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Rules Concerning First Level Certification of Laboratories

(Updated September 28, 2018)

Under the *Wines of Marked Quality Regulation* (the "**Regulation**") the BC Wine Authority (the "**Authority**") is responsible for administering BC's Wines of Marked Quality Program and for enforcing the Regulation generally.

The Regulation mandates or permits the use of chemical analyses in certain specified circumstances. Pursuant to Part 2, Division 5, Section 23(2), of the Regulation, a Member submitting any wine to the Authority for certification ***must*** provide evidence of certain attributes of the wine, namely; alcoholic strength by volume, total acidity, level of volatile acidity, pH level, total sulphur dioxide, level of sulphur dioxide in a free state, and residual sugar. Part 2, Division 5, Section 23(2)of the Regulation requires that the evidence supplied by a Member in this regard must be based on tests conducted by a laboratory that has been certified or approved by the Authority

In addition, under Part 2, Division 7, Section 38(b) of the Regulation, a Member submitting a wine to the Authority for BC VQA certification, or for re-testing under Part 2, Division 7, Section 39, ***may*** submit a chemical analysis of the wine relating to the specific faults listed in Schedule 4 of the Regulation. If provided, any such analysis must have be conducted by a laboratory certified or approved by the Authority.

Part 2, Division 1, Section 7(2), of the Regulation provides that the Authority must develop and manage a system to certify laboratories in British Columbia and to approve laboratories **outside of British Columbia**-. Pursuant to this requirement the Authority has developed a two-level system for certifying and approving laboratories. First Level Certification is for those laboratories undertaking chemical analyses for purposes of subsection Part 2, Division 5, Section 23(2),of the Regulation. Second Level Certification is for those laboratories undertaking chemical analyses for purposes of Part 2, Division 7, Section 38(b), Schedule 4, of the Regulation.

This document sets out the Authority's Rules relating to First Level Certification for purposes of Part 2, Division 5, Section 23(2),of the Regulation, and for the Authority's Rules relating to Laboratory Certification for the EU.

1. Definitions

"**Accredited Laboratory**" means a laboratory that has been accredited by a recognized accreditation body which accreditation includes the full scope of chemical analyses required under subsection Part 2, Division 5, Section 23(2), of the Regulation.

"**Official Methods of Analysis**" means the; *Official Methods of Analysis* 18th Edition, Revision 4, as published by AOAC International; *the Compendium of International Methods OIV,* Edition 2012, Volume1, and other methodologies as may be approved by the Authority.

"**Application**" means an application submitted or to be submitted by a laboratory under these Rules for First Level Certification.

"**Good Laboratory Practices**" means the applicable laboratory practices as specified in *OECD Principles of Good Laboratory Practice* (OECD Series on Principles of Good Laboratory Practice and Compliance Monitoring, Number 1, ENV/MC/CHEM (98) 17).

"**Member**" means a winery holding a practice standards certificate issued to it by the Authority under Part 2, Division 3, Section 12(a), of the Regulation.

"**Wine Quality Certificate**" means a quality certificate for a wine issued by the Authority under section Part 2, Division 3, Section 12(b), of the Regulation.

2. General Requirements For First Level Certification

2.1 In order to obtain First Level Certification from the Authority a laboratory must either be an Accredited Laboratory, or must meet the following criteria:

a) The laboratory must employ at least one chemist who has direct responsibility for all chemical analyses conducted by that laboratory for purposes of subsection Part 2, Division 5, Section 23(2), of the Regulation;

b) The chemist having direct responsibility for chemical analyses must possess either a baccalaureate or graduate degree in chemistry or a related field from a recognized university, or a college diploma or certificate in chemistry or a related field from a recognized college;

c) The chemist having direct responsibility for chemical analyses must have at least two years prior experience in chemical analyses;

d) The chemist having direct responsibility for chemical analyses may be considered by the Authority on the basis of their experience if that experience has been for a period of at least eight year immediately before and directly involved with the chemical analyses. The consideration for "experience" only applies to Part 2, Division 5, Section 23(2), of the Regulation and not for EU Certification.

d) The laboratory must possess the equipment necessary to perform those chemical analyses required under Part 2, Division 5, Section 23(2), of the Regulation, that it wishes to perform as indicated in its Application, utilizing the methodologies provided in the AOAC Official Methods of Analysis, *the Compendium of International Methods OIV* or such other methodologies as may be approved by the Authority; and

e) The laboratory must consistently abide by all applicable Good Laboratory Practices.

2.2 For greater certainty, a Member may submit an Application to have its own laboratory certified.

3. Certification Process

3.1 Any laboratory wishing to obtain First Level Certification for some or all of the chemical analyses required under Part 2, Division 5, Section 23(2) of the Regulation must submit an Application to the Authority using application form "BCWA LCA-1".

3.2 An applicant laboratory must provide the following information to the Authority as part of the Application:

a) Name of the laboratory, if applicable, and the address of its physical location;

b) Relevant details concerning the chemist who has direct responsibility for chemical analyses (including name, employment relationship with the laboratory, contact information, qualifications and experience);

c) An indication as to which of the chemical analyses required under Part 2, Division 5, Section 23(2) of the Regulation it wishes to be certified to perform;

d) A declaration confirming the applicant laboratory's ability to perform all of the chemical analyses indicated under paragraph (c) and its undertaking to comply with the applicable methodologies for such analyses as provided for in the AOAC Official Methods of Analysis, *the Compendium of International Methods OIV* or as otherwise approved by the Authority;

e) Complete details concerning any proposed methodology that the applicant laboratory intends to utilize that is not provided for in the AOAC Official Methods of Analysis, or *the Compendium of International Methods OIV*; and

f) A declaration confirming the applicant laboratory's willingness to be audited and inspected by the Authority.

3.3 The Authority will review the application to ensure compliance with these Rules and the Regulation. If the Authority is satisfied that the applicant laboratory complies with these Rules and the Regulation it may approve the application.

3.4 If an applicant laboratory is approved by the Authority for First Level Certification it will be advised in writing of its certification and it will be provided with a certification number.

3.5 Any certification issued under section 3.4 will be valid from January 01 to December 31 of the current year. Any certified laboratory must apply annually to renew the certification.

3.6 In accordance with Part 2, Division 2, Section 10(3), of the Regulation, the application fee for an initial First Level Certification is $200. The application fee for any subsequent renewal of a First Level Certification is $100.

3.7 The applicable application fee must be paid in full at the time an application is submitted. The application fee is payable for processing an application and will not be refunded in the event that an application is refused.

4. Records to be Kept by a Certified Laboratory

4.1 A certified laboratory is required to keep good and accurate records of all analyses conducted by it for purposes of the Regulation in sufficient detail to enable an inspector of the Authority to verify any information that has been provided to the Authority, whether by the laboratory directly, or by a Member relying on a chemical analysis produced by the laboratory as part of a request for a Wine Quality Certificate.

4.2 In accordance to Part 2, Division 2, Section 11(d) of the Regulation Records required to be kept by a certified laboratory under these Rules must be kept for a period of at least five years from the time the record was initially created by the laboratory.

5. Laboratory Audits and Inspections

5.1 By submitting an application to the Authority the laboratory agrees to make its facility and its relevant books and records available to the Authority or to an inspector of the Authority for purposes of verifying:

a) Any information provided to the Authority in an application; or

b) Any analysis conducted by that laboratory for a Member for purposes of the Regulation.

6. Enforcement

6.1 In accordance to Part 2, Division 2, Section 11(2) of the Regulation, a laboratory's First Level Certification will be subject to immediate revocation if at any time the laboratory:

a) Fails to make its books and records or facility available for inspection or audit by the Authority as required under section 5;

b) Fails to maintain good and accurate books and records as required under section 4; or

c) Provides any false, misleading or incomplete information or analysis.

6.2 Any revocation of a laboratory's First Level Certification may also mean that any previously issued certifications may also be retroactively revoked. Additional enforcement action may also be taken.

6.3 If a laboratory's First Level Certification is revoked under this section the laboratory will be ineligible to apply to the Authority for subsequent certification under these Rules for a period of time determined by the Authority.

7. Amendments

7.1 These Rules are subject to amendment by the Authority from time to time.