

Summary of the TNI NELAP Board Meeting January 29, 2007

1. Roll call.

Dan Hickman called the TNI NELAP Board meeting to order on January 29, 2007, at the Forum on Laboratory Accreditation meeting in Denver, CO. Dan introduced all members present and reviewed the ground rules for participation. Attendance is recorded in Attachment 1.

2. Background and formation of TNI.

For those who have missed the opening plenary, Ken Jackson reviewed the formation of The NELAC Institute and explained the role of the TNI NELAP Board within TNI.

3. Draft charter.

Dan Hickman reviewed the Board's draft charter and stated that the TNI NELAP Board will meet regularly on the first Monday of each month at 1:30 EST.

There were several questions/comments following discussion of the draft charter including:

Is the Board going to operate as NELAP within the 2003 NELAC standard?

Answer: Until the transition to TNI is complete, the AARB will carry out the NELAP Executive Director role. There are currently two separate programs operating and the goal is to move all the duties to TNI as soon as possible.

4. Accreditation body recognition models.

Steve Arms presented the accreditation body recognition models that the work group had developed. These included:

1. Follow the 2003 NELAC standards and renew existing state programs under these standards.
2. Use the 2003 NELAC standard but pare down (simplify) the checklist.
3. Write a new policy.

With respect to the composition of the evaluation team, the work group presented two options:

1. Use state and EPA personnel exclusively as was done in the past.
2. Use contract personnel with a team consisting of three contractors supplemented with one state person and one EPA assessor. The same contractors would conduct all, but the state and EPA personnel could vary from state to state.

Steve indicated that the ultimate selection of a model would depend on resources and people available to TNI.

5. Regional evaluators' workgroup.

Art Clark, EPA Region 1, presented the report from the regional evaluators' workgroup. This workgroup has been re-writing the checklists and SOP's used to evaluate state accrediting authorities to match the 2003 NELAC standard. In addition, the group is re-vamping the slide show that was used for training the regional evaluators with the expectation that they can offer training in Cambridge at the summer meeting. Art provided a copy of the workgroup's draft products for distribution to the TNI NELAP board.

6. Questions and discussion following agenda Items 4 and 5:

Has EPA agreed to continue to be involved? States and others want EPA involved, so labs will accept accreditation.

Answer: EPA will probably commit to what they have always done, but we may see inconsistent involvement across the regions. The Regions and Office of Water are still committed to national accreditation.

When will the evaluations occur?

Answer: Prior to the expiration of current recognitions which is July 1, 2008.

Suggestion for an alternate proposal to the recognition workgroup: Use only 1 contractor, paid with funds secured by TNI. Contractor is accompanied by state and EPA personnel. Contractor is lead evaluator.

Comment: EPA lead is not really important. What is important is that EPA accept NELAC accreditation.

Comment: Time is very short right now. We have a six month window to get something in place. We can always develop something new after this next round.

Comment: We could use a peer evaluation process, but we're not there yet. We still need a top down approval process. Do the evaluations one more time, then change the process.

Comment: Need to coordinate with EPA on SDWA evaluation. AB'S don't want to have two evaluations, one for NELAP and one for SWDA.

Comment: We need to have a process to ensure consistency. The OIG Report cited lack of consistency in SDWA evaluations. We should help provide the model like NELAC did for the PT program.

Comment: We don't have time for tinkering with the program. We should take the current system and modify it for consistency. Major modifications could be done later, two phased approach. We have to have a vehicle to recognize each other. The Accreditation Body can help with the transition.

Comment: An accreditation body could be a private (3rd) party. This approach will be presented by Field Activities committee.

Comment: We can sign an agreement with EPA (like an MOU) citing mutual goals, etc. to recognize EPA involvement and participation.

Other issues: Draft NELAP voting policy; what happens to old NELAC documents?

Written comments presented by Michael Wichman on behalf of the State Environmental Laboratories are included as Attachment II.

7. Next meeting.

The next meeting is scheduled for February 5, 2007, at 12:30 CST. Agenda items include reviewing the evaluation models and discussing the SOPs and checklists prepared by the regional evaluators.

Attachment I

State	Representative	Present
CA	<p>George Kulasingam T: (510) 620-3155 F: (510) 620-3165 E: gkulasin@dhs.ca.gov</p> <p>Alternate: Jane Jensen, jjensen@dhs.ca.gov</p>	Yes
FL	<p>Stephen Arms T: (904) 791-1502 F: (904) 791-1591 E: steve_arms@doh.state.fl.us</p> <p>Alternate: Carl Kircher, carl_kircher@doh.state.fl.us</p>	Yes
IL	<p>Scott Siders T: (217) 785-5163 F: (217) 524-6169 E: scott.siders@epa.state.il.us</p> <p>Alternate: Jim Shaw, james.shaw@illinois.gov</p>	Absent
KS	<p>Jack McKenzie T: (785) 296-1639 F: (785) 296-1638 E: jmckenzi@kdhe.state.ks.us</p> <p>Alternate: Aurora Shields, ashields@kdhe.state.ks.us</p>	Yes
LA DEQ	<p>Karen Varnado T: (225) 765-2405 F: (225) 765-2408 E: karen.varnado@la.gov</p> <p>Alternate: David Boucher</p>	Yes

	david.boucher@la.gov	
LA DHH	<p>Louis Wales T: (225) 342-8491 F: (225) 342-7494 E: lwales@dhh.la.gov</p> <p>Alternate: Ginger Hutto, ghutto@dhh.la.gov</p>	Absent
NH	<p>Bill Hall T: (603) 271-2998 F: (603) 271-5171 E: whall@des.state.nh.us</p> <p>Alternate: Jeanne Chwasciak, jcchwasciak@des.state.nh.us</p>	Yes
NJ	<p>Michael Miller T: (609)292-3950 F: (609) 777-1774 E: michael.w.miller@dep.state.nj.us</p> <p>Alternate: Joe Aiello, joseph.aiello@dep.state.nj.us</p>	Yes
NY	<p>Kenneth Jackson T: (518) 485-5570 F: (518) 485-5568 E: jackson@wadsworth.org</p> <p>Alternate: Dan Dickinson, dmd15@health.state.ny.us</p>	Yes
OR	<p>Dan Hickman T: (503) 229-5983 F: (503) 229-6924 E: hickman.dan@deq.state.or.us</p> <p>Alternate: RaeAnn Haynes, haynes.raeann@deq.state.or.us</p>	Yes
PA	<p>Richard Sheibley T: (717) 705-2425 F: (717) 783-1502</p>	Yes

	<p>E: rsheibley@state.pa.us</p> <p>Alternate: Aaren Alger, aaalger@state.pa.us</p>	
TX	<p>Stephen Stubbs T: (512) 239-3343 F: (512) 239-4760 E: sstubbs@tceq.state.tx.us</p> <p>Alternate: Steve Gibson, jgibson@tceq.state.tx.us</p>	Absent
UT	<p>David Mendenhall T: (801) 584-8470 F: (801) 584-8501 E: davidmendenhall@utah.gov</p> <p>Alternate: Paul Ellingson, pellings@utah.gov</p>	Yes
	<p>Program Administrator: Carol Batterton T: 830-990-1029 or 512-924-2102 E: carbat@beecreek.net</p>	Yes

Attachment II

TNI Concerns expressed by State Environmental Laboratories

1. TNI with EPA develop and adopt standards for laboratory accreditation for all programs.
2. Some state laboratories are concerned about perception of certification/accreditation from home state.
3. Some state laboratories are concerned about necessity of seeking certification/accreditation from accrediting authorities (AA – Now accrediting bodies (AB)).
4. State laboratories prefer that EPA become an accrediting authority (AA) for all programs beyond drinking water for state laboratories/programs.
 - Dr. Leibovitz (Rhode Island) proposes development of Regional TNI accrediting authorities from state programs.
5. Potential problems with ISO 17025 – standards must be open and available to community – all participants.
6. ISO 17025 restrictions may also cause issues with state statutes. Suggest that standards are published by or with the EPA.
7. NELAP Board – reviews and approves applications from prospective accreditation bodies (AB). Please continue to utilize staff from EPA Regional Offices and other states to evaluate accrediting bodies.
8. Some mechanism must be developed to adopt performance based measurement systems in the environmental laboratory community based on pre-established data quality objectives.

Points 1 – 4 and 8 also expressed to the Environmental Laboratory Advisory Board (ELAB)

Compiled information provided by APHL members serving on the Environmental Health and Environmental Laboratory Committees.

SUGGESTIONS TO THE TNI BOARD

RHODE ISLAND:

The recent reorganization of NELAC and INELA into a new organization called The NELAC Institute (TNI) opens new opportunities and possible ways to attract the majority of the states' environmental laboratories and environmental laboratory certification programs. (This was always the goal of NELAC members.) As TNI develops and adopts the national laboratory standards for accreditation and an organizational structure to become a national laboratory accreditation program, there exists an immediate opportunity to find common ground that is attractive to all states including the (former) NELAC participating members, NELAC participating non-member and non-participating states.

The following are two recommendations to the TNI Board to organize the Accreditation Body structure and laboratory accreditation standards so that they would attract majority participation by member, non-member states and non-participating states:

1) Creation of Regional TNI Accreditation Bodies (AB) – Regional TNI Accreditation Body Offices staffed by certification officers from member states.

Advantages and Attraction of Regional TNI Accreditation Bodies (AB):

- Composed of multiple states rather than individual state ABs
- Non-competitive ABs.
- Elimination of competition that currently exists between NELAP state ABs
- Uniform certification fees
- Regionally shared responsibilities and costs of operation allow state members to contribute lab certification staff to the operation of TNI Regional ABs. Staff can be rotated periodically
- TNI ABs sole function could be to accredit state laboratory certification programs, state laboratories and EPA regional laboratories. States will maintain state laboratory certification programs for in-state laboratories.
- Allowing NELAP states to reduce costs by reducing or reallocating staff currently required to accredit states and laboratories other than their own.
- Regional TNI ABs continue to provide state laboratory, EPA Regional Laboratories and state laboratory AB inspections every three years and meet the requirements of the EPA Office of Water.
- EPA ability to endorse the TNI standards and AB requirements instead of endorsing individual NELAP state ABs.
- EPA may option to transfer primacy to Regional TNI AB for the purpose of accrediting EPA laboratories and state accreditation programs.
- State accreditation by regional TNI ABs is politically more palatable to state legislators than accreditation by other states (current NELAP ABs)

2) TNI standards include meeting ISO 17025 requirements and the requirements of the EPA Office of Groundwater and Drinking Water Quality Manual for Certification of Laboratories Analyzing Drinking Water.

Advantages of requiring ISO 17025 in addition to TNI standards

- A universally accepted laboratory standard that are accepted by many state and Federal programs, initiatives and offices within the following organizations including Public Health, DHS, EPA OGWDW, OSWER, CDC, DOD, CDC. The standards currently followed by state lab certification programs and laboratories would require minimal modification.

VERMONT:

- Concern about **ISO fees being too high:** Vermont got some feedback from their attorney about ISO language below. Given what I understand EPA had to pay to use ISO language in the NELAC standards I think that Vermont would consider the fee too high to put the standard into regulation or statute.
- With respect to any needed statute change in VT: if the standards are **not** National Environmental Laboratory Accreditation Conference standards published by or with

EPA, then I believe we will need to make a change. We have flexibility with respect to the recognition of AAs. Our Statute reads in part: (a) *"The commissioner may certify a laboratory to perform the testing and monitoring required under 10 V.S.A. chapter 56 and the federal Safe Drinking Water Act if such laboratory meets the standards currently in effect of the National Environmental Laboratory Accreditation Conference and is accredited by an approved National Environmental Laboratory Accreditation Program (NELAP) accrediting authority (AA) or its equivalent."*

- Concerns that:
 - NELAC was formally created by EPA, other federal partners and importantly the States and territories to form a national program and adopt national standards;
 - That there have been significant funds and resources put into NELAC by all parties and all associated outcome efforts;
 - That NELAC and the program are not being dismantled in a formal way [from my perspective].
- We are also concerned about **future fees** in VT [PTs and accreditation costs for our lab and our commercial labs, TNI member fees]. From a State Primacy lab point of view we still want EPA to be the lead certifying/accrediting agency or accrediting body for our laboratory environmental work - using any set of standards developed or adopted.

UTAH:

- Recommend that The NELAC Institute, jointly with EPA, develop standards for lab accreditation of all programs.
- Recommend that EPA to be the lead certifying agency who uses these standards to certify/accredit laboratories.