

TNI Board of Directors Meeting Summary September 9, 2009

1. Roll Call and Approval of August Minutes

Directors	Present
Joe Aiello	
Aaren Alger	X
Steve Arms	X
Judith Duncan	X
Jack Farrell	X
Ken Jackson	X
Tom McAninch	X
Sharon Mertens	X
Judy Morgan	X
Ken Olson	
Aurora Shields	
Matt Sica	X
Alfredo Sotomayor	X
Dave Speis	
Curtis Wood	X
Bob Wyeth	X
Ex-Officio Directors	
Brenda Bettencourt (Kevin Kubik)	X
Brooke Connor	
George Detsis	
Edward Hartzog	X
Staff	
Carol Batterton	X
Jerry Parr	X
Ilona Taunton	X
Jane Wilson	
Janice Wlodarski	X

Approval of August Minutes with correct spelling of Kirstin's name in the Roll Call:

Motion: Bob Wyeth
Second: Sharon Mertens
Approved: Unanimous

1. Improving Assessment Consistency

As discussed in San Antonio, and reflected in the August minutes, the topic of assessment consistency was tabled for discussion in this September meeting. Alfredo prepared the following proposal to help initiate the discussion on this topic.

The Consistency Project

A concerted effort to improve the consistency of TNI assessments and evaluations

Summary The Consistency Improvement Task Force (CITF) will promote systems and develop recommendations aimed at increasing the consistency of TNI laboratory assessments and evaluations of accreditation bodies.

Premises

1. There are inconsistencies, real and perceived, in the way that assessments and evaluations are currently performed.
2. The level of inconsistency of assessments and evaluation has not been quantified.
3. Focusing on analyzing and quantifying the current lack of consistency is not as productive or desirable as is developing systems that would help ensure consistency.
4. The implementation of the new TNI accreditation and evaluation standards presents an opportunity for developing systems that promote consistency and allows focusing on the future and not as much in the past.
5. Assigning this project to small group could give it the necessary focus, elevate the effort to a high priority, and facilitate accountability.

Request to the TNI Board

The TNI Board should authorize the formation of the CITF. The CITF will:

1. Be directed by the Chair of the Policy Committee.
2. Develop a scope statement for the project for endorsement by the TNI Board
3. Establish a duration for the project that is commensurate with its scope.
4. Provide brief updates of its activities to the TNI Board, an annual report, or a report at the conclusion of its activities.

The CITF is an Ad Hoc group, a task force, if you will. This is not intended to be a permanent group. Activities should be targeted to be complete within 1 year. More time can be allotted if needed.

The CITF will be directed by a member of the TNI Board (Alfredo) and should be responsible to and directed by the TNI BOD.

The core group will consist of: Alfredo, Jack, Tom, Bob, Ed, Jerry. This group will report back to the BOD in October with a proposal for group charter, makeup of task force membership, general scope of the project, resources needed, etc. After the scope, etc., has been determined, a press release/communication will be sent out to membership.

Motion to form Task Force: Jack Farrell
Second: Judy Morgan
Approved: Unanimous

2. Implementation of New TNI Standards

As described in the Program Reports, the NELAP Board has adopted the TNI standards for implementation by September 1, 2010. Some ABs may not meet this schedule but everyone has committed to having the new program in place by July 2011. The issue to the TNI Board is whether or not there are any concerns about having some ABs not be on the same schedule.

Issues discussed included: 1) Will the NELAC Board accept both the 2003 NELAC Standard and the new TNI Standard while staggering implementation?; 2) What will be the effect on the marketplace? Clients are going to want the most recent Standard. Will they go elsewhere?; 3) New vs. Old Methods – are they equally effective?; 4) Do you we have one program or two? 5) The implementation timing of 18 months to 2 years – are these real obstacles or paper obstacles?

The feeling is that the NELAC Board will recognize both programs as equally effective. We may need to do a press release to this effect. And the obstacles to implementation of the new Standard are indeed real, not just paper obstacles.

Recommendation is to proceed with staggered implementation. Effective date will be September 2010 with one year to implement, for both labs and ABs. This will allow everyone enough time to get through their accreditation cycle. This is consistent with the way the NELAC 2001 to 2003 Standard change was rolled out.

Jerry will draft a document for next month's call – a "recommendation to NELAP" or a press-release or summary type document indicating discussing the implementation dates and putting everything in the proper perspective.

Next question: what are we calling these: TNI Standard? The 2009 TNI Standard? The TNI 2009 Environmental Sector Standard?

3. ACIL Statement on NELAC

The September ACIL newsletter contained this statement:

ACIL CEO Milton Bush represented ACIL at the August NEMC in San Antonio. "While impressed with the number of attendees, I was disappointed with the progress to establish a national accreditation program for environmental laboratories," stated Bush. "The new The NELAC Institute (TNI) standards are well written and comprehensive, but the states still hold all the cards because they can choose not to use them. This experience only further solidifies my opinion that teaming with federal regulators and private sector specifiers, as we are doing with NACLA, is essential to reduce redundancy and duplication in accreditation."

Does TNI need to take any action?

ACIL CEO Milton Bush did not run this statement by ESS nor does it reflect the opinions/membership of any of the ACIL members involved with the Environmental Standards. TNI is disappointed that these comments were made but this is not a direct TNI issue and does not warrant response from the TNI BOD. Jack/Bob/Judy, and anyone else that would like to join the group at the meeting, have been asked to come to the ACIL national meeting to discuss the issue. It has been decided to let the ESS handle it within ACIL. (Side note: Earl Hansen has already written a note responding directly to Milton Bush.)

4. Memorandum of Understanding with EPA

The Advocacy Committee drafted a letter to the FEM requesting development of an MOU between TNI and EPA. The Advocacy Committee recommends that the TNI Board approve and send this letter. See Attachment 2.

Specific comments:

Need to add "among other items" to the first bullet under the third paragraph.
Need to mention drinking water.

Lara Autry has been helping to edit the letter. A final version will be sent to the Board for review early October. It needs to be ready for the October FEM meeting. In the interest of time, can be reviewed and approved via email.

Motion to Approve Concept of Working with EPA to Develop an MOU: Judy Duncan
Seconded: Jack Farrell
Approved: Unanimous

5. Program Reports

See Attachment 1.

**Attachment 1
Program Reports**

September 8, 2009

Consensus Standards Development

- SSAS has completed review of comments and is making final changes to the VDS documents prior to posting the response to comments and amended standards. Audit samples will be available through EPA until the end of the year which has provided some breathing room for getting the standards finalized and the program in place.
- Revised appeal from Jeff Flowers should be submitted next week. When received, it will be handled according to Sections 6.2 and 6.3 of SOP 2-100 which states:

Within seven (7) days of receiving the complaint, the Executive Director will notify and provide a copy of the complaint to the Chair of the TNI Board of Directors and the Chair of the Expert Committee against which the complaint is made. Within thirty (30) days after receipt of the complaint, the Executive Director shall prepare a written response that meets the approval of the Board of Directors and the Chair of the affected Expert Committee and will submit the response to the appellant. The response will specifically address each allegation of fact in the complaint to the extent of the respondent's knowledge. The Executive Director may solicit other individuals with specific knowledge of the matter in question to assist with the response.

NELAP

- The new standards were adopted by the NELAP Board with an effective date of Sept. 8, 2009. All ABs voted in favor with the exception of NY who abstained for reasons unrelated to acceptability of the standards. ABs will implement the new standards beginning September 1, 2010, but no later than July 2011.
- In the second round of renewals, the NELAP Board voted to renew TX recognition as an accreditation body. OR has received their final report and is preparing a response. LADEQ has submitted their response to the onsite evaluation report. IL's onsite was conducted August 25 and the report is in preparation.
- For the new AB applicants, VA's onsite evaluation is scheduled for October 20-22. The MN application is expected shortly. The OK application is tentatively scheduled for summer 2010.
- Paul Ellingson, QAO, has forwarded his final report to the NELAP Board on the first round of evaluations. The NELAP Board has requested follow up information from Paul to determine if specific ABs will need additional training or assistance to resolve deficiencies.
- The NELAP Board is developing a draft policy for secondary recognition.
- The NELAP Board is developing a work plan for the next 6-9 months.
- Aaren Alger is the new chair of the NELAP Board.

Technical Assistance

- The TAC subcommittee developing a guidance document for LOD/LOQ determination continues to meet every other Friday. A draft document is expected by the time of the Chicago meeting.
- TAC will be assisting with organization and delivery of regional training on the new TNI standards.
- Quality Assurance Manual Template:
Target completion date is late winter/early spring.

Advocacy

- The next newsletter is scheduled for publication on November 1, 2009. Carl Craig is the editor.
- The Advocacy Committee drafted a letter to the FEM requesting development of an MOU between TNI and EPA. The Advocacy Committee recommends that the TNI Board approve and send this letter.
- The Advocacy Committee is discussing ways to reach out to EPA Region 5 while we are in Chicago.

Laboratory Accreditation System Committee

- The standard review process is complete. The only remaining action item is to follow-up on the policies and guidance documents recommendation.
- The group is working on a seal recommendation to the NELAP Board. They will provide a recommendation after their conference call this coming Friday, 9-11-09.
- Standards Interpretation Request process:
 - Thirteen requests were received in August. Still working on catching up on the questions. There may also be a need to start-up a side-by-side system for questions about the new TNI standard. The NELAP Board mentioned using this system to resolve a final issue with the new standard. The webmaster is aware of this.

PT Board

- Activities this month centered on working through the Experimental PT issue and adoption of Volume 3 and Volume 4 of the new TNI standard.
- The Chem FoPT Subcommittee has been asked to update the SOP for limit updates based on the new TNI standard. The change should make it simpler to move the experimental analytes to the accreditation tables. Dan Hickman announced in San Antonio that the NELAP Board will no longer approve any tables with Experimental Analytes. The PT Board has asked that the Chem FoPT subcommittee also prepare a list of potential problem analytes so that the NELAP Board can review this list to see if these analytes are still thought to be needed.
- The PT Board Chair is preparing a letter to the NELAP Board to confirm that they don't have any problems with recent PT Board decisions regarding policies for the calculation of limits. This includes use of mean +/- 2 or 3 standard deviations for calculation of some limits, use of mean +/- 3 standard deviations for unregulated drinking water analytes being added to accreditation tables, and changing the requirement for $n \geq 20$ to $n \geq 10$.

- The PT Board would like an update on the status of method and analyte codes – who is in charge? Where should someone go to get information?
- The WET FoPT Subcommittee is working again. The current design on the tables needs some work. The hope is that, where appropriate, dose response curves will be added instead of specific numbers. They will also be looking at organisms.

National Database

- Committee has completed their work and will be merged into Website. Propose to change the name of committee to Information Technology.

NEFAP

- The NEFAP Board is being formed based on recommendations from the San Antonio meeting, volunteers from the Field Activities Committee (FAC) and FAC affiliates. Each person on the recommendation list will be contacted to confirm their interest in serving on the Board and then an e-mail vote will be taken where each FAC member will have a certain number of votes. The vote will then be examined and a final Board will be recommended to the TNI Board.
- A subcommittee has been formed to prepare a Pros and Cons summary for lead accreditation. This subcommittee will be lead by Bob DiRienzo. The target for completion is end of September.

Objectives for this Subcommittee: Prepare a report (by the end of September) to Erik Winchester of the EPA with the following information:

- Historical Perspective on Environmental Lead
- New Regulations and requirements
- What programs exist now and are available for this program
- What is TNI recommending for field activities.
- When/Why is accreditation important.
- When is personnel certification important.
- What else is available.
- What should be done

Website

- Access has been granted to begin design work on the national database.
- Working to create a readily accessible location for significant documents.
- Bulletin board created for Small Laboratory Advocacy Group (<http://www.nelac-institute.org/board/>). This page is becoming fairly active.
- Jerry wants to merge the Website and the National Database groups into one committee for ongoing work -- "Information Technology". Response: YES, go talk to them and then we can finalize it. (Also see National Database above.)

Finance

- TNI has been awarded additional assistance (\$100,000 over 12 months) from EPA. NSF has also received an additional \$50,000 to continue to support the consensus standards development effort and other tasks.
- The NSFTC grant will be extended though January 2011. David indicated remaining funds could be used to support travel of state officials to Chicago, for Accreditation Body evaluations and for the initial upload of data into the national database.

Conferences

- San Antonio ended up with 427 attendees and appears to be on track to be slightly profitable. Presentations from the NEMC meeting should be posted on the NEMC website soon.
- Planning for Chicago meeting is well underway. See the preliminary schedule below:

Monday: 1/25

Morning

- Keynote Address
- Report on TNI activities
- ELAB Presentation

Afternoon

- ELAB
- Policy
- Accreditation Body

Tuesday: 1/26

Morning

- Proficiency Testing (PT)
- Assessment Forum

Afternoon

- PT Board
- Assessment Forum
- SSAS

Wednesday: 1/27

Morning

- Website
- NELAP
- Quality Systems

Afternoon

- LASC
- On-Site Assessment
- Technical Assistance

Thursday: 1/28

Morning

- Mentor session
- Advocacy
- NEFAP Board & FAC

Afternoon

- TNI BOD and Chairs
- IAETL Meeting*

Friday: 1/29

Training Courses

* Illinois Association of Environmental Testing Laboratories

- Planning for 2010 summer meeting has also started and the basic schedule has been set.
- Request for Proposals for 2011 meetings have been sent out and 16 proposals have been received. The choices will likely be Tampa, Jacksonville or Savannah for winter 2011 and San Francisco or Seattle for that summer.

Membership

- Active Members: 603

**Attachment 2
DRAFT Text of Letter to EPA**

Dear Ms. Autry:

The U. S. Environmental Protection Agency (EPA) and The NELAC Institute (TNI) mutually recognize the importance of data quality. Our organizations have worked cooperatively for a number of years to promote a coordinated national approach to accreditation of environmental laboratory and field measurement and sampling organizations. We have appreciated EPA's commitment to national accreditation and the support EPA has provided to our organization, and its predecessor organizations.

TNI believes that it is important for EPA and TNI to continue working together. With the adoption and pending implementation of TNI's new laboratory accreditation standards in addition to the establishment of a field sampling and measurement accreditation program, it is critical we implement these programs in a unified way to meet regulatory requirements and state needs. We are on the verge of an expansion even to the existing national environmental laboratory accreditation program with new states applying and being recognized as accreditation bodies.

The Agency also has several initiatives related to accreditation.

- EPA's Environmental Laboratory Advisory Board (ELAB) is a chartered federal advisory committee to provide advice on "the operation and expansion of a national environmental laboratory accreditation program."
- Several EPA programs (e.g., the Discharge Monitoring Report - Quality Assurance, stationary source, acid rain, lead-based paint program) have components within their programs that relate to accreditation or proficiency testing.

In all of the programs listed, TNI and EPA have explored opportunities to work cooperatively together to minimize redundancy and maximize the effectiveness of the program.

With these initiatives in mind, we would like to propose that EPA and TNI formalize their existing partnership in the form of a Memorandum of Understanding (MOU) between our organizations. We have attached several examples from the EPA website, which we believe could be used as a model for an MOU between EPA and TNI. Given the cross-cutting nature of accreditation needs across the Agency, the Forum on Environmental Measurement (FEM) seeded the appropriate starting point for these discussions, as well.

We suggest that an MOU between our organizations could potentially recognize our common commitment to:

- Foster the adoption of a recognized national environmental laboratory accreditation program characterized by nationally accepted consensus standards for environmental laboratory accreditation that includes reciprocity across the states.
- Foster the adoption of a recognized national environmental field activities accreditation program characterized by nationally accepted consensus standards for field sampling and measurement organizations (FSMOs) and the organizations that accredit FSMOs.
- Promote the performance approach to environmental monitoring.
- Promote a national program of proficiency testing.
- Improve communications between EPA and the environmental monitoring community on changes in policy and technical issues across all agency programs in a manner that fosters trust and understanding.
- Eliminate barriers that stand in the way of increasing confidence in the quality of our nation's environmental testing laboratories and the credibility of the data emanating from these laboratories.

- Jointly developing and presenting training necessary to increase the expertise of scientists, engineers and technicians.

The goal of this agreement would be to provide increased opportunity for EPA and TNI to work together in order to promote a national dialogue on environmental monitoring issues. We recognize that by entering into such an agreement, EPA is not endorsing any of TNI's products or services. The Agency is also not committing to funding, which TNI will have to compete like all other interested parties.

If this approach is acceptable to the FEM, please let us know how you would like to proceed. TNI is willing to prepare a first draft MOU or work in a joint team effort. We look forward to hearing from you and working with the FEM on this endeavor. Please feel free to contact Jerry Parr, our Executive Director, at 817-598-1624, if you have any questions.

Sincerely,

Steve Arms, Chair
Board of Directors