REGION 8
DENVER, CO 80202

April 18, 2024

Ref: 8LAS-LS

Dr. Emily Travanty
Director, Colorado State Public Health Laboratory Colorado Department of Public Health and Environment 8100 Lowry Boulevard
Denver, Colorado 80230-6928

Dr. Travanty:

This letter serves to provide notice to you that the U.S. Environmental Protection Agency is immediately revoking certification for EPA method 200.7 (copper, chromium, and barium) and intends to downgrade your laboratory's certification to provisionally certified for all other drinking water methods, pursuant to EPA regulations and guidance issued under Section 1401(1)(D) of the Safe Drinking Water Act.[1]

Certification Officers for Region 8 performed an on-site evaluation of the Colorado Department of Public Health and Environment (CDPHE), Laboratory Services Division in Denver, Colorado on April 3-4, 2024. The purpose of this evaluation was to review your laboratory's chemistry and microbiology methods to determine eligibility for certification.

During the evaluation, laboratory management shared information with certification officers regarding an active investigation into data manipulation within the chemistry department. Laboratory management communicated that the investigation is ongoing but has established that a sampling of quality control data since 2021 was manipulated for EPA method 200.7. The EPA Manual for the Certification of Laboratories Analyzing Drinking Water (2005) specifies that "falsification of data or other deceptive practices" is among the criteria for revocation of certification. Thus, Region 8 is revoking certification for EPA method 200.7. This revocation is effective immediately as of this letter, and your laboratory may no longer analyze drinking water samples for EPA method 200.7 for compliance until its certification has been reinstated.

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[1] *See also* U.S. EPA, *Manual for the Certification of Laboratories Analyzing Drinking Water, Criteria and Procedures Quality Assurance*, EPA 815-R-05-004 (January 2005).

Moreover, during the evaluation, laboratory management did not present a timeline or a concrete plan for determining the scope of these issues and had not yet developed a communication plan to notify impacted customers (e.g., public water systems). Without reliable quality control data your lab's analyses do not comply with EPA's drinking water analytical methods. The processes that allowed the allegedly falsified quality control data to persist undetected for multiple years indicate lab-wide vulnerabilities related to sample analysis, reporting, and quality assurance mechanisms. The time elapsed prior to communicating the investigation and current findings with management within the State Drinking Water Program and EPA raises concerns about reporting processes.

Due to these deficiencies in laboratory operations, we intend to place all other chemistry methods under a provisional status. EPA intends to downgrade the following methods:

Method	Analytes	Intended Certification Status
200.8	Copper, Lead, Antimony, Arsenic, Beryllium, Cadmium, Mercury, Selenium, Thallium, Total Uranium	Provisional
300.0	Nitrate, Nitrite, Fluoride	Provisional
300.1	Bromate, Chlorite	Provisional
353.2	Nitrate + Nitrite	Provisional
504.1	Ethylene dibromide, Dibromochloropropane	Provisional
505	Chlordane, Polychlorinated biphenyls (as Aroclors), Toxaphene	Provisional
524.2	Total Trihalomethanes, VOCs	Provisional
525.2	Alachlor, Atrazine, Benzo[a]pyrene, Di(2-ethylhexyl)adipate, Di(2-ethylhexyl)phthalate, Endrin, Heptachlor, Heptachlor Epoxide, Hexachlorobenzene, Hexachlorocyclopentadiene, Lindane, Methoxychlor, Pentachlorophenol, Simazine	Provisional
531.2	Carbofuran, Oxamyl	Provisional
547	Glyphosate	Provisional
548.1	Endothall	Provisional
549.2	Diquat	Provisional
552.2	Haloacetic Acids	Provisional
555	2, 4, 5-TP (Silvex), 2, 4-D, Dinoseb, Picloram	Provisional

If the laboratory wishes to appeal the EPA's decision to revoke the laboratory's certification for EPA method 200.7, a notice of appeal should be submitted in writing to EPA within 30 days of receipt of this letter, or by May 18, 2024. The notice of appeal should be supported with an explanation of the reasons for the appeal and should be signed by the laboratory director.

In addition, to address the methods that EPA intends to place on provisional status, please provide within 30 days of receipt of this notice, or by May 18, 2024, a response that specifies what immediate corrective actions are being taken and any proposed actions ("response"). Some of the proposed actions may need the concurrence of the EPA. As part of this response, please include a description of: what actions you have taken to immediately address the vulnerabilities in the quality system that had

allowed for the data manipulation to occur; develop a plan that includes a timeline for determining the scope of these issues; and craft a communication plan to notify impacted customers as soon as possible. Within 14 days of receipt of the laboratory's response, EPA will consider the adequacy of the response and notify the laboratory in writing of whether it proceeds with finalizing provisional status for the methods in the Table above. Within three months of a final provisional status determination, the laboratory would be required to address all components of the laboratory that are out of compliance with certification requirements.

A report summarizing the on-site evaluation of the laboratory will be provided in the near future. This report may identify additional corrective actions and recommendations identified during the evaluation which are separate from the fraud investigation.

If you have comments or questions, please contact William Bunch, Region 8 Deputy Director Laboratory Services and Applied Sciences Division, at (303) 312-6412 (bunch.william@epa.gov).

Sincerely,
WILLIAM
BUNCH

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William Bunch, Deputy Director
Laboratory Services and Applied Sciences Division

cc: Andrea Dakan
Quality Assurance Coordinator, Laboratory Services Division