

- (1) standards applicable to laboratories;
- (2) qualifications for directors and other personnel; and
- (3) standards and procedures for quality assurance programs.

**(c) Accrediting bodies**

The Secretary of Health and Human Services shall approve State agencies or private, non-profit entities as accrediting bodies to act on behalf of such Secretary in implementing the certification and quality assurance programs in accordance with the requirements of this section. In making such approvals the Secretary of Health and Human Services shall—

- (1) oversee and review the performance of any accrediting body acting on behalf of the Secretary to ensure that such accrediting body is in compliance with the requirements of the certification program under this section; and
- (2) have the right to obtain from an accrediting body acting on behalf of the Secretary and from any laboratory that may be certified by such a body all records and materials that may be necessary for the oversight and review required by paragraph (1).

**(d) Requirements**

To be accredited under this chapter, a laboratory shall—

- (1) prepare and submit an application for accreditation to the Secretary; and
- (2) comply with such terms and conditions as are determined necessary by the Secretary and the Secretary of Health and Human Services.

**(e) Exceptions**

This chapter shall not apply to—

- (1) a laboratory operated by a government agency;
- (2) a laboratory operated by a corporation that only performs analysis of residues on agricultural products for such corporation or any wholly owned subsidiary of such corporation and does not make claims to the public or buyers based on such analysis;
- (3) a laboratory operated by a partnership that only performs analysis of residues on agricultural products for the partners of such partnership and does not make claims to the public or buyers based on such analysis; or
- (4) a laboratory not operated for commercial purposes that performs pesticide chemical residue analysis on agricultural products for research or quality control for the internal use of a person who is initiating the analysis.

(Pub. L. 101-624, title XIII, §1322, Nov. 28, 1990, 104 Stat. 3562.)

**§ 138b. Accreditation**

**(a) In general**

The Secretary shall issue certificates of accreditation to laboratories that meet the requirements of this chapter, as determined by the Secretary.

**(b) Requirements for accreditation**

To receive accreditation under this chapter, a laboratory shall prepare and submit an applica-

tion for accreditation to the Secretary and shall complete such required tests, and meet such standards as established under section 138a of this title.

**(c) Failure to meet accreditation standards**

The Secretary shall deny an application for accreditation or shall revoke any existing accreditation with respect to any laboratory that fails to meet the requirements for accreditation under this chapter.

**(d) Limited accreditation**

The Secretary may issue certificates of accreditation to laboratories that are limited to specific fields of testing.

(Pub. L. 101-624, title XIII, §1323, Nov. 28, 1990, 104 Stat. 3563.)

**§ 138c. Samples**

**(a) Performance evaluation samples**

**(1) Provided by Secretary**

The Secretary shall ensure that performance evaluation samples are provided to any laboratory that has applied for accreditation under this chapter.

**(2) Analysis by laboratory**

A laboratory described in paragraph (1) shall analyze such performance evaluation samples and submit the results of such analysis to the Secretary, as provided for in section 138a of this title.

**(3) Testing methods**

Samples shall be tested by the laboratory according to methods specifically approved for such purpose by alternate methods of demonstrated adequacy or equivalence, as determined in regulations established under this chapter.

**(b) Results of testing**

**(1) Submission of results**

The laboratory shall submit the results of the tests conducted under subsection (a) of this section to the Secretary on forms provided by the Secretary, on or before the date determined by the Secretary.

**(2) Evaluation of tests**

The Secretary shall evaluate the results of such tests achieved by the laboratory and shall determine whether such laboratory is capable of undertaking an accurate analysis of chemical residues in agricultural products.

**(c) Review of accreditation**

The Secretary shall ensure that performance evaluation samples for analysis are provided to laboratories accredited under this chapter not less than two times a year.

(Pub. L. 101-624, title XIII, §1324, Nov. 28, 1990, 104 Stat. 3564.)

**§ 138d. Application**

**(a) Contents of application**

An application for accreditation under this chapter shall be prepared and submitted to the Secretary and shall include—