

ELAP Fee Structure : What is in Statute vs. Regulation?

Statute: PHL 502 Environmental laboratories; examinations; approved laboratories

502 – 6 (a) basic amount of **\$500** charged to each lab

502 – 6 (b) balance of the program cost from:

(b-1) additional amount to be charged to lab proportional to **total adjusted volume** of analytes performed by the lab in the preceding year as defined in regulations

(b-2) additional amount proportional to the **number of analytes** for which the lab maintains its certification; subparagraph 1 of paragraph (b) shall **not apply to government labs**

Regulation: Subpart 55-3 Environmental Laboratory Approval fee

55-3.1 – (a) definition of volume

55-3.1 – (b) definition of analyte

55-3.1 – (c/d) approval fee / year

55-3.1 – (e -2) exemptions of testing not to be calculated in fee computation

55-3.1 – (f) definition of a governmental lab

55-3.7 annual fee computation

55-3.7 – (a-2) total number of labs x \$500 - projected budget = balance of program

55-3.7 – (a-3) $\frac{1}{2}$ remaining balance = volume fee constant ($\frac{1}{2}$ of balance / sum of TAV – gov lab)

55-3.7 – (a-4) $\frac{1}{2}$ remaining balance = analyte fee constant ($\frac{1}{2}$ of balance / sum of analytes of all labs based on highest # of analytes for which each lab held approval for in previous year)

55-3.7 – (a-5, i, ii, iii) approval fee = \$500 + (volume fee constant x sum of TAV for lab) + (analyte fee constant x sum of analytes the lab currently holds)

55-3.7 – (a-6) Government lab exempted from paying portion of fee related to adjusted volume

Annual ELAP Budget – (# of all permitted labs x \$500 Base Fee) = Balance of the Program

Balance of the Program = Volume Fee Constant ($\frac{1}{2}$ of balance / sum of all reported TAV – government labs)

+ **Analyte Fee Constant** ($\frac{1}{2}$ of balance / sum of analytes of all labs based on highest # of analytes for which each lab held approval for in previous year)