund, and air regulatory programs.



Ensuring there is safety and quality environmental testing.



Acknowledging Our Partners in Science

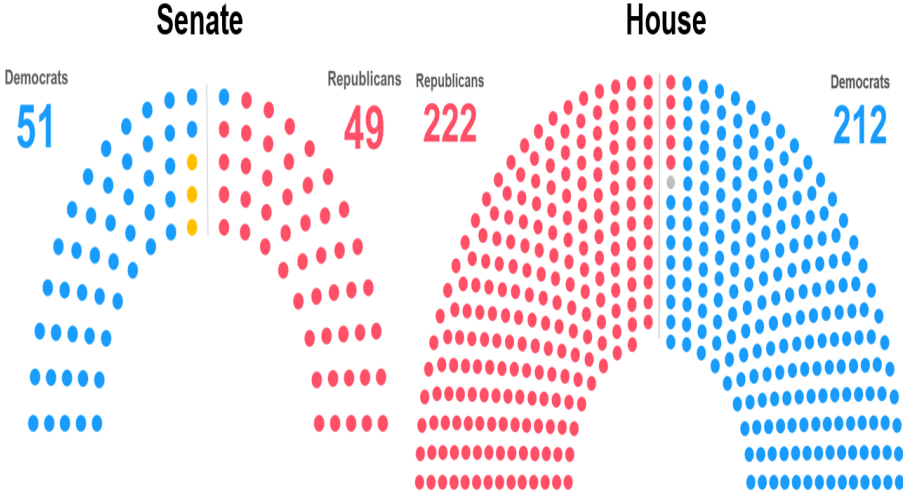


National Institutes
of Health



ACIL's 2024 Legislative Priorities

Balance of Power in the 118th Congress



Who Will Win in November?

The Eight Immutable Laws of Toss-Up America

1. **The 50-50 Rule**
2. **The Popularity Mirage**
3. **Women Rule – Voting**
4. **Most States Do Not Matter**
5. **Trump Supporters**
6. **The Senate Is Almost Always in Play**
7. **Flipping the House is Easier than Ever**
8. **There's No Election Day**

NOTE: Republicans narrowly control the House, just 16 districts out of 435 (4%) voted for a different party for president than for that House district = Toss-Up America!

Source: Axios 9/9/24



ACIL 2024 Legislative Priorities

- Accreditation Process
- Dietary Supplements
- Energy Star Program
- 2024 Farm Bill
- Food Safety and Modernization Act (FSMA)
- Infrastructure Spending
- Cannabis and Medical Marijuana Testing – Legalization of Hemp
- Public / Private Partnerships
- Regulatory Reform
- Trade Agreements
- Unfair Competition

Environmental Sciences Section



- Requested increased funding for EPA's UCMR's 5th Round to ensure equitable protection of safe drinking water in small, rural, and disadvantaged communities
- Continued our support of EPA's Methods Programs
- Developing a new relationship with CDC regarding ACIL's method development, along with environmental laboratory accreditation
- Addressed helium supply issues with the Bureau of Labor Management and members of Congress
- Established a Methylene Chloride Working Group
- Enhanced our working relationship with the Environmental Monitoring Coalition (EMC) on validating and implementing methods for sample collection for federal and state agencies
- The PFAS Taskforce Working Group continued their legislative and regulatory efforts including EPA's new PFAS Drinking Water Regulation
- Improved congressional visibility and supported PFAS amendments to the FY25 National Defense Authorization Bill
- Addressed continued concerns regarding the testing methods inherent to the Clean Water Act (CWA)
- Maintained our support of California's Water Boards' development of the Environmental Laboratory Accreditation Program (ELAP)



Methylene Chloride Working Group's Concern with EPA Rule

- Short-term maximum concentration exposure monitoring called for in the rule will be difficult and expensive to implement in a laboratory environment.
- We are required to employ methylene chloride by EPA and State regulations and cannot replace the solvent until EPA and States approve the change.
- Even once EPA decides to remove the requirement to employ methylene chloride, replacement of methylene chloride will take a long time and require the agency to allocate a great deal of scarce resources to it. This is work that the Agency Program Offices have, to our knowledge, not even started.
- Implementation of the rule will be costly and require us to raise the price of analysis to our regulated clients.
- In reviewing the Response to Comments Document, we were not able to find any discussion of the reason that our proposal that EPA adopt the worker protection engineering controls proposed in the perchloroethylene rulemaking in lieu of the approach taken in this rule was not adopted.
- The Response to Comments Document says that EPA worked with the other parts of EPA in developing this rule, which did not occur.



PFAS Congressional Taskforce

**Rep. Fitzpatrick (R-PA),
Taskforce Chair, and Sen.
Carper (D-DE), Chair Senate
EPW**



On January 23, 2019, Reps. Kildee (D-MI) and Fitzpatrick (R-PA) announced the formation of the bipartisan Congressional PFAS Task Force to address the public health threat of per – and polyfluoroalkyl substances (PFAS) to protect communities from the harmful effects of these chemicals.

ACIL assisted The Task Force with:

- educating Members of Congress and their staff to increase awareness of PFAS chemicals;
- assisted in drafting legislation to address PFAS contamination; and
- advocating for more robust funding through federal appropriations to clean up PFAS contamination.

Cannabis Science Section

With the passage of the 2018 Farm Bill, hemp and hemp products were removed from Schedule I of the Controlled Substance Act, allowing for legalized production of hemp and hemp products. Hemp and marijuana are both plants belonging to the cannabis genus, the only defined difference being the level of delta-9 tetrahydrocannabinol (THC) present. The THC regulatory limit for hemp has been set to 0.3%. This limit was intended for hemp plants prior to harvest but has been interpreted as the THC limit for hemp-infused products as well.

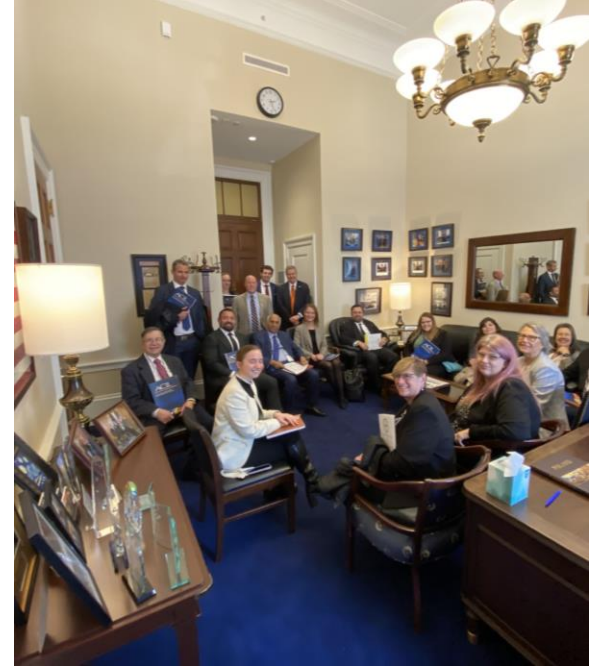
- Enforcement by USDA, FDA and DEA has been hampered by lack of clear guidelines.
- Products containing a 'hemp' label and a delta-9 THC concentration of <0.3% claim legality despite many containing a number of synthetically-derived intoxicating cannabinoids.
- Despite the intense focus on THC content, USDA, FDA, and/or DEA approved laboratories are not providing testing for the hemp industry.
- The burden of this analysis falls on private sector laboratories, but there are no quality requirements for laboratories to ensure accurate THC content and assess contaminant levels.
- **ACIL recommends that testing laboratories shall be accredited to ISO/IEC 17025 by an International Laboratory Accreditation Cooperation (ILAC)-recognized accreditation body.**

ACIL - American Council of Independent Laboratories
20 mins · 🌐

Today, ACIL met with Dr. Kerry Smith, Ph.D., the Director of the United States Department of Agriculture's Laboratory Approval and Testing Division (LATD). LATD provides laboratory testing and approval services to facilitate domestic and international marketing of food and agricultural commodities.

ACIL met with Dr. Smith following the association's submission of comments to the USDA's Hemp Interim Final Rule. Dr. Smith is scheduled to present on "The Importance of Science in Hemp Production" at this year's P2 Annual Meeting.

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Independence Day on Capitol Hill

February 14, 2024

58 Congressional Meetings



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Bill Proposal for Oregon Legislature: Accreditation of Laboratories Performing Clean Water Act Compliance Testing

An Act to Require Accreditation of Laboratories Performing Clean Water Act Compliance Testing by the Oregon Environmental Laboratory Accreditation Program (ORELAP)

The Legislative Assembly finds that:

- Clean Water Act compliance testing is crucial for maintaining public health and environmental safety.
- Consistent and accurate testing of wastewater, stormwater, ambient surface water, groundwater, and other waters under the Clean Water Act is essential for the effective monitoring and regulation of pollutants.
- Accreditation of laboratories ensures the reliability and accuracy of Clean Water Act compliance testing results.

ISSUES OF CONCERN:

1. Legislators may not be open to a mandatory requirement.
2. The funding or fiscal impact. Not sure if they would assign this legislation to an authorizing and/or a funding committee. The legislation as drafted initially lends itself to the environment committee, but once you add a fiscal component, it could be considered by the appropriations committee. I mention this because you do not want the legislation to be considered an "unfunded mandate."
3. I like the tired implementation approach to the accreditation.



Just when we all
thought our Congress
was totally useless
and dysfunctional,
they actually passed
something helpful.

Open Discussion / Thank You

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