

# TNI Board of Directors Meeting Summary

## March 10, 2010

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### 1. Roll Call and Approval of February 2010 Minutes

Directors	Present
Joe Aiello	X
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	X
Aurora Shields	X
Matt Sica	X
Alfredo Sotomayor	X
Dave Speis	
Curtis Wood	X
Bob Wyeth	
Ex-Officio Directors	
Brenda Bettencourt	
Brooke Connor	X
George Detsis	X
Edward Hartzog	X
Staff	
Carol Batterton	X
Jerry Parr	X
Ilona Taunton	X
Jane Wilson	X
Janice Wlodarski	X

#### Approval of February 10, 2010 meeting minutes:

**Motion:** Tom McAninch  
**Second:** Curtis Wood  
**Approved:** Unanimous

#### Resignation of Ken Olsen:

Jerry received notice of Ken Olsen's resignation today. Ken has enjoyed working with the Board and hopes to continue in the future as legal counsel instead.

#### Motion to Accept Ken Olsen's resignation and retain as legal counsel:

**Motion to Accept Resignation:** Jack Farrell  
**Second:** Brooke Connor  
**Approved:** Unanimous

**Motion to Accept as Legal Counsel:** Jack Farrell  
**Second:** Brooke Connor  
**Approved:** Unanimous

Details will be worked out with Jerry.

## **2. QAO Report and Memo to NELAP Board**

An action item from the February Board meeting was to form a small workgroup and develop a memo to send to the NELAP Board requesting they develop a corrective action plan and perform a root cause analysis on issues from the QAO report and EPA letter. This group has developed a draft memo. Below are some comments on the memo (Attachment 1):

Alfredo wondered if the memo was still too formal. His thought was for NELAP to focus their response: 1) choose the most important to address; 2) the next may not be as important but needed a response; and 3) address continuous improvement items. Overall the memo should be constructive – not a mandate but a cooperative agreement.

Steve: Comment re: AB Operations section – use words "...collectively and individually review these areas..."

Ken: Evaluation Process – Add provisions for assuring that corrective actions have been made in a timely manner.

### **Motion to Approve Letter with Additional Language to #5 As Discussed:**

**Motion:** Judy Duncan  
**Second:** Ken Jackson  
**Approved:** Unanimous

Other Notes: This needs to be a high priority. Standards were the priority – can they wait and we push this up in priority? A plan to be presented at the May Board Meeting – a progress report and respond accordingly (need to report to the EPA by August).

## **3. Response to EPA (Attachment 2)**

Carol, Jerry and Ilona met on March 3 to review a number of items and during this meeting drafted a plan for how to respond to the letter from EPA.

1. Send initial response in March with request to be on April or May FEM agenda. This initial response will list actions that have been completed and that are planned (see below).
2. Indicate final actions on all items will be by August.
3. Indicate details are being provided to our board liaison, Brenda Bettencourt, to allow for communication to the RST.

### **Activities Accomplished or Planned**

- Set up a meeting with NELAP Board and EPA representations to discuss issue
- Significant effort to look at the governance of TNI that has resulted in a new governance document and organization chart that clearly defines roles of the TNI Board relative to other groups. Plan to have bylaws revised by May to implement new structure.

- Tasked the NELAP Board to redraft their evaluation SOP to be in compliance with the new TNI standard and to explicitly address two topics, interpretation of the standard and suspension of recognition.
- Tasked the NELAP Board to prepare a corrective action plan to address comments in the QAO Report.
- Tasked the Policy Committee to develop a general Complaint Procedure.
- Tasked the Policy Committee to have draft of new Bylaws for May board call.
- Formed a Consistency Improvement Task Force.

**Comments:**

- Need to fortify standards interpretation policy.
- Consider adding other ex-officio members to NELAP Board.
- Need TNI Board to address QMS (Quality Management System) for the organization. Place on agenda for April Board meeting.
- We were already working on some of these items.
- Everyone will see the final response before it goes out.

**Motion to Move Ahead with Response:**

**Motion:** Jack Farrell  
**Second:** Judy Duncan  
**Approved:** Unanimous

**4. MOU on Lead Program**

Jack: How are we paying for this? Answer: NELAP Board is working on a budget/plan.

**Motion to Approve Lead Program MOU**

**Motion:** Judy Duncan  
**Second:** Judy Morgan  
**Approved:** Unanimous

**5. TNI Organization (Attachment 3)**

**Motion to Approve Posting the Governance document and organization chart and sharing with all TNI's major programs and committees for input; and for the Policy Committee to begin working on drafting the changes to the Bylaws (revisions by April BOD meeting; to vote on in May):**

**Motion:** Sharon Mertens  
**Second:** Curtis Wood  
**Approved:** Unanimous

**6. Board Election Schedule**

**March 1, 2010** Deadline for submission of application by potential candidates.

**March 15, 2010** Based upon a review of applications, the Nominating Committee develops a slate of candidates.

**March 21, 2010** The 2010 slate is officially announced on the TNI website.

**April 5, 2010** Deadline for election.

**April 14, 2010** Newly elected Directors assume office.

## **7. Policies and SOPs for Review (Attachment 4)**

### **Motion to Endorse Policy 1-105 Creation and Use of Guidance:**

**Motion:** Sharon Mertens  
**Second:** Judy Duncan  
**Approved:** Unanimous

Postponed approval of SOP 2 -100 until next meeting (need final version).

## **8. NEFAP Board Charter (Attachment 5)**

Alfredo – there was an item in a previous document that said the NEFAP Board would include a member of each AB that is performing FSMO accreditation -- is this just a discussion item or does it mean that the charter will be expanded in the future?

It could be that the charter will come back in the future broken into two groups. Right now, every AB is a member of the board. If we write the Bylaws correctly, we will not have to change the Bylaws, only the charter.

Motion to Accept NEFAP Board Charter:

**Motion:** Jack Farrell  
**Second:** Alfredo  
**Approved:** Unanimous

## **9. Program Reports (Attachment 6)**

See page 28.

## **10. Executive Session**

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**Attachment 1**  
**Memo to NELAP Board**

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**MEMORANDUM**

From: TNI Board of Directors

To: NELAP Board

Subject: NELAP Processes and Procedures

On January 25, 2010, TNI received a letter from EPA expressing concerns over some aspects of TNI's management of NELAP. In response to that letter, the TNI Board has taken the following actions:

- Facilitated a meeting between the NELAP Board and EPA representatives to seek further clarification on the issues, and
- Reviewed the report provided by TNI's Quality Assurance Officer on the evaluations that occurred in 2008.

Based on the TNI Board's review of these documents and the subsequent discussions that have occurred, the TNI Board would like the NELAP Board to respond to these issues:

- Interpretations of the NELAC standard as they relate to the AB evaluations,
- The evaluation process, and
- Concerns about accreditation body operations.

The table attached to this memo highlights some of the concerns in these three general areas.

The TNI Board believes a systematic approach to responding to these issues would be to use the QAO report as the basis, perform a root cause analysis, and develop a corrective action plan.

The TNI Board would like to see this plan no later than early July in order to review the response and offer suggestions so that a final plan could be provided to EPA in August. Several members of the TNI Board have indicated a willingness to assist with this effort and so one option you may want to consider is to form a joint task group to work on developing the draft response.

## **Issues Identified in QAO Report**

### **Interpretations of the NELAC Standard**

The NELAP Board considered five interpretations of the NELAC Standard. The requests for interpretation resulted from questions that arose during AB evaluations. The NELAP Board voted on the interpretations following its own SOP. The TNI Board has the following concerns about the interpretations made by the NELAP Board:

1. The LASC was not apprised about or involved in the interpretation requests.
2. Some of the interpretations may have changed evaluation findings into non-findings or observations.
3. The interpretations were not widely available to TNI members.
4. Some of the interpretations arguably change the intent of the NELAC standards, in particular, those dealing with sections 2.4.1 and 3.2.1.
5. The NELAP SOP apparently allows the NELAP Board to make interpretation decisions without consulting other TNI programs.

### **Evaluation Process**

While addressing these issues, NELAP should determine whether the new TNI Standard and/or policies and SOPs will resolve them or whether the TNI Standard will need to be revised.

1. Establish realistic timelines for completing the evaluation process.
2. Develop provisions for requesting extensions by ABs from timelines.
3. Clarify how ABs address complaints made to them regarding accredited laboratories or AB operations.
4. Determine how assessor competence is reviewed during the laboratory shadows performed by the evaluation team.
5. Incorporate provisions for addressing repeat evaluation findings and procedures to follow when an AB does not correct all findings after a second corrective action attempt.

### **Accreditation Body Operations**

As part of their efforts to improve operations, NELAP ABs should review these areas:

1. Frequency of internal audits
2. Schedule of laboratory assessments
3. Content of assessor refresher training
4. Process for granting secondary accreditations
5. Efficiency of the evaluation process

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**Attachment 2**

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**NATIONAL LEAD LABORATORY ACCREDITATION PROGRAM****Memorandum of Understanding on Collaboration between the Office of Pollution Prevention and Toxics of the U.S. Environmental Protection Agency  
and The NELAC Institute  
for the Accreditation of Field Sampling Measurement Organizations****I. Purpose**

There are three primary purposes of this Memorandum of Understanding (MOU) between the Environmental Protection Agency, Office of Pollution Prevention and Toxics (EPA/OPPT), and The NELAC Institute (TNI). First, this MOU documents that EPA/OPPT formally recognizes that TNI's voluntary National Environmental Field Activities Program (NEFAP) meets the goals and standards of EPA's National Lead Laboratory Accreditation Program (NLLAP) and EPA's Laboratory Quality System Requirements, Revision 3.0 (LQSR 3.0). The NEFAP includes procedures to evaluate and recognize accreditation bodies (ABs) and standards to accredit field sampling measurement organizations (FSMOs) to conduct environmental sampling and analyses. The LQSR 3.0 provides the protocols, criteria, and minimum performance standards for accrediting laboratories as qualified to test substances (i.e., paint films (chips), soil, and dust) for lead content.

Second, this MOU establishes that TNI, through implementation of its voluntary NEFAP, is qualified to evaluate, recognize, and perform oversight of the FSMO ABs.

Third, this MOU establishes that TNI's FSMO accreditation standards are consistent with EPA's LQSR 3.0, and will be used by TNI-recognized FSMO ABs to assess and accredit FSMOs as qualified to perform analyses consistent for lead in paint films, dust and soil samples collected and measured on-site using portable field testing technologies.

**II. Background**

Pursuant to the Congressional mandate in section 405(b) of the Toxic Substances Control Act (TSCA), EPA is responsible for establishing protocols, criteria, and minimum performance standards for laboratory analysis of lead in paint films, soil, and dust, and establishing a program to certify laboratories as qualified to test substances for lead content, unless EPA determines that effective voluntary accreditation programs are in place and operating on a nationwide basis. In the early 1990's EPA established the NLLAP and developed the first LQSR document to meet the requirements of section 405(b).

On January 23, 2008, in a Federal Register notice (73 FR 3967–3968), EPA published a notice of availability of clarifications to the NLLAP and the third revision of the LQSR (LQSR 3.0). The changes to NLLAP and LQSR 3.0 brought the NLLAP into conformity with current consensus standards for laboratory quality management systems and accreditation (i.e., International Organization for Standardization (ISO)) and revised the accreditation scope and requirements for all

laboratories seeking to be accredited to test paint films, dust, and soil for lead. In addition, specific revisions were made to the description of a FSMO and the requirements for FSMOs to become accredited to test for lead in collected samples of paint films, dust, and soil.

### **III. Definitions**

The following definitions are specific to this MOU:

Accreditation – A formal recognition that a field sampling measurement organization (FSMO) is competent to perform analyses of lead in a defined collected sample matrix associated with the evaluation and control of lead-based paint hazards.

Accreditation Body (AB) – An organization which is recognized by TNI and EPA as being capable of performing assessments of FSMOs requesting accreditation for analysis of lead in collected paint chips, dust and soil samples using portable testing technologies.

Assessor – A person who is trained to and performs a systematic evaluation of a FSMO on behalf of an AB.

Proficiency Testing Program (PT) – A program that each FSMO seeking accreditation is required to participate in on a quarterly basis to evaluate and verify their proficiency.

EPA National Lead Laboratory Accreditation Program (NLLAP) – A voluntary laboratory accreditation program through which EPA recognizes private sector and public laboratory accreditation organizations capable of performing adequate laboratory and field assessments as a part of their accreditation program of laboratories requesting accreditation for the analysis of lead in collected paint films, dust and soil samples associated with the evaluation and control of lead-based paint hazards.

Field Sampling Measurement Organization (FSMO) – An operation that performs on-site testing for lead in collected paint film, soil, and dust samples using portable testing technologies.

### **IV. Authority**

Pursuant to section 405(b) of the Toxic Substances Control Act (TSCA), EPA has established protocols, criteria, and minimum performance standards for laboratory analysis of lead in paint films, soil, and dust. Section 405(b) also requires EPA to determine if effective voluntary laboratory accreditation programs are in place and operating on a nationwide basis, and if there are such programs in place, to use them to demonstrate that laboratories have the ability to accurately test paint films, soil and dust samples for lead.

When assessing options to establish a national accreditation program for FSMOs testing for lead in collected samples, EPA determined it was appropriate and consistent with TSCA 405(b) to consider the existing voluntary accreditation program established by TNI.

**V. Basis and Substance of Understanding**

The general consensus standards for ABs are stated in the International Organization for Standardization and International Electrochemical Commission (ISO/IEC) 17011: 2004, "Conformity assessment – General requirements for accreditation bodies accrediting conformity assessment bodies", and are reflected in the NLLAP. The general consensus standards for laboratories performing environmental testing activities under NLLAP are stated in the International Organization for Standardization and International Electrochemical Commission (ISO/IEC) 17025: 2005 (E) "General requirements for the competence of testing and calibration laboratories", and are reflected in LQSR 3.0.

To determine that TNI's voluntary programs meet the goals of the NLLAP and the standards and criteria in LQSR 3.0, EPA reviewed TNI's organizational policies and evaluation practices and standards. Specifically, EPA reviewed the following TNI standards related to recognizing ABs, accrediting FSMOs, and proficiency testing, and found that they are consistent with the NLLAP goals and the FSMO requirements in LQSR 3.0:

- TNI Standard Operating Procedure (SOP) 10-005: The NELAC Institute National Environmental Laboratory Accreditation Program Standard Operating Procedure for the Evaluation of Accreditation Bodies.
- FFSMO-V2-2008: Field Sampling and Measurement Organization Sector, Volume 2, General Requirements for Accreditation Bodies Accrediting Field Sampling and Measurement Organizations, TNI Standard Adopted May 1, 2007.
- FFSMO-V1-2008: Field Sampling and Measurement Organization Sector Volume 1 General Requirements for Field Sampling and Measurement Organizations, TNI Standard Adopted May 1, 2007.
- EL-V3-2009: Environmental Laboratory Sector, Volume 3, General Requirements for Laboratory Proficiency Test Providers, TNI Standard, Adopted September 8, 2009.
- EL-V4-2009: Environmental Laboratory Sector, Volume 4: General Requirements for an Accreditor of Environmental Proficiency Test Providers, TNI Standard, Adopted September 8, 2009.

Through this MOU, TNI agrees that TNI- recognized FFSMO ABs will ensure that FFSMOs are accredited, using the TNI standards, to test for lead in collected samples of one or more of the following matrices: paint films, dust, and soil.

Specifically, The NELAC Institute agrees:

- 1) to ensure that TNI- recognized FFSMO ABs follow the TNI field activities standards for NEFAP to accredit FFSMOs.

2) that TNI-recognized FSMO ABs will document their specific program requirements addressing the general requirements stated in ISO/IEC 17011:2004, inclusive of the specific requirements in LQSR 3.0.

3) in the event that a TNI-recognized FSMO AB or an FMSO loses its recognition or accreditation status, to notify EPA NLLAP officials in writing within five working days of the action by the TNI NEFAP Board or the TNI -recognized FSMO AB.

4) to notify EPA in writing within 30 days after a decision has been made to implement major changes in organizational policies or management of the accreditation body recognition or operating process.

5) that, once available, all FSMOs applying for accreditation will participate in a recognized and approved FSMO AB proficiency testing program on an appropriate frequency agreed to by EPA. TNI agrees that the recognized PT provider is responsible for making arrangements for proficiency testing materials to be sent to FSMOs and for processing data of participating FSMOs. TNI agrees that the proficiency program will be consistent across FSMO ABs and the standard reference materials used will be certified and traceable to the International System of Units (SI) through a national metrology institute (NMI), such as the National Institute of Standards and Technology (NIST), or verified against international reference standards or materials, as available. A PT provider's recognition must meet the requirements of the TNI standards Volume 3 and 4.

6) that FSMO ABs will reevaluate at a minimum of once every two years each FMSO to ensure that the accreditation requirements are still being met. This reevaluation will include a systems assessment to ensure continued adherence to the TNI standards and the LQSR 3.0 standards, or most recent version of the LQSR. TNI agrees that FSMOs that have been cited as having performed inadequately based on customer complaints or poor performance in the PT program are to be subject to more frequent reevaluation and possible removal of their accreditation recognition.

7) within 30 days of recognizing an FMSO AB, to provide the recognition information to the EPA Implementation Office Director. This information should include: (a) recognition effective date, (b) recognition expiration date, and (c) scope of the recognition.

8) that, within 45 days after the accreditation of a FMSO, the AB will provide the EPA NPCD MOU Implementation Officer with the name of the FMSO AB, date that the FMSO accreditation is in effect and its expiration date.

9) that the FMSO ABs and FSMOs will maintain records for a period of at least five years including all complaints received from customers of the FMSO. TNI agrees that this information is to be made available to EPA within 15 business days upon request.

10) that TNI-recognized FMSO ABs will not delegate the responsibility for FMSO assessment to another AB that is not a TNI- recognized FMSO AB.

11) that TNI-recognized FMSO AB's will only allow accredited FSMOs to subcontract routine sample analyses to another TNI-recognized AB accredited FMSO for the same analyses.

12) that TNI and the FSMO ABs will participate in meetings with EPA at least once every two years to evaluate the accreditation process and determine if changes are warranted.

13) to collaborate with EPA at least once every four years to conduct evaluations of FSMO ABs based on the requirements stated in TNI FSMO standard, or more frequently if requested by EPA.

14) to notify EPA of all FSMO AB on-site evaluations of FSMO applicants or already accredited FSMOs, and, if requested by EPA, allow EPA to observe the on-site evaluation.

15) to notify EPA 60-days in advance of when any TNI standard that is used in accrediting FSMOs is planned to be revised and will provide an opportunity for EPA to review and comment.

The Office of Pollution Prevention and Toxics (OPPT), as the overseeing EPA program office for the NLLAP, agrees:

1) to recognize TNI's NEFAP, which includes procedures to evaluate and recognize ABs and standards to accredit FSMOs to conduct environmental sampling and analyses, as meeting the goals and standards of EPA's NLLAP and EPA's LQSR 3.0.

2) to recognize that TNI, through implementation of their voluntary NEFAP, is qualified to evaluate, recognize, and perform oversight of the FSMO ABs.

3) that a FSMO accredited by a TNI-recognized FSMO AB will be recognized by OPPT under the NLLAP as being capable of performing adequate testing for lead in the matrix or matrices for which it has been specifically accredited.

4) to provide guidance and interpretation of NLLAP protocols, criteria, and performance standards, and provide written notice to TNI when such requirements have been amended.

5) to provide guidance and interpretation of the LQSR 3.0 document, if requested by TNI.

## **VI. Management & Implementation**

The responsibility for implementing and supporting this MOU lies with the National Program Chemicals Division of EPA's Office of Pollution Prevention and Toxics. Inquiries concerning this MOU, NLLAP, or LQSR 3.0 and all notifications or information to be provided to EPA under section V will be sent to the attention of the MOU Implementation Officer, National Program Chemicals Division (NPCD), at the following address:

National Program Chemicals Division (7404T)  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency  
Washington, D.C. 20460

The FSMO ABs are responsible for implementing their TNI-recognized FSMO accreditation program, including the training of their assessors, maintaining records, and meeting the requirements of the TNI FSMO standard and LQSR 3.0.

#### **VII. Funding**

All costs incurred by TNI to recognize FSMO ABs are the responsibility of TNI. All costs incurred by the FSMO ABs in becoming recognized by TNI and in running their program to meet the substance of this MOU and the TNI standards, and costs incurred with accrediting FSMOs, are the responsibility of the FSMO AB. This includes costs for training of their assessors and costs for obtaining PT samples and data for the accredited FSMOs. A FSMO AB has the discretion to recover any costs by assessing fees to participating FSMOs for their services.

All commitments made by EPA in this agreement are subject to the availability of appropriated funds. Nothing in this agreement, in and of itself, obligates EPA to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or to incur other financial obligations. TNI agrees not to submit a claim for compensation for services rendered to EPA in connection with any activities it carries out in furtherance of this MOU. This MOU does not exempt TNI from EPA policies governing competition for assistance agreements. Any endeavor involving reimbursement or contribution of funds between the parties to this agreement will be handled in accordance with applicable laws, regulations, and procedures, and will be subject to separate subsidiary agreements that will be effected in writing by representatives of both parties.

#### **VIII. Revision or Termination**

This MOU shall enter into effect upon signature, and shall remain in effect for 5 years, at which time a reevaluation of the TNI FSMO AB recognition program will be done by EPA staff in NPCD. This MOU may be amended by written agreement of both parties at any time prior to its expiration or termination. The parties shall seek to resolve any dispute concerning the MOU through good faith discussions. The MOU may be terminated at any time for any (or no) reason upon sixty days written notice by either party to the other.

#### **IX. MOU Implementation Officers**

Whenever this MOU provides for notice, such notice may be satisfied upon delivery by mail, facsimile, or e-mail to the respective MOU Implementation Officers listed below:

Benjamin Lim, Ph.D.  
USEPA/OPPT/NPCD (7404T)  
Program Assessment and Outreach Branch  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Tel : (202) 566-0482  
Fax : (202) 566-0469  
E-mail : lim.benjamin@epa.gov

Jerry L Parr, Executive Director  
The NELAC Institute  
P. O. Box 2439  
Weatherford, TX76086  
Tel : (817) 598-1624  
Fax (817) 598-1177  
E-mail: jerry.parr@nelac-nstitute.org

Organizational Approval

The following decision officials are authorized to enter into the NLLAP FSMO MOU between EPA and The NELAC Institute:

Decision Official on Behalf of EPA/OPPT

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Wendy Cleland-Hamnett, Office Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

Date

Decision Official on Behalf of The NELAC Institute

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Jerry L Parr, Executive Director  
The NELAC Institute

Date

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**Attachment 3**

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## **THE NELAC INSTITUTE**

### **GOVERNANCE AND OPERATION**

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#### **Introduction and Summary**

This document describes the organizational structure, governance and operation of all TNI committees and related groups as well as summarizing the core programs and key staff.

TNI manages the following activities:

1. Administration and Support

#### **Core Programs**

2. Consensus Standards Development
3. National Environmental Field Activities
4. National Environmental Laboratory Accreditation
5. National Environmental Proficiency Testing

The sections that follow provide the organizational structure and activities for each activity.

#### **General Principles**

TNI manages four core programs that are working together towards a common vision. Each core program has the authority to establish policies and procedures for the program, make decisions, and operate somewhat independently, with the following restrictions:

- All policies and procedures will be reviewed by the Policy Committee to ensure policies from different programs are not in conflict with each other.
- All policies and procedures will be reviewed by the Board of Directors to ensure the policy does not create a program that cannot be funded or puts the organization at risk.
- The reviews above will be used to provide feedback to the program, and as appropriate, each program will address any issues raised by the Policy committee and the Board of Directors before implementing the policy.
- Each core program will provide an annual report to the Board of Directors as to progress achieved towards the goal of the program. The Board of Directors will provide feedback to the program for future efforts.
- Each core program will establish strategic goals and objectives that will be reviewed by the Board of Directors to ensure the goals and objectives are aligned with TNI's mission.

With this independence, there is however an expectation that the various groups described in this document will work together in areas of common interest. For example, the Consensus Standards Development Program is expected to work with the National Environmental Laboratory Accreditation Program (NELAP) to ensure that standards are being developed that can be used by NELAP.

The phrase “adopt” is used throughout this document to imply that a particular group has accepted the work product (e.g., a standard, a policy, a checklist, PT limits) from another program for use within their program. This language is not meant to imply that the group who did not develop the information has any authority to change the work product. Rather, it is meant to imply the group needing the work product would approve for adoption or remand back to the developing group with identification of specific issues that would preclude implementation. It would then be up to the group that developed this information to decide on the course of action.

The descriptions that follow frequently use the term “ex officio.” In all cases this is meant to imply an individual that participates on the group in a non-voting capacity.

### Definitions of TNI Groups

**TNI Board of Directors:** The governing body appointed to hold fiduciary responsibility and guide the work of the organization. The composition of the Board is set forth in the bylaws; Directors are elected by membership.

**Executive Committee:** A committee responsible for strategic direction, growth and fiscal management of a core TNI program. Executive Committees are required to have balance of stakeholder interests.

Note: The Chair of an Executive Committee is an ex-officio member of the TNI Board of Directors, unless the Chair has been elected by the TNI membership as a Director.

**Standing Committee:** A committee defined in bylaws with specific composition and duties.

**Expert Committee:** A committee focused on standards development with composition defined by SOP 2-100.

**Administrative and Support Committee:** A committee tasked with a specific function to support administrative activities of TNI. Administrative and Support committees are not required to have balance.

**Program Committee:** Committee tasked with a specific function to support a program. Program Committees are required to have balance.

**Accreditation Council:** Individuals representing NELAP or NEPAP-recognized ABs. The composition of the Accreditation Council is defined by policy for that program and may vary.

**Subcommittee:** Group appointed by a committee to work on a specific issue and provide recommendations. Not required to have balance.

## **Administration and Support**

### **Description**

Administration and Support consists of the TNI Board of Directors, a number of committees that work across all TNI programs, and TNI staff. These groups and individuals provide the overall direction and management of TNI as well as ensuring an infrastructure exists to support core programs.

### **Structure**

1. Board of Directors
2. Administration and Support Committees
  - a. Advocacy Committee
  - b. Conference Planning Committee
  - c. Finance Committee\*
  - d. Information Technology Committee
  - e. Nominating Committee\*
  - f. Policy Committee
4. Executive Director
5. Staff, hired by the Executive Director
  - a. Program Administrators
  - b. Meeting Planner
  - b. IT Administrator
  - d. Clerical
  - e. Accounting (outsourced)
  - f. Other as needed and budgeted for (e.g., legal)

\* A Standing Committee in the TNI Bylaws

### **Board of Directors**

The Board of Directors shall have ten (10) to eighteen (18) Directors with at least three (3) Directors representing NELAP-recognized Accreditation Bodies (ABs), at least three (3) Directors representing accredited laboratories, and other Directors representing other interests such as: non-NELAP states, federal agencies, Proficiency Test (PT) provider, Field Sampling and Measurement Organizations, NEFAP Accreditation Bodies, third party assessors, and data users.

The Board of Directors –

- supervises, controls and directs the business affairs of TNI by:
  - actively pursuing its mission,
  - managing the budget,
  - adopting policies and rules,
  - receiving complaints and directing to the appropriate body for action, and
  - appointing agents to assist with the above activities.

- performs the following activities to support each core program of the organization:
  - Reviews and approves an annual budget for the program.
  - Evaluates how well the programs are achieving their goals.

Unless it is specifically stated otherwise in the TNI Bylaws, the Board of Directors will not direct the activities of any core program. For example, the Board of Directors will not change a consensus standard adopted by an Expert Committee, change an acceptance limit established by the PT Board, or overturn a decision by the NEFAP Board.

### **Advocacy Committee**

The purpose of this program is to promote TNI's core programs. The Advocacy Committee will consist of 10 to 16 members with balanced representation. A TNI Director will chair this committee. At least two (2) other Directors shall be members of the committee. The TNI Small Laboratory Advocate shall also be a member of this committee. In forming this Committee the following stakeholder interests must be represented:

- NELAP-recognized AB
- NELAP accredited laboratory
- Non-NELAP AB
- EPA representative
- NEFAP representative

The Advocacy Committee will:

- Establish relationships with other organizations (e.g., ACIL, AWWA, WEF) that have an interest in accreditation issues.
- Establish relationships with EPA program offices.
- Develop presentations and papers to promote national accreditation.
- Develop presentations and papers to promote TNI.
- Provide outreach at national, regional and local meetings.
- Assist with publication of the member newsletter.

### **Conference Planning Committee**

The purpose of this committee is to help plan and organize two meetings per year to allow TNI members and the public the opportunity to discuss topics related to accreditation. The Conference Planning Committee is an unrestricted committee. The TNI Executive Director shall be the chair of this committee. The TNI Meeting Planner shall be an ex officio member of this committee.

### **Finance Committee**

The Finance Committee consists of at least three (3) Individual Members appointed by the Chair whose duty shall be to perform an annual review of the TNI financial records and report the results to the Board of Directors. The Chair of this committee shall be the Treasurer. This Committee also

- develops an annual budget for review by the TNI Board,
- provides periodic reports to the Board on the status of TNI's finances, and
- publishes an annual Financial Report.

**Information Technology Committee**

The Information Technology Committee is an unrestricted committee that has members who have the interest and skill set in working on this committee. Note: The IT Administrator of The NELAC Institute shall be an ex officio member of this committee. The Information Technology Committee will:

- Provide recommendations as to the design and content of the TNI website.
- Manage the TNI Laboratory Accreditation Management System.
- Maintain TNI databases such as technology codes, method codes and analyte codes.

**Nominating Committee**

The Nominating Committee consists of three (3) Individual Members appointed by the Chair whose duty is to develop a slate of candidates for election to the TNI Board of Directors. Except for the Past Chair, none of the Members shall be a member of the existing Board.

**Policy Committee**

Under the direction of the Board of Directors, the committee will serve as a resource for the development of policies. The Policy Committee shall consist of at least one member from each core program, one TNI Director and one at-large member. Other at-large members may be added. The Policy Committee will:

- Serve as a resource for the development of policies.
- Review policies from all programs for conformity with respect to style and for consistency with one another and with the overall mission of TNI. The Policy Committee may forward a program policy to the TNI Board or may return the program policy to the originating program for additional work.
- Develop general policies for TNI (e.g., travel reimbursement, purchasing, conflict of interest, etc.).
- Review and evaluate requests for policies received from the membership and others and provide a recommendation to the Board.

Note: After review for organizational impact (e.g., legal, fiscal or credibility issues), the TNI Board will confirm all policies for final adoption and use by the program.

**Executive Director**

Under the general direction of the Board of Directors, the Executive Director has day-to-day responsibility for TNI. The Executive Director will attend all Board meetings, report on the progress of TNI, answer questions of Board members and carry out other duties as designated by the Board. The Executive Director is responsible for the organization's consistent achievement of its mission and financial objectives.

In program development and administration, the Executive Director will:

1. Assure that the organization has a long-range strategy, which achieves its mission, and toward which it makes consistent and timely progress.
2. Provide leadership in developing program, organizational, and financial plans with the Board of Directors and staff, and carry out plans and policies authorized by the Board.
3. Promote active and broad participation by volunteers in all areas of the organization's work.
4. Maintain official records and documents, and ensure compliance with federal, state and local regulations.
5. Maintain a working knowledge of significant developments and trends in the field.

In communications, the Executive Director will:

1. See that the Board is kept fully informed on the condition of the organization and all important factors influencing it.
2. Publicize the activities of the organization, its programs, and goals.
3. Establish sound working relationships and cooperative arrangements with other interested groups and organizations.
4. Represent the programs and point of view of the organization to agencies, organizations and the general public.

In relations with staff, the Executive Director will:

1. Be responsible for staffing and staff management.
2. Encourage staff and volunteer development and education, and assist program staff in relating their specialized work to the total program of the organization.
3. Maintain a climate that attracts, keeps and motivates a diverse staff of top quality people.

In budget and finance, the Executive Director will:

1. Be responsible for developing and maintaining sound financial practices.
2. Work with the Board in preparing a budget and ensure that the organization operates within budget guidelines.
3. Ensure that adequate funds are available to permit the organization to carry out its work.
4. Jointly, with the Chair and Secretary of the Board of Directors, conduct official correspondence of the organization, and jointly, with designated officers, execute legal documents.

### **Program Administrators**

Program Administrators are individuals assigned by the Executive Director to provide staff support to TNI's programs. As such, Program Administrators:

- Ensure that policies and decisions of TNI as they relate to each program are implemented.
- Assist the program committees and subcommittees in achieving their goals.
- Ensure publication of information relating to the program.
- Provide monthly reports to the TNI Board on progress of the program towards goals.
- Assist in the preparation of an annual budget for the program.
- Perform other such duties as may be assigned by the Executive Director.

The Program Administrator shall be an ex officio member of all committees within a given program. If the Program Administrator is not a staffed position, these duties will be performed by a volunteer designated by the Executive Director.

## **National Environmental Laboratory Accreditation Program (NELAP)**

### **Description**

The purpose of this program is to establish and implement a program for the accreditation of environmental laboratories.

### **Structure**

1. Laboratory Accreditation System Executive Committee
2. NELAP Accreditation Council
3. Technical Assistance Committee

### **Laboratory Accreditation System Executive Committee**

The purpose of this Executive Committee is to manage TNI's efforts in supporting a national program for the accreditation of environmental laboratories. Activities of the Committee include developing and establishing policies and procedures, interpretations, guidance documents, and any related tools used by accreditation bodies to implement NELAP.

The LAS Executive Committee will consist of 7 to 15 members with balanced representation. In forming this Committee the following stakeholder interests must be represented:

- NELAP-recognized AB
- NELAP accredited laboratory
- Non-NELAP AB
- EPA representative
- PT Provider

To ensure that the program is implemented effectively and to address the needs of the stakeholder community, the LAS Executive Committee will work in cooperation with other core programs within TNI. Specifically, the LAS Executive Committee:

- Will work with the Consensus Standard Development Program Executive Committee to ensure that accreditation standards developed for this program are suitable for use, and
- Will seek the assistance of Expert Committees when developing guidance.
- Will work cooperatively with the NELAP Accreditation Council to assist in implementing this program.

Note: To foster communication, the Vice-Chair of the NELAP Accreditation Council should be a member of this committee.

### **NELAP Accreditation Council**

The NELAP Accreditation Council shall consist of:

1. One Representative and one Alternate selected by each NELAP-recognized Accreditation Body (AB)
2. An Ex-Officio member representing EPA

The NELAP Accreditation Council shall have final authority for implementation of the program for the accreditation of environmental laboratories to include the following:

- Review and approve applications from prospective ABs to become NELAP-recognized.
- Periodically review all NELAP-recognized ABs to ensure their conformance to the requirements established by this organization.

- Coordinate with the LAS Executive Committee to:
  - Include new standards into the NELAP program.
  - Include interpretations and clarification of the NELAP standards.
  - Adopt relevant acceptance limits for proficiency testing developed by the PT Executive Committee.
  - Adopt policies and procedures for use within the program.
  - Respond to complaints about the program.
- Ensure a national program though mutual recognition.

**NELAP Technical Assistance Committee**

The purpose of this committee is to provide assistance to stakeholders, particularly those seeking accreditation and those who accredit for NELAP. The Technical Assistance Committee is an unrestricted committee that has members who have the interest and skill set in working on this committee. The Technical Assistance Committee will:

- Develop tools and templates to assist laboratories and accreditation bodies with implementing accreditation programs.
- Ensure that training programs relevant to the needs of the stakeholder community are provided.
- Ensure that laboratory assessors have a forum to discuss common issues.
- Develop a mentoring program to assist both laboratories and accreditation bodies with implementing accreditation programs.

## **National Environmental Proficiency Test Program**

### **Description**

The purpose is to ensure that an effective PT program exists to support TNI's programs.

### **Structure**

1. PT Executive Committee
2. Fields of Proficiency Testing committees: chemical, micro, WET, air, etc.

### **Composition of the PT Executive Committee:**

The PT Executive Committee will consist of five (5) to ten (10) members with at least one representative from each of the following groups, insofar as practical/possible:

1. NELAP ABs
2. Non-NELAP ABs
3. EPA
4. Non-EPA federal agency actively engaged in environmental programs
5. Accredited Laboratory
6. PT Provider

Note: At least one member shall be a member of the Proficiency Testing expert committee.

### **Duties of the PT Executive Committee**

- Provide assistance to the Board of Directors on the selection of PTPA(s).
- Monitor the PTPA(s) to assure that they are following the requirements set forth by TNI.
- Facilitate an annual caucus on proficiency testing.
- Establish and approve Fields of Proficiency Testing (FoPT) tables.
- Ensure accredited PT Providers exist for every TNI FoPT.
- Work with other TNI Committees to establish and approve Fields of Proficiency Testing tables for use by other programs.

## **Consensus Standards Development Program**

### **Program Description**

The purpose of this program is to develop consensus standards for use by TNI's core programs. This group has a support role in assisting other programs with activities such as guidance and standards interpretation.

### **Structure**

#### **1. Consensus Standards Development Executive Committee**

This Executive Committee consists of five (5) to ten (10) members with one representative from each Expert Committee, one member from the Executive Committee of all other core programs, plus additional At-Large members representing other interests.

#### **2. Expert Committees**

- a. Accreditation Body
- b. Field Activities
- c. On-site Assessment
- d. Proficiency Testing
- e. Quality Systems
- f. Stationary Source Audit Sample
- f. Other expert committees may be formed to address new areas.

### **Duties of the Consensus Standards Development Executive Committee**

- Guide the program in its primary mission for developing and maintaining standards.
- Define roles and responsibilities, as appropriate, for the Expert Committees.
- Provide oversight, guidance and direction of the Expert Committees.
- Authorize other task forces and study groups as necessary.
- Annually review the work of all Expert Committees.
- Ensure that the process for standards development and adoption conforms to the requirements established by TNI.

## **National Environmental Field Activities Program (NEFAP)**

### **Description**

The purpose of this program is to establish and implement a program for the accreditation of field sampling and measurement organizations (FSMOs). The primary components of this program are:

- The recognition of Accreditation Bodies,
- The development and adoption of the accreditation system.

As such, the NEFAP Executive Committee is responsible for ensuring the successful implementation of the program. To ensure that the program is implemented effectively and to address the needs of the stakeholder community, the NEFAP Executive Committee is expected to work in cooperation with other key committees within TNI. Specifically, the Executive Committee:

- Will work with the Field Activities Committee to ensure that accreditation standards developed for use for this program are suitable for use, and
- Will work with the Consensus Standard Development Program Committee to ensure that accreditation standards developed for this program are suitable for use.

### **Structure**

1. NEFAP Executive Committee
2. Technical Assistance Committee

### **NEFAP Executive Committee**

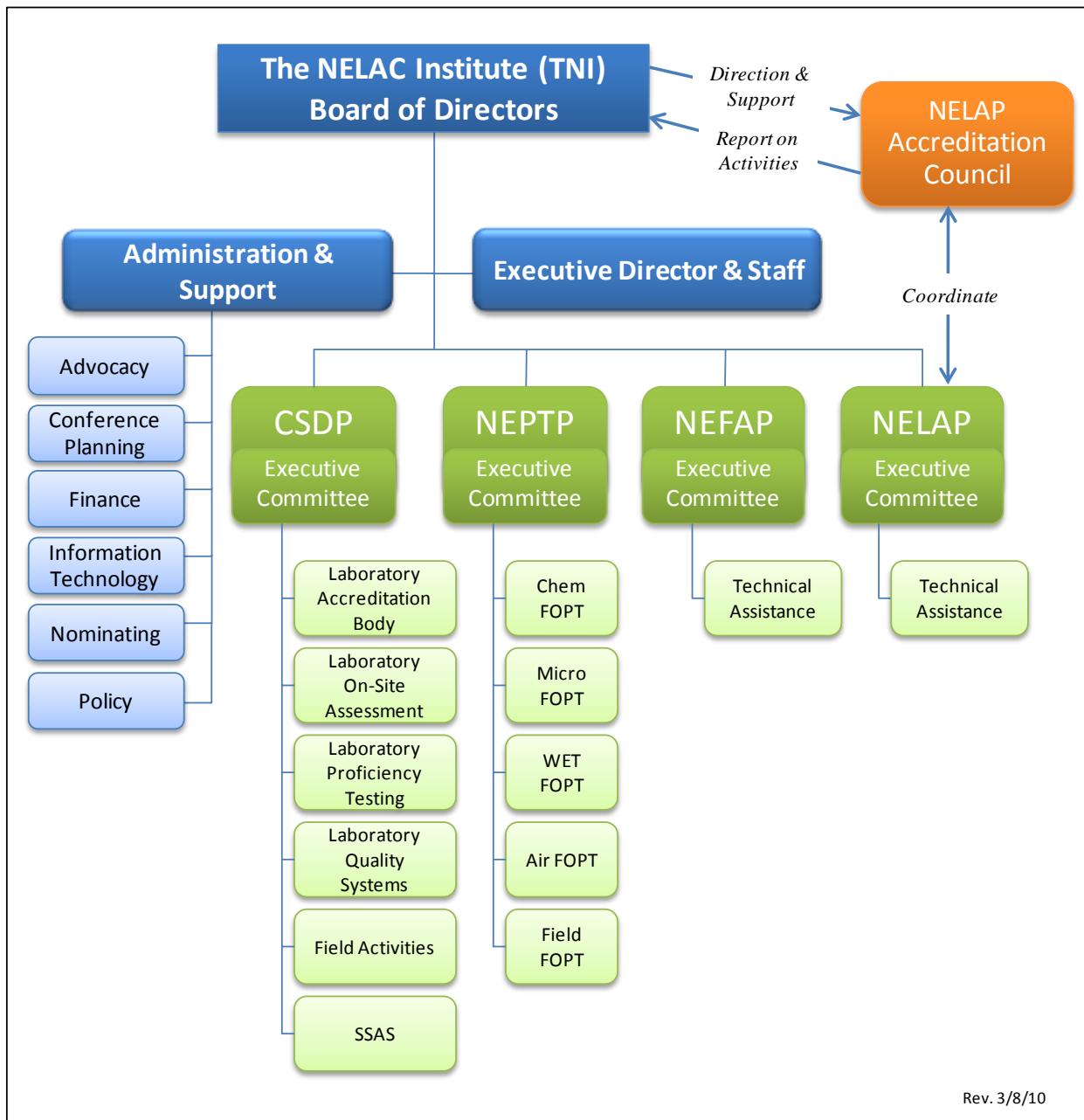
1. One Representative from each NEFAP-recognized Accreditation Body (AB)
2. 5-10 TNI members representing stakeholder interests.

Note: At least one member shall be a member of the Field Activities expert committee.

### **Duties of the NEFAP Executive Committee**

The NEFAP Executive Committee shall have final authority for implementation of the program for the accreditation of FSMOs to include the following:

- Review and approve applications from prospective ABs to become NEFAP-recognized.
- Periodically review all NEFAP-recognized ABs to ensure their conformance to the requirements established by this organization.
- Adopt relevant acceptance limits for proficiency testing developed by the PT Executive Committee.
- Adopt the FSMO Accreditation Standards for use in the program.
- Develop and adopt interpretations and clarification of the NEFAP standards.
- Develop and adopt policies and procedures for use in the program.
- Respond to complaints about the program.
- Ensure a national program through mutual recognition.



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**Attachment 4****Policy 1-105: CREATION AND USE OF GUIDANCE****1.0 PURPOSE AND APPLICABILITY**

This policy provides guidelines for creating guidance, defines its scope, and establishes rules for its proper use. This policy applies to all TNI programs.

**2.0 DEFINITIONS**

Guidance is non-mandatory information, rendered in any medium intended for communication, which explains, illustrates, or summarizes a subject without imposing requirements, establishing policy, or becoming a standard operating procedure.

**3.0 PROPER USE OF GUIDANCE**

1. Guidance may be used to complement existing documents that specify requirements by providing examples, offering suggestions for implementation of requirements, or summarizing related or multiple processes in a single source. Guidance may facilitate the performance of an operating procedure or the execution of a mandated practice.
2. Guidance may not be used to create a requirement, or to modify, replace, or repeal an existing requirement. Guidance may not establish expectations of being applied or implemented universally. Guidance may not replace or be used in place of existing policies or standard operating procedures.

**4.0 DISCLAIMER**

1. All published or disseminated guidance shall include a disclaimer to alert users that it is not mandatory, does not contain, except by reference, any direct or implied requirements that users must meet, and it is not the only manner in which users may achieve the intended goal of the guidance.
2. All TNI guidance shall make reference to its status as guidance by including the word “guidance” prominently as part of its title or in its cover.
3. All TNI guidance shall include the following disclaimer:

“This material represents the opinion of its authors. It is intended solely as guidance and does not include any mandatory requirements except where such requirements are referenced. This guidance does not establish expectations of being implemented universally, exclusively, in whole, or in part.”

This guidance does not establish or affect legal rights or obligations and is not finally

determinative of the issues it addresses. It does not create any rights enforceable by any party in litigation with TNI, its accreditation bodies, or affiliated institutions. Any decisions made by TNI regarding requirements addressed in this guidance will be made by applying the applicable standards, policies or procedures to the relevant facts.

Individuals that have questions about the applicability, scope, and use of this guidance may contact TNI at [www.nelac-institute.org](http://www.nelac-institute.org).”

#### **5.0 PROCESS FOR CREATING GUIDANCE**

TNI shall develop procedures for evaluating the need for guidance and ensuring its proper use.

**Attachment 5****NEFAP BOARD CHARTER**

<b>1. Organization Name:</b> NEFAP BOARD	<b>2. Version:</b> Final Draft	<b>3. Date:</b> February 18, 2010		
<b>4. Mission Statement:</b> The mission of the NEFAP Board is to ensure the implementation of a national program for FMSO accreditation that is consistent with the TNI FMSO Standard requirements. The Board will support the field accreditation program with appropriate guidance, procedures and policies to facilitate implementation of these accreditation standards on a national level. The Board is committed to establishing and maintaining a program in support of the TNI FMSO standards that will ensure continual improvement of field accreditation process and which incorporate practical, effective, and clear standards of performance that are consistent with the needs of the environmental community as well as regulatory and industry specific requirements.				
<b>5. Committee Sponsor:</b> NEFAP Board of Directors				
<b>6. Committee Members:</b> (indicate Chairperson, insert rows as necessary for additional members)	<b>7. Interest Category &amp; Stakeholder Group:</b>			
Brian Conner	Accrediting Body (A2LA)			
Calista Daigle	FMSO (Shaw Environmental and Infrastructure Group)			
Cheryl Morton	Accrediting Body (AIHA Laboratory Accreditation Programs, LLC)			
Dane C. Wren	Other (Wren Engineering)			
Doug Berg	Accrediting Body (Perry Johnson Laboratory Accreditation)			
Jan Wilson	Other (CAMMIA Environmental)			
John, Moorman	FMSO (SFWMD)			
Justin B. Brown	FMSO (EMT)			
Keith Greenaway	Accrediting Body (ANSI-ASQ National Accreditation Board)			
Kim Watson	FMSO (Stone Environmental)			
Marlene Moore (Chair)	Other (Advanced Systems)			
Michael Miller	Other (Consultant)			
Michelle Henderson	Other (EPA)			
Patrick Conlon	FMSO (Environmental Standards)			
Scott Evans	Accrediting Body (STACK )			
<b>8. Objectives/Approach:</b>				
<ul style="list-style-type: none"> <li>✓ Implement a national accreditation program that is consistent with the TNI FMSO standards.</li> <li>✓ Establish adoption and formal acceptance of the program through an advocacy program including supportive contracts, communications, and direction to the stakeholders as well as input to the Field Activities Expert Committee regarding additional standards needs.</li> <li>✓ Ensure consistent implementation by the ABs as an integral part of the recognition process, including the implementation of AB evaluation protocols, peer review processes, and an open input policy to ensure an effective forum and corrective action processes in support of all stakeholders.</li> <li>✓ Develop field accreditation program guidance, procedures and policies that meet the needs of the environmental community as well as regulatory and industry specific requirements and are consistent with other national and international standards, avoiding unnecessary duplication and non-value added requirements.</li> <li>✓ Collaborate with affected stakeholders to develop a national program that balances the needs and interests of all stakeholders while balancing considerations of cost; practical concerns, and the quality and consistency of environmental data.</li> <li>✓ Continually evaluate and establish success measures to target opportunities for improvement.</li> <li>✓ Develop and maintain the tools (e.g., guidance documents, templates, training materials, etc.) necessary for consistent standards implementation and AB recognition.</li> <li>✓ Utilize existing and future stakeholder organizational infrastructure and resources to accomplish mission.</li> </ul>				

**9. Success Measures:**

- Work with the EPA and other federal and non-federal agencies and organizations to implement a program in 2010.
- Increasing support and input from stakeholders including ABs, FSMOs, Industry, Regulators and Standards Setting Organizations.
- Field accreditation standards are adopted by those performing environmental sampling and field measurements, including those not under a regulatory mandate to do so.
- The field accreditation standards are adopted by accrediting bodies (3<sup>rd</sup> Party or government agencies) on a voluntary basis or written into regulation where applicable or through contractual arrangements.
- Decision uncertainty reduced over time with the production of higher quality, more consistent environmental data.

**10. Key Milestones: (significant events and corresponding dates)**

- Complete all necessary program support documents including the required approvals by June 2010.
- Implement recognition program for accreditation bodies starting July 2010 with full operation by January 2011.

**11. Considerations: (assumptions/constraints/obstacles/risks)**

- Volunteer member organization with significant time constraints
- New organization with limited resources and developing infrastructure
- Ability to communicate updates and progress to the community at large in a timely fashion.
- Ability to implement an effective consensus-based accreditation program that both meets the standard requirements and ensures comparable execution of the accreditation process by all accreditation bodies
- Substantial learning curve for those organizations which have not previously been subjected to rigorous quality requirements and/or accreditation
- Training programs
- Authority of government agencies to require FSMO accreditation
- Stakeholder "buy-in" and acceptance within the industry
- Industry "politics"

**12. Available Resources:**

- Volunteer committee members
- Existing national and international consensus-based standards
- EPA Cooperative Agreement
- TNI Website
- TNI Advocacy Committee
- TNI PT Board
- Dedicated TNI support resources
- Field Activities Expert Committee
- Other TNI Committees (Expert and Support)
- Participating organizations

**13. Additional Resources Required:**

- Industry experts
- Writers and technical editor support
- Web-based teleconferencing services
- Outreach assistance from Advocacy Committee
- Effective and accessible member database

**14. Anticipated Meeting Schedule: (specify meeting format and frequency)**

- Where Practical - Monthly Board Teleconferences (schedule to be posted in advance of actual meetings)
- Additional teleconferences as needed
- Board meetings (face-to-face) during semiannual TNI Forums (Winter and Summer)

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**Attachment 6****PROGRAM REPORTS****Consensus Standards Development**

- Silky Labie is serving as interim chair of the QS committee as Paul Junio had to resign suddenly.
- CSDB has completed proposed revisions to SOP 2-101 Expert Committee Operations, primarily for the processing of committee nominations and the timeframes associated with approving new committee members.
- Ilona is interfacing with each Expert Committee and the CSDB to compile a list of what items are being addressed for implementation of the new TNI standards as well as what might still need to be done.
- SSAS committee has finalized central database permissions matrix based on discussion from the Chicago forum. Committee is targeting end of April to be ready to launch program, although samples may continue to be available from EPA program until June. Provider accreditor (A2LA) has indicated to Maria that they are ready to start evaluations although information is not yet posted on their website.

**NELAP Board**

- IL submitted their corrective action response by the extended due date. The response is currently under review by the evaluation team.
- The NELAP Board appointed Kristin Brown and Jack Berges to the evaluation team for MN. Kristin is lead. KS has requested permission to send an evaluator to observe for training purposes. The administrative review of MN's application is complete, and the evaluation team is currently doing a technical review.
- The NELAP Board policy for secondary recognition has been forwarded to the Policy Committee for approval.
- The Policy Committee has reviewed and provided comments on the working draft of the dispute resolution policy.
- Kevin Kubik, EPA liaison to the NELAP Board, provided additional detail to the NELAP Board on the issues raised in EPA's recent letter to the TNI Board. Kevin indicated that EPA was unhappy about the NELAP Board's interpretation of the standard regarding assessor training during an ongoing evaluation. This specifically happened during the NY evaluation.

Another issue which has concerned EPA is the imposition of additional requirements beyond the NELAC standards by some ABs. Specifically these include: additional PT requirements imposed by KS, and a regional lab being told they have to achieve a higher standard than a commercial lab. Other concerns included ABs not meeting the two year requirement for assessments, no follow up on corrective actions, and the length of time it has taken to conclude the IL evaluation.

Kevin stated that in Chicago, Jerry Parr had mentioned that a quality system was needed for the NELAP Board. Kevin thought that would be well received by the EPA regional evaluators. Jerry has also cleared up a misunderstanding by the EPA that the TNI Board had authority over the NELAP Board. The process that is used is peer review and is part of the quality system. It was noted that at

least one EPA region will never be a part of TNI no matter what happens or how the issues are addressed.

Since many of the issues in the recent letter were addressed after the Miami meeting, Kevin was asked about EPA's response to the previous response paper that was done by the TNI Board addressing these issues. Kevin said he would go back and review and see if there was anything EPA disagreed with. In a follow up email, Kevin indicated that TNI's previous response to these issues was acceptable, but that the regional evaluators want to see a quality management system for the NELAP Board and a written explanation of peer review.

- In response to Kevin's comments, Aaren Alger will schedule a discussion of supplemental state requirements on the next NELAP Board meeting agenda.
- Dan Hickman, Database Administrator, reported that four ABs are delinquent in providing updates to the lab accreditation database. These are NY, NJ, OR and IL. IL has provided a response and the requested updates. No response from the others as yet.
- In an effort to reduce the backlog of SIRs waiting for approval from the NELAP Board, 10 were sent out for electronic vote. None of these received approval. These SIRS will be sent back to the LASC with comment for further discussion. The web based voting system is now in place and will be used in the future.
- The NELAP Board discussed the PT reporting issue related to requirements contained in section 5.2.1 of Volume 1, Module 1. As written, the requirements are appropriate for chemical analyses, but not for microbiology, radiochemistry, or whole effluent toxicity. Aaren asked the ABs to consider whether or not they could accommodate a resolution of this issue by SIR or whether they would need a TIA. The ABs will report back to Aaren on this before the next meeting March 15.
- There has been no resolution of the SW-846 accreditation issue.

#### **Technical Assistance Committee**

- The TAC Detection and Quantitation Subcommittee will finalize the PowerPoint presentation and guidance document for LOD/LOQ determination and put in disclaimers so that it can be posted on the TNI website. TAC will also send these documents to LASC and QS committee for review and comment.
- Regional training on the new standards begins March 15 in Syracuse, NY.
- Len Schantz had suggested in Chicago that TNI develop a "NELAC for Dummies" guidance and/or training for small labs. TAC will prepare a proposal for accomplishing this task.
- Planning for the assessment forum and mentoring session is underway for the summer meeting. Jerry met with TAC to give feedback on ideas received in Chicago. TAC will also coordinate training for ABs on the new standards which will include how to do internal audits of their programs. Jerry has requested abstracts for these sessions by May 2010.
- Ilona Taunton will coordinate a face to face meeting with volunteers to kick off the quality manual update project.

**Advocacy Committee**

- The next newsletter is scheduled for publication in April 2010.
- Len Schantz resigned as Small Lab Advocate and Keith Chapman has been appointed to replace him.
- The Advocacy Committee is working a paper describing why TNI supports national laboratory accreditation. This paper can be used as an educational piece for outreach to stakeholders.
- Jerry Parr suggested the following approach to responding to EPA's letter dated January 25, 2010. He will recommend that the TNI Board send an initial response soon which details our plans and the organizational re-alignment. This letter will be followed by another letter in July-August timeframe which will show what we have accomplished and will include: bylaws revision, evaluation SOP revision, quality management plan, QAO report response, and a complaint SOP. It was suggested that the TNI Board work with Brenda Bettencourt to make sure these responses are communicated to the EPA regions.
- Jerry Parr provided details to the Advocacy Committee about how the regional standards training events are being used for outreach to non-NELAP states by giving one state person a free registration. Susan Wyatt and Judy Morgan are also working on an outreach brochure for non-NELAP states.
- Advocacy will also focus on outreach to other organizations and will review previous concerns of other organizations at the next meeting.

**Consistency Improvement Task Force**

- The CITF under the leadership of Alfredo Sotomayor has met Tuesday, March 9. The Advocacy committee referred to CITF a proposal to survey labs following an assessment to get comments on AB performance.

**Laboratory Accreditation System Committee**

- Standards Interpretation Request (SIR) process:
  - 6 requests were received in January. 4 requests were received in February.
  - The SIR Table has been updated. The inquirers on 6 of the older requests were contacted to see if a response would still be helpful to them. A few have said the issue is solved and a response is not necessary and others have asked that the request be left open and answered. The TNI webmaster now has a summary of all of the current questions where responses have been submitted by Expert Committees/Boards (a total of 36.) These need to be finalized by the NELAP Board. A procedure has been developed on the website where NELAP ABs can log-in and vote on the responses. They have two options – Approve or Needs Discussion. Any Needs Discussion votes will result in the Question/Response being added to a NELAP Board agenda and handled through the regular Board procedures. Question/Responses that have full approval will be finalized and a letter will be forwarded to the website and inquirer. Someone in Chicago suggested that perhaps the Alternate NELAP Board ABs could help with the review. This new procedure will be implemented after the next NELAP Board meeting – Carol is working on a few of the responses with the NELAP Board and would like to finish this process before they switch to the on-line voting procedure.

- There are a number of SIRs that are still being worked on by Expert Committees and Boards:
  - AB Committee – 1
  - TAC – 5 (They are meeting 2/16 to work through these.)
  - PT Board – 2 (A response was just finalized on these 2, so there are now 0 requests they are working on.)
  - NELAP Board – 12 (6 are more than 1 year old – Inquirer was contacted to see if a response would still be helpful.) IT Committee – 1
  - Quality Systems – 4 (2 responses were just received – 2 are still remaining.)
- The Standard Interpretation SOP was forwarded to the Policy Committee. The Policy Committee is preparing recommendations for further update.
- Kristin Brown has been added to the committee as an AB from Utah, Mitzi Miller has been added as an Other and Julia Sudds from E.S.BABCOCK & Sons, Inc as a Laboratory.
- The committee has started work on a spreadsheet to track the implementation process for the new TNI Standard. The group is requesting information from all committees and boards that is related to the implementation of the standard. Ilona will be meeting with each of the committees to make sure that all tasks are included. A Draft initial summary and plan should be available in March.
- LASC reviewed the TNI Workshop Presentation and provided comments directly to Jerry Parr.

**PT Board**

- The Chem FoPT Subcommittee is continuing to work on limit updates. The group completed the update to the NPW FoPT table – this includes experimental analytes, dual purpose analytes and some analytes where concerns were raised with current limits. The Final DRAFT has been forwarded to the PT Board. The DW FoPT Table took longer for the PT Board to approve than expected. One of the EPA members of the PT Board expressed some concerns about a few limits and wanted to give time for EPA to comment on the DRAFT. The table was approved March 4<sup>th</sup> and will be forwarded to the NELAP Board. The goal for effective dates for upcoming table updates are as follows: July 1, 2010 effective date for DW, October 1, 2010 for NPW and January 1, 2011 for Solids and Chemical Waste.
- Two new subcommittees were formed:
  - Field PT Subcommittee – Begin looking at PTs for NEFAP. The subcommittee has 16 members and is being chaired by Paul Cestone from EPA (Washington, DC.)
  - Procedures for Adding New Analytes to FoPT Tables
- The Board has been involved in various conversations regarding the analyte code issue – separate codes for different concentrations of the same analyte?
- The Board will need to address how FoPT tables are used. How do you add analytes that are not required for accreditation? This was raised with regards to the recent update of the NPW table for DMRQA (Low Level Mercury and Low Level Total Residual Chlorine.)
- The Board will need to address the issue of how to work with TIAs that the Expert Committee is working on for Volume 3. The PT Board has already adopted and implemented Volume 3.
- The Board is working on an update to the PTOB/PTPA Assessment SOP. This needs to be completed by June so that it can be used to begin the assessment process.
- The Board is updating their Charter for review at their March meeting.
- The Board has responded to all outstanding Standard Interpretation Requests.

**NEFAP**

- The NEFAP Board is finishing up 5 SOPs (General Operations, Voting, Nomination, Dispute, Evaluation Procedures) that they hope to finalize before the end of the month. There may be a few more coming. These will be sent to the Policy Committee and TNI Board for approval. The Board is also anxious to see the update to the Bylaws and will ready to meet with the Finance Committee to look at the budget by mid March.
- A DRAFT of the Board Charter has been completed (Attachment 5). The website will be updated with this information after approval from the TNI Board.
- NEFAP would like to be accepting applications from ABs by June 1, 2010.
- The MOU for the Lead Program needs to be done before April 1, 2010 and then it will be publicized on April 22, 2010 (Renovation and Paint Rule goes into effect.)

**Field Activities Committee**

- People from the Lead Program are currently reviewing the TNI standard for conflicts with their LQSR and FAC is doing the same.
- Erik Winchester raised the issue about how to get the word out about the program that is being developed for Lead. How can we involve more FSMOs? The FAC advocacy and outreach subcommittee will be looking at this.
- A flow chart for Tier II (Environmental Lead Accreditation Procedure) was presented in Chicago. If the data is used for decisions, it must be produced by an accredited organization. We need to get out in front of Tier II organizations. They need to get started on the preparing for accreditation so that they will be ready when the actual accreditation process is complete.

**Information Technology Committee**

- NFSTC contractor has completed all development work on national database and database being transferred to TNI.
- Major redesign of website underway.
- SOP for method and analyte codes in development.

**Policy Committee**

- Reviewed changes to SOPs 2-100 and 2-101 from CSDP. Approved SOP 2-100 and returned SOP 2-101 to CSDP with comment.
- Reviewed SOP on Standards Interpretation and returned to committee with comments.
- Developed Policy and SOP on use of Guidance.
- Initiated work on Complaint Resolution SOP.
- Reviewed and provided feedback on draft SOP for Standards Interpretation Issues between ABs.

**Finance Committee**

- Began review of 2009 Financial report
- Started budget process for 2010

**Membership Report: February 2010**

Active Members: 629