

TESTIMONY OF

David Glatt, Director of North Dakota Department of Environmental Quality

Chairman Louser and members of the House Industry, Business and Labor committee, my name is David Glatt, Director of the North Dakota Department of Environmental Quality (DEQ). The DEQ is responsible for the implementation of the majority of the environmental protection programs in the state. The programs include the Safe Drinking Water Act (SDWA), Clean Air Act (CAA), Clean Water Act (CWA) and the Resource Conservation and Recovery Act (RCRA). Each of these federal programs are implemented at the state level through Primacy Agreements which require the DEQ to demonstrate the ability to maintain program specific technical expertise, a legal framework that includes adequate laws, rules and enforcement ability, and sufficient staffing to implement each program. I am here today to provide testimony to request the addition of the DEQ chemistry laboratory section 1 (7), which identifies entities that HB 1374 does not apply.

The state, through the Department of Health and now the DEQ, has maintained an analytical chemistry laboratory for over 40 years to support the ongoing and changing needs of each of our regulatory programs. Our experience has shown that constant changes in regulatory requirements, identification of new or evolving public/health hazards and the need to provide consistent and timely responses to emergencies has necessitated the maintenance of a public laboratory. A well-maintained and accessible laboratory is critical to the function of the DEQ for the following reasons:

- A US EPA- SDWA certified lab is required to maintain program primacy.
- Laboratory access is needed 24/7 to respond to emergency or catastrophic events such as floods, fires, or accidental releases such as oil spills or chemical compounds.
- Establishment and full access to QA/QC plans approvable by the US EPA are required to ensure analytical consistency.
- Access to analytical chemists as part of the response team to ensure proper sample collection, selection of proper analytical method and analysis interpretation.
- Maintenance of a secure/controlled access laboratory structure, establishment of chain of custody sample handling protocol and secure evidence storage is required.

Providing accurate, timely and responsive analytical services are critical to the function of the DEQ. As such, we are respectfully requesting adding the DEQ Chemistry Laboratory to the list of exempted functions in Section 1 (7) of HB 1374.

This concludes my testimony, and I will stand for questions from the committee.