

TNI Board of Directors Meeting Summary

April 8, 2009

1. Roll Call and Approval of March Minutes

| Directors | Present |
|--------------------------------------|---------|
| Joe Aiello | Y |
| Aaren Alger | Y |
| Steve Arms | Y |
| Judith Duncan | Y |
| Jack Farrell | Y |
| Ken Jackson <input type="checkbox"/> | Y |
| Tom McAninch | Y |
| Sharon Mertens | N |
| Judy Morgan | Y |
| Ken Olson | Y |
| Aurora Shields | N |
| Matt Sica | N |
| Alfredo Sotomayor | Y |
| Dave Speis | Y |
| Curtis Wood | Y |
| Bob Wyeth | Y |
| Ex-Officio Directors | |
| Brooke Connor | Y |
| Deb Szaro (Kevin Kubick) | Y |
| George Detsis | Y |
| Edward Hartzog | Y |
| Staff | |
| Carol Batterton | N |
| Jerry Parr | Y |
| Ilona Taunton | Y |
| Jane Wilson | N |
| Janice Wlodarski | Y |

Motion to Approve the March 2009 Meeting Minutes:

Motion: Steve Arms
Second: Judy Morgan
Approved: Unanimous

2. Welcome Aaren Alger to the Board

As a result of the election held in March, Aaren Alger from the Pennsylvania Department of Environmental Protection has joined the TNI Board.

3. Offer of Resignation from Ken Olson

Ken Olson no longer works for ALS/Datachem and thus has moved from the stakeholder category of Laboratory to Other. In accordance with Article IV, Section 4 of the TNI Bylaws, the TNI Board is required to consider this change of employment in relation to the balanced composition of the Board.

Prior to Ken's change in employment, the composition of voting members on the Board was: Accreditation Body, 6; Laboratory, 5; and Other, 4. Note: Ken's current term is effective until March 2012.

Motion not to accept Ken Olson's resignation:

Motion: Bob Wyeth
Second: Dave Speis
Approved: Unanimous

4. Election of Officers for 2009

In accordance with the TNI Bylaws, the Board has elected the following officers:

- Chair
Candidate: Steve Arms
Nominated by: Dave Speis
Second: Bob Wyeth

- Vice-Chair
Candidate: Sharon Mertens
Nominated by: Alfredo Sotomayor
Second: Jack Farrell

- Secretary
Candidate: Alfredo Sotomayor
Nominated by: Dave Speis
Second: Jack Farrell

- Treasurer
Candidate: Dave Speis
Nominated by: Alfredo Sotomayor
Second: Jack Farrell

The issue of re-affirming ex-officio members of the BOD was addressed. It was determined that each year a letter should be issued to ex-officio members asking if they are willing to continue to serve on the Board. Beginning next year this process will be bundled with the nomination process. Ex-officio members can affirm their continued representation on the board themselves, or obtain approval from their management as necessary.

5. Appointment of Past Chair

In accordance with the TNI Bylaws, the Board needs to select the most recent past chair willing to serve as Past Chair.

Judy Duncan has agreed to serve as Past Chair.

6. Meeting with EPA

On March 18, Judy Duncan and Jerry Parr met with the EPA Regional Science and Technology Directors to discuss some issues that identified at the Miami meeting. We took the entire 2 hours, about half on a presentation TNI prepared and half on questions that had been provided to TNI. Good

discussions on the questions occurred and TNI committed to doing a number of things. A summary of how we are planning to address issues and answer questions was prepared (see Attachment 1).

Overall the meeting was viewed as very positive. It became clear that we need to occasionally be in touch with the EPA Regional Science and Technology Directors to reaffirm the role of the EPA in the approvals of Abs and to help keep them informed of what is happening in TNI. Next steps include possibly adding an EPA representative to the NELAP Board and to increase LASC involvement in the development of NELAP Board policies and procedures.

7. Program Administrator Reports

See Attachment 2.

Attachment 1
Report to EPA Regional Science and Technology Directors

Issues for TNI

Based on Discussions prior to, during and after the Miami TNI Meeting a list of concerns facing the EPA Regions has been compiled. These items are to be forwarded to the TNI Board of Directors for discussion at the March 18th RS&T Director's Conference Call.

Item 1 – Need for an independent conflict resolution process for laboratories before going through a state's administrative process.

Discussion: If a Regional Laboratory (or any laboratory for that matter) has an issue with its laboratory accreditation, its only recourse is through the state AB's legal process. This should be avoided and TNI needs an interim step prior to the legal step.

Question(s): Can TNI insert an interim step to try and avoid going through a very expensive and cumbersome legal process?

Implementation of the accreditation program is delegated to state government agencies designated as Accreditation Bodies (ABs). This is no different now that from what has existed since the inception of the drinking water certification program. TNI has no authority to intervene in a state government's activities. This is also consistent with ISO 17011, section 4.2.2

“The accreditation body shall have authority and shall be responsible for its decisions relating to accreditation, including the granting, maintaining, extending, reducing, suspending and withdrawing of accreditation.”

As part of the NELAP evaluations, the NELAP Board does consider whether or not an AB has conformed to TNI's accreditation requirements.

TNI has implemented a standards interpretation request procedure where laboratories can seek clarification on issues. However, this procedure is not designed to be used to resolve a dispute between a lab and an AB.

In 2009, TNI is planning to develop additional technical assistance for laboratories. One of the items under discussion is a listing of most frequent assessment deficiencies and options for how to respond to them. TNI is also revising the Quality Manual template and the Quality Systems committee is planning to have case studies showing options for implementing the requirements.

Finally, TNI understands the need for a less formal process that could be used early in the process of a dispute and TNI's Policy Committee is going to take on the task of developing a complaint resolution procedure. Preliminary discussions suggest that TNI might act as a facilitator to make sure that each side hears and understands the point of view of the other. It is reasonable for a laboratory to be able to discuss how the process works with an independent third party who can help to convey their point of view. The Region 3 evaluator sometimes acts as an intermediary in disputes between a laboratory and an AB and is routinely provided copies of the laboratory's Assessment Appraisal Forms completed after each NELAP assessment. The Region 3 efforts will be considered as the Policy Committee considers this topic.

Item 2 - What recourse does an EPA Region have when the NELAP Board of Directors does not apply the Standard or implement the program appropriately?

Discussion: Regarding the Drinking water Program – conceivably, NELAP could conclude that an AB is running an appropriate drinking water laboratory program, while the parent Region comes to a different conclusion. A process for resolving this scenario before a Region proceeds to formally intervene.

Question: The Regions and TNI need to develop a process to resolve these potential disputes, what is the best way to approach this?

TNI and the Regions work together during the evaluations to resolve such disputes, but there is no process for the intervening period if some new concern arises. Any concerns about an AB not implementing the program correctly should be brought to the NELAP Board and will receive serious attention. As noted above, TNI's Policy Committee will work on development of a complaint resolution procedure and the TNI Board will discuss measures that might be taken to facilitate discussions early in the process of a dispute.

Item 3. Concerns about whether NELAP assessors have adequate technical training.

Discussion: There are recent instances where NELAP AB assessors have approved laboratories that are making modifications to the drinking water methods. This points to a lack of technical training in the drinking water methods. NELAP AB assessors are required to take assessor training that focuses on the accreditation process, but the technical training program is very lacking.

Question: What can be done to improve the technical training that assessors receive?

TNI agrees that assessors need to be competent to assess the technical areas they audit. TNI has taken, or plans to undertake the following actions:

1. The TNI On-Site Assessment Committee has developed a technical curriculum that will be provided to the Technical Assistance Committee for this committee to consider for future planning.
2. The Technical Assistance Committee is developing a plan for how such training would be provided, including a process by how TNI can approve trainers and/or training courses.
3. TNI will continue to hold day-long Assessment Forums in conjunction with our meetings held twice a year.
4. The new TNI standard requires assessors complete and attain a passing score on all technical disciplines that the assessor will assess. This is an increased requirement from the 2003 NELAC standard

At a special session at Pittcon in 2007 on the performance approach, that included representatives from TNI and the Office of Water, we requested EPA to provide information that clearly defined what they would expect an assessor to be looking for to decide whether or not a laboratory was modifying an EPA method. TNI requests EPA consider developing this guidance, especially for newer, complex methods.

Item 4 – The NELAP Board is allowed to vote to interpret the NELAC Standard without participation of all of TNI.

Discussion: During the 2008 evaluation process the NELAP Board ruled regarding the interpretation of the 2003 NELAC standards related to assessor training requirements. These standards interpretations were then used as the basis for the evaluations that were conducted.

Questions: Why is this permitted? There is no transparency in this process. Too much authority is given to the NELAP Board. An EPA presence on the NELAP Board could prevent this. Is there any progress in getting an EPA presence on the TNI Board of Directors?

TNI's standard interpretation process generally involves a number of committees that have diverse stakeholder representation, including the Expert committee that developed the language and the Laboratory Accreditation System Committee. On occasion, such requests have come to the NELAP Board directly. TNI has agreed to revise the process as follows:

- The responses to all standards interpretation requests (SIR) will be reviewed by the Laboratory Accreditation System Committee (LASC) who will provide a recommendation back to the NELAP Board.
- Any agenda item brought to the NELAP Board independent of TNI's formal SIR process that has the appearance of a SIR will be identified by the TNI program administrator as an SIR and treated as such.
- TNI plans to expand the role of the QA Officer for NELAP to include an annual report to the TNI Board of Directors on the activities of the NELAP Board, and actions by the NELAP Board on SIR will be added to the list of items to report on.

The TNI and NELAP Boards have discussed adding an ex-officio (non-voting) representative from EPA and believe this is a good idea. We need to define roles and responsibilities. The NELAP Board also wants to ensure the person on the board would fully represent EPA.

Item 5: NELAC Chapter 6 vs. the new TNI Standard

Discussion: The new TNI standard (Volume 2) does not include all of Chapter 6 of the 2003 NELAC Standard (Accrediting Authority). It is understood that much of the remaining material governing the evaluation of ABs is in NELAP's SOP for the Evaluation of ABs. And that this SOP is only a TNI policy approvable by the NELAP Board.

Questions: Is all of Chapter 6 included in the TNI standard and Evaluation SOP? Can the NELAP Board of Directors change the Evaluation SOP and the policies within, and not have to have the concurrence of all of TNI?

The adoption of SOPs and policies by the NELAP Board includes input from the LASC, review by the TNI Policy Committee for consistency across TNI, and review by the TNI Board for organizational risk so there are several ways in which these documents have concurrence from TNI groups that have balanced representation.

One of the things that did not work in the old NELAC system, was that the Standard – particularly Chapter 6, contained a lot of prescriptive procedure and policies that did not belong in the standard and did not need to be created/voted on by all the membership. Items like timelines, what the certificate should include, how to fill out an application, and EPA's role in evaluations. The process for changing these in the standard was too lengthy. In addition, some of these just did not work and others are no longer in existence (e.g. NELAP Director). These were pulled out of the new standard for these reasons, and to be consistent with ISO 17011 which also recognizes the impracticality. The NELAP Board has implemented SOPs that address the primary required activities from the old Chapter 6. There are some items that may not need to be included in TNI policies and procedures (e.g., administrative procedures for handling appeals that are codified in state regulations).

We have used LASC very successfully to review the standards and offer consensus opinion representing all stakeholders. If you look at TNI's bylaws, and also go back to the intent at the time of the formation of TNI, we intended LASC to be an advisory group to the NELAP Board. We plan to have LASC involved in all SOPs that relate to NELAP (including the SOPs from the consensus standard development and proficiency testing programs), and provide recommendations to both the group that developed the SOP, as well as the NELAP Board and, where appropriate the TNI Board.

Items in NELAC Chapter 6 that are not in the Evaluation SOP, but that may be needed when the new standard is implemented (e.g., timelines) will be developed as additional SOPs by the Accreditation Body committee, a consensus body with diverse stakeholder interests.

TNI will provide a crosswalk document to compare NELAC Chapter 6 to the new TNI standard and SOPs.

Other Actions by TNI

We will request the NELAP Board consider what actions would need to be taken if a primacy state accreditation or certification decision differs from that of an out-of-state NELAP AB for a laboratory located within the primacy state.

**Attachment 2
Program Reports**

April 7, 2009

Consensus Standards Development

- Several TIAs from the PT committee are being voted on by CSDB with respect to "emergency nature". One additional TIA is expected from the PT committee.
- SSAS committee continues to review public comments and will also try to address any comments submitted by the Source Emissions Society (SES) time permitting (comments were due by April 3). The committee's goal is to complete review and development of Voting Draft Standards (VDS) by end of April. The committee needs to coordinate with webmaster regarding balloting of the VDS documents beginning in May.
- SSAS database subcommittee continues to meet on SSAS central database development with the goal of having database available by sunset of EPA audit program (October 2009).
- Next meeting for CSDB is April 9.

NELAP

- The NELAP Board has approved renewal of the FL program. Renewal for CA is only one still pending from the first round. Board voted to allow Ken Jackson to continue as lead assessor for CA even though he has retired.
- In the second round of renewals, OR onsite evaluation has been conducted and the draft report is in preparation. TX onsite scheduled for later in April. Technical reviews are complete for LADEQ and IL.
- The NELAP Board has completed the initial review of the LASC's recommendations. There are still some concerns primarily related to PT volumes including language related to using unapproved PT providers, the appeals procedure, and experimental PTs.
- Dan Hickman reminded the NELAP Board that they still owed the TNI Board a response on the SW-846 issue. Joe Aiello will be calling Dave Speis for clarification.

Technical Assistance

- TAC has begun discussions on regional workshops for training labs on the new TNI standards. Potential partners, include the NY-PA lab association, FSEA and WEAT.
- TAC will put standards interpretation requests regarding methods modifications on hold pending a revised procedure. TAC members are working with Ilona to devise a long term solution to the methods interpretation questions.
- Work has begun planning the Assessment Forum for San Antonio. Focus will be on auditor consistency.
- Quality Assurance Manual Template:

Additional volunteers have been added to work on this project. There will be a core group to oversee the big picture and individuals will participate in the update of the sections. Scott Hoatson (Oregon DEQ) has received approval to participate on the core group. A more detailed list of section content still needs to be completed to get this project rolling. Ilona will be completing this and planning meetings for the end of the month to begin work with the volunteers.

Advocacy

- Len Schantz reported he had received additional contacts for the Small Lab Advocate Group (SLAG) and had held a second conference call. The SLAG has requested a web page.
- Judy Duncan and Brooke Connor along with Len will be developing a one page leave behind handout for small labs that anyone can use when giving a presentation.
- The committee reviewed a list of all the AWWA state associations and agreed that an article should be drafted and sent to each association explaining TNI's outreach to small labs through the Small Lab Advocate.
- Ken Jackson is the next newsletter editor. Articles will be due June 16, estimated publication is June 30.

Laboratory Accreditation System Committee

- The LASC received some feedback from the NELAP Board regarding their recommendation. The remaining comments are expected this week. The committee will meet this Friday to review.
- The committee also requested status on editorial changes and TIAs. They have gotten some feedback from the CSDB, but it was not clear if all changes were accepted. Each member of the committee has been given a recommended editorial change and everyone is looking at the DRAFT updated standards provided by Ken to see if the change was made. This will be completed by April 7, 2009 and a status table will be sent to CSDB prior to their April 9, 2009 meeting so that they can confirm that we are in agreement on what changes have been made. LASC is also waiting for a status update on TIAs.
- Standards Interpretation Request process:
 - Two new requests were received in March. New requests are being received, but people are being informed that the process may take longer to accommodate the time needed for finalization and implementation of the TNI Standard. The NELAP Board has been busy with review of the standard recommendations and has not provided any additional final interpretation this month.

PT Board

- The PT Board finalized the limit update SOP prepared by the Chemistry FoPT Subcommittee. This SOP will be forwarded to the Policy Committee for finalization.
- The Board is reviewing the Scope of Work for A2LA. It will be discussed during their April meeting.
- The Board considered implementation issues that may arise when the TNI standard is finalized. They will begin scheduling tasks such as preparing PT provider review checklists, updating the PTPA application, etc. A2LA will try to time the 2010 reviews to line-up with implementation of the standard so that all providers are assessed against the same requirements.
- Eric Smith (PT Board Chair) is reviewing all PT Board SOPs to determine whether they are needed and whether they went through the proper finalization process.
- Chemistry FoPT Subcommittee: They are continuing work on the table update. They have now received data from all PT providers except for one. They have a goal to update the format of the tables and incorporate the Experimental PTs by July 1, 2009. They plan to recommend an effective date of January 1, 2010.

National Database

- Dan Hickman is still working on getting the subcommittee full access to the database so that they can look for any final issues before the system gets tested.

NEFAP

- Information is being collected to prepare a comparison of options for how accreditation may work. Third party options are being considered. In depth report/white paper is being prepared.

Website

- Continued work on the design of the web page for the National Database.
- Continued work on a policy for access to database. Draft of policy to be complete by May and then sent to Policy committee for review.

Policy

- No meeting since Miami.
- Action Items from Miami Meeting and TNI Board Calls.
 - Bylaws: The Policy committee will draft bylaws changes.
 - QA: Need to consider adding a function for QA feedback to the TNI Board on the activities of the NELAP Board. This function could mirror the old AARB with annual review and report.
 - TNI bylaws require each committee to submit an annual report. The Policy committee is working on an example to share. Committees will be required to review their old charters and submit new ones.

Finance

- Draft report by independent accounting firm of review of FY 2006 complete. Report to be finalized by the May meeting.
- Assistance agreement for NEMC awarded.

Environmental Measurement Symposium (NEMC plus TNI Forum in San Antonio)

- At this point we have 74 abstracts submitted, but more are anticipated. All submitters received a confirmation that we received their abstract, all abstracts were formatted as needed for posting on the website and all chairs have received copies of potential abstracts for their session. We hope to have a DRAFT schedule completed by the end of this week.
- A meeting is planned for April 7, 2009 with all chairs to finalize the session topics for the August meeting. At this point it is questionable whether we will have the Homeland Security and Air sessions, but new sessions will be proposed to replace these based on the abstracts we have received.
- Next steps include contacting all presenters to let them know their abstracts have been accepted, providing presenters with information on preparing their papers and biographies and getting the abstracts and biographies available to all on the website.
- Training Courses have been finalized. These will be:
 - >Qualified Data
 - >Assessor Training Course on ICP
 - >Tying regulations to methods
 - >Assessor Training Course on GCMS
 - >Metals Speciation