

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

**FILED**  
6-7-16 11:24 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the  
Oregon Health Authority, Public Health Division 333

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Agency and Division Administrative Rules Chapter Number  
Tracy Candela (971) 673-0561

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Address

To become effective Upon filing. Rulemaking Notice was published in the April 2016 Oregon Bulletin.

**RULE CAPTION**

Environmental Laboratory Accreditation to expand the scope and fees of accreditation.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:**

333-064-0005, 333-064-0010, 333-064-0025, 333-064-0060, 333-064-0065

**REPEAL:**

**RENUMBER:**

**AMEND AND RENUMBER:**

**Statutory Authority:**

ORS 438.605-438.620, 448.131, 448.150(1), 448.280(1) (b) & (2), 475B.565

**Other Authority:**

**Statutes Implemented:**

ORS438.605-438.620, 448.280(1) (b) & (2), 475B.565

**RULE SUMMARY**

The Oregon Health Authority, Public Health Division, Oregon State Public Health Laboratory is permanently amending administrative rules in chapter 333, division 64 pertaining to environmental laboratory accreditation. Based upon implementation of new technologies introduced by environmental laboratories and the cannabis testing laboratories and in order to be compliant with ORS 475B.565 regarding testing and sampling cannabinoid products, ORELAP needs to expand the scope of accreditation. The Oregon Environmental Laboratory Accreditation Program (ORELAP) is a fee based program that accredits laboratories by Matrix-Technology/Method-Analyte. The ORELAP accreditation process will need to be changed to include the revised fields of testing; Basic, Moderate and Complex based on the assessors' time to review the methods during the on-site assessment, as well as the addition of a new field of testing to include the new technologies, expand the definitions of matrix to include cannabinoid products to be tested in order to be accredited based on the assessment of Matrix-Technology/Method-Analyte to the TNI standards. The addition of the field of testing and the matrix per field of testing for which the laboratory has requested accreditation will require a rule change in the fee schedule to determine the appropriate assessment fee. The out-of state fees for environmental laboratories seeking accreditation or renewal of ORELAP accreditation will be increased. In order to be compliant with ORS 475B.565, ORELAP will include cannabis sampling as an accreditation and will be assigned a point value for an application fee and listed as a technology within the new Advanced Technology field of testing. The rule changes regarding the out-of-state fees and the addition of a new field of testing (Advanced Technology) with the corresponding fee(s) had been postponed until Ballot Measure 91 was voted by the people of Oregon in November 2015. Upon the passage of ORS 475B.565, requiring cannabis testing laboratories to seek ORELAP accreditation in pursuant of Oregon Liquor Control Commission (OLCC) licensure, the rule changes presented in this notice is a full roll up of proposed rule changes of increased out-of-state fees, addition of new fields of testing, adjustment of the fee schedule based on the Matrix-Technology/Method-Analyte to include cannabis sampling and the addition of the definition of 'matrix' to include cannabinoid products, concentrates or extracts.

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