

NEFAP Board Meeting Summary

April 19, 2010

1. Roll call and approval of minutes:

Chair Marlene Moore called the NEFAP Board meeting to order on April 19, 2010 at 1:30pm EST. Attendance is included in Attachment A. There were 8 Board members present on the call.

The minutes from the March 26 and March 30, 2010 meeting were reviewed. Keith motioned to approve the minutes from March 26 and March 30, 2010 with the correction of a typo in Section 2 of the March 30th minutes. There was no further discussion and the motion was unanimously approved. The minutes will be forwarded for posting to the TNI website.

2. Review of Action Items

- The MOU has been signed. An FAC meeting is planned for next week to begin reviewing the LQSR for the Lead Program. Progress is also being made in the development of Field PTs for this program.
- Marlene talked with John Schakenbach. He is on STAC's Accreditation Board. He provided Marlene with his contact information. They are not in the process of pursuing accreditation because he did not think there were ABs interested in accreditation. Marlene encouraged ABs on the NEFAP Board to contact him if they are interested in being an AB for Stack Testing. She let him know what NEFAP is doing with the Lead Program.
- We need to work on an application and certificate. Doug will help prepare a DRAFT application. ILAC needs to be considered in preparing the application. Brian will work on the certificate and Scope. Ilona will forward Brian a copy of a NELAP certificate and the NEFAP seal. The "Accreditation Process Policy for Field Sampling and Measurement Organizations" should be taken into consideration. This is a document that was prepared by the FAC a number of years ago.
- Marlene will follow-up with Mike Miller regarding progress on the audit checklist.
- Marlene also met with DoD. They are aware of what we are doing. Justin gave his presentation and mentioned that Skip thought Ed will not move forward until he sees whether states are involved. They want some from NEFAP back next year to present. Ed said DoD spent so much time working on the Quality Manual, they have not had a chance to see what NEFAP is doing. They should have time now. Everyone was enthused when hearing about it. There were a few potential FSMOs at the meeting. The FSMOs are

planning to look into implementing the TNI Standard so that they will be prepared for future requirements. Justin will forward the list of FSMOs to Ilona – we will keep their names and keep them updated.

3. SOP: 10-104 – Dispute Resolution

John sent out an e-mail before the call:

Regarding v7 of SOP 104, I have two comments:

5.2.1 - I agree with Scott in that it would be unusual for the eval team to request reconsideration. I think this should be stricken.

6.2 and 6.3 should be stricken as well. I am not aware of a compelling reason why any aspect of an ABs pursuit of recognition should be public. If an AB applies, they are an 'applicant'. When recognition is granted, they are 'recognized'. That is the only information which should be made public. Even if details are withheld, making it known publicly that there was an appeal or dispute could be damaging to the reputation of the AB.

5.2.1: Marlene noted that she wanted to leave the door open for the evaluation team to come back. If the team did not think the Board decision was consistent with the information presented by the team, they may want to have a chance to have the Board reconsider the decision (deny or grant.)

Brian said this would be very unusual and really would not be exercised ... so he felt it should be deleted. Doug and Keith agreed. Calista felt there was no need for this at present, but it could be considered later if it ever became an issue.

After much discussion, Marlene asked if anyone would like to see it left in. No one spoke in favor of leaving it in. "Evaluation team" will be removed from the text in Section 5.2.1.

6.2 and 6.3: Brian noted - If you publish that there was a dispute with an AB, it could damage an AB's reputation. This should not be necessary for ABs that are not government or public. Only status should be made public. In A2LA, labs are given the option of whether to make information about their accreditation status public.

After discussion, the Board agreed that the application and recognition are the only documents that should be made public. The initial sentence in Section 6.3 will be added to Section 6.2 and 6.3 will be deleted.

5.4.10:

Keith raised the following issue: If the mediation is not successful, shouldn't the next step be binding arbitration?

It was suggested that 5.4.10 could be deleted, but Keith and Doug were concerned that deleting it may put TNI at greater risk of a law suit. If there is no other option after the Review Panel gives their decision, the AB might be more likely to take the issue to court. Adding information about mediation and arbitration may prevent a law suit.

Keith sent the following language that could be considered in putting some wording together:

In the event the customer makes any claim that a dispute is not subject to the appeals process or has not been adjudicated pursuant to the rules provided therein, the customer shall not have the right to bring any action with respect thereto before a court of law or equity, but shall only have the right to seek a determination from one arbitrator pursuant to the rules of the American Arbitration Association as to whether such dispute was subject to the appeals process or was adjudicated pursuant to the rules provided therein. Such arbitration shall be conducted in the State of Wisconsin, and each party shall bear its own expense for such arbitration.

Iona will talk to Jerry about this issue and get his input. The NEFAP Board members on the call were comfortable with changing the language in 5.4.10 to read that the issue would be moved up to the TNI Board if there is a problem.

Addition on 4-20-10: This section was deleted based on a conversation with Jerry Parr. He recommended: Let me propose this for expediency. Go ahead and leave the arbitration language out, send to the policy committee, and then I will take the three variations of this (NELAP, NEFAP, and CSDP) to the policy committee, along with the language on arbitration and Ken Olsen's opinion (legal) and we will try and get something that works across all of TNI.

The changes will be made to the SOP and it will be distributed for e-mail vote.

3. SOP 10-105 – Evaluation

This SOP needs a final review. Send comments out to the entire Board.

Keith mentioned that he thought the SOP still states that “concerns” need to be addressed. Marlene will take a look at this.

4. Policy Committee Status

They have not met yet to review the three SOPs that have been forward.

5. New Items

- None.

6. Next Meeting

The next meeting of the NEFAP Board will be planned by e-mail.

Action Items are included in Attachment B and Attachment C includes a listing of reminders.

The meeting was adjourned at 2:52 pm EST.

Attachment A

Participants TNI NEFAP Board

Members	Affiliation	Balance	Contact Information	
Marlene Moore (Chair) Present	Advanced Systems, Inc	Other	(302)368-1211	mmoore@advancedsys.com
Dane Wren Present	Wren Engineering, P.A.	FSMO	(407)833-0061	dwren47@aol.com
Calista Daigle Absent	Shaw Environmental & Infrastructure Group	FSMO	(225)987-7291 Cell: (225)485- 2007	calista.daigle@shawgrp.com
Scott Evans Absent	Clean Air Engineering	AB	847-654-4569	sevans@cleanair.com
John Moorman Present	Water Quality Monitoring Division, South Florida Water Mang District	FSMO	(561)753-2400 x4654	jmoorma@sfwmd.gov
Cheryl Morton Absent	AIHA	AB	703-846-0789	cmorton@aiha.org
Jan Wilson Absent	CAMMIA Environmental	Other	(360)904-8416	WQL@aol.com
Doug Berg Present	PJ Laboratory Accreditation, Inc.	AB	(248)709-0096	dberg@pilabs.com douglasberg@gmail.com
Keith Greenaway Present	ACLASS	AB	(703)836-0025	keith.greenaway@aclasscorp.com
Kim Watson Absent	Stone Environmental Inc	FSMO	(802)229-4541	kwatson@stone-env.com
Michael Miller Absent	Consultant	Other	(908)233-9624	mwmilleranaly@yahoo.com
Brian Conner Present	A2LA	AB	(301)644 3216	bconner@a2la.org
Michelle Henderson Present	USEPA	Other	(513)569-7353	Henderson.Michelle@epamail.epa.gov
Justin B. Brown Present	EMT	FSMO	(847)324 3350	jbrown@emt.com
Patrick Conlon Absent	ESI	Other	(610)935-5577	pconlon@envstd.com
Ilona Taunton (Program Administrator) Present	The NELAC Institute		(828)712-9242	tauntoni@msn.com

Attachment B

Action Items – NEFAP Board

	Action Item	Who	Expected Completion	Actual Completion
4	Ilona will look into Google Calendar and ways to better share working documents.	Ilona	1/31/10	
6	Contact John Schakenbach and discuss MOU possibilities.	Marlene	2/15/10	Complete
12	Talk to DOD about subcommittee established to look at field sampling.	Marlene	3/15/10	Complete
16	Distribute copy of MOU to Board.	Marlene	3/29/10	Complete
17	Need to assign subcommittee to work on Application and Certificate.	Marlene	4/1/10	Complete
18	Vote on SOPs being distributed by e-mail for vote.	All	4/1/10	Complete
19	Update Evaluation SOP (10-105) for final comment.	Marlene	Prior to next meeting.	Complete
20	Update SOP 10-104.	Marlene	4/7/10	Complete
21	Distribute SOPs 10-101, 10-102 and 10-103 to the Policy Committee if e-mail vote approves them.	Ilona	4/7/10	Complete
22	Prepare DRAFT Application	Doug	5/3/10	
23	Prepare DRAFT Certificate and Scope	Brian	5/3/10	
24	Forward example certificate and NEFAP seal to Brian.	Ilona	4/22/10	
25	Check on status of audit checklist.	Marlene	5/3/10	
26	Update SOP: 10-104 with changes discussed at 4/19 meeting. Distribute for e-mail vote.	Ilona	4/20/10	
27	Forward FSMO names to Ilona.	Justin	5/3/10	

	Action Item	Who	Expected Completion	Actual Completion
28	Review and comment on SOP 10-105.	All	4/28/10	

Attachment C

Backburner / Reminders – NEFAP Board

	Item	Meeting Reference	Comments
1	Establish Stack Testers Subcommittee	2-18-10	
2	Develop procedure for electronic voting for new NEFAP Board members.	3-18-10	
3			
4			