

Summary of the TNI NELAP Board Meeting August 3, 2009

1. Roll call

The NELAP Board met at 12:30 PM CST on August 3, 2009. Dan Hickman chaired the meeting. Those members in attendance are listed in Attachment 1. In addition to those indicated, Cathy Westerman and Don Shaw from Virginia DCLS joined the call.

2. Minutes

Minutes from the 7-27-09 meeting were reviewed and approved for posting. Aaren Alger noted the LOQ issue should be added to the standards comment table for minutes of the next meeting.

3. Update on renewals and new applications

Lynn Bradley, EC, was on vacation but provided the following updates on active evaluations by email:

Illinois – State AB was granted a 2-month extension to complete corrective actions following the technical review (due date 7/24/09). Has notified team that TR response completion will be delayed until 8/14 due to short-notice, unplanned office relocation. On-site scheduled for 8/24/09.

LADEQ – On-site report (with observation included) sent by LE on 7/30/09.

Oregon – Final report of on-site submitted 7/29/09; OR requested and was granted extension on response time, until 30 days after 8/24/09 due to supervisor absence from office until then.

Texas – The recommendation for AB renewal was submitted to the Board on 7/29/09.

Virginia – Technical review complete; onsite tentatively scheduled for 10/20-22/09, with observation (gap analysis or mock assessment for VA DCLS) for 10/27-29. A question is up for Board discussion at today's meeting, Paul E to present it.

MN: – Candidate AB is going through process of gaining support of state legislature; application expected in August.

Paul Ellingson requested that the Board re-visit the decision made last week regarding VA DCLS assessor training. In an email to the NELAP Board, Paul stated that he believed that the decision made by the Board and the NELAC standard are in conflict. Specifically, Paul stated:

“The NELAC standard gives an out for experienced assessors in 3.2.1.b for new ABs and likely was not considered in the April 20th meeting. It states:

"Assessors employed by an accrediting authority [either directly or as a third party] when the accrediting authority is granted NELAP recognition [See Section 6.7] are exempt from the requirement to undergo training with a qualified assessor, provided they have previously conducted four assessments and been judged proficient by the accrediting authority."

VA DCLS's question is whether assessors experienced in Drinking Water Assessments have to have 4 lab shadows with an experienced NELAP assessor. Section 3.2.1.b (Assessor basic qualifications) states that each assessor must have "Participation in at least four actual NELAC on-site assessments under the supervision of a qualified assessor."

There are several experienced assessors in VA under the existing DW program. If these assessors have been "judged proficient by the accrediting authority" under the DW program they would not need to have the four actual NELAC on-site assessments as described in 3.2.1.b. The way the standard reads seems pretty clear and it does not seem to me that the experienced assessors would need to participate in the four assessments. (This would not exempt the new assessors from the requirements in 3.2.1.b.)

VA is also going to receive NELAC basic assessor training in the very near future. This situation is similar (if not identical) to the other ABs when they were brand new - especially those of the first round.

After discussion, the Board agreed with Paul that this section of the standards was overlooked when the previous decision was made and there may have also been some misunderstanding of the question. VA DCLS assessors are therefore exempt from the requirement to have 4 lab shadows with an experienced NELAP assessor as part of their training.

4. Planning for San Antonio

Dan presented the agenda for the National Environmental Laboratory Accreditation session in San Antonio. He requested volunteers and assistance for some parts of the agenda.

Aaren volunteered to lead the discussion on copyright issues. Carol will make sure Aaren has the slides or handouts from the attorney's presentation. Dan requested a volunteer to

lead the SW 846 discussion and the accreditation fee discussion. The SW 846 issue will be presented earlier by Pat Conlon. We may be able to get his materials for this presentation. If volunteers are not forthcoming, Dan will assign presenters. Carol can assist with the fee presentation.

Dan indicated that he would like for the NELAP Board to meet in a business session over lunch on Wednesday. Carol will get with Jerry to reserve a room.

5. Standards Adoption

Dan asked the board if anyone had identified any issues in the new standards other than what has been listed in the comment table from the last meeting. No new issues were reported and Dan noted that it may be possible for the Board to vote to adopt the new standards “with comment” if there was something particularly difficult to implement or confusing. Dan asked for a straw vote and all present said they will vote “yes” to adopt the new standards with one, possibly two ABs, voting “no”. No AB present indicated they would cast a veto vote. Dan requested that the comment table be reviewed for additional discussion.

NELAP Board Standards Adoption Issues for Discussion/Resolution

Section	Issue	Comments	State regs or statutes prohibit implementation
VIM1 4.1.3	Tracking of PT results by analysis date	Not a bad idea, but may cause a delay in implementation. Some ABs currently cannot track PT results by analysis date. Requires database changes and additional personnel. What is the trigger of analysis date, start or finish?	No
VIM1 4.2.1	PT's must be analyzed at least 5 months apart	What if lab analyzes PT's more frequently than 5 months? Does AB have to ignore?	No
VIM1 5.2.1 (b)	Lab must evaluate analytical result of PT to the LOQ		

V1M2 5.9.3 (c) and other places	States that more stringent QA/QC requirements in method prevail over TNI standards, but does not explicitly state that program and other (40 CFR) requirements must be met.	The definition of “quality control” in V1M1 may cover all of the issues of concern.	No
V1M3	No issues		
V1M4 1.6.2.2.(e) i	The word “test” was deleted where not associated with the word “method”	Advise CSDB of editorial change needed.	No
V1M4 1.6.3.2 (d)		What does this mean? May need interpretation from Quality Systems committee	No
V1M5 1.7.3.1		FYI, Sterility check in 1.7.3.1 (b) may be different from D3.	No
V1M6 1.7.1 (c)		Some think weekly is too frequent. Not an implementation issue.	No
V1M7	No issues		
V2M1	No issues		
V2M2 10.3	Some states cannot “revoke” for non-participation in PT studies.	May not have been the intent of committee. Defining “participate” may be the key to consistent implementation of this requirement. States may be able to revoke after multiple instances of non-participation.	No

V2M3	No issues	Need to develop a document to describe the accreditation process under the new standard. The new standard lacks the level of detail in current standard. Also, training of assessors is not specified and should be described. On-going training needs to be specified.	
V3 10.3.1	Reporting “less than” results for PTs would put TNI standards in conflict with 40CFR Part 141. SDWA requires definite acceptance limits. Will put the AB in a position to have to evaluate PT results separately for TNI and SDWA. Could jeopardize primacy agreements.	Some think “less than” and “greater than” language may have been reversed inadvertently. To ensure consistent implementation, it may be best to eliminate sections (d) and (e) in Section 10.3.1, thereby eliminating the confusion and conflicts over less-than-greater-than PT reporting and resultant Acceptable and Not Acceptable PT scores."	Yes? Will need to discuss with EPA DW staff at San Antonio meeting to evaluate impact on DW primacy. Some states may have to amend regulations.
V4	No issues		

8. Next meeting

The NELAP Board will meet over lunch on Wednesday August 12, 2009 at the San Antonio Environmental Measurement Symposium.

Attachment 1

STATE	REPRESENTATIVE	PRESENT
CA	George Kulasingam T: (510) 620-3155 F: (510) 620-3165 E: gkulasin@dhs.ca.gov	Yes
	Alternate: Jane Jensen jjensen@dhs.ca.gov	
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	Alternate: Carl Kircher carl_kircher@doh.state.fl.us	
IL	Scott Siders T: (217) 785-5163 F: (217) 524-6169 E: scott.siders@illinois.gov	No
	Alternate: TBA	
KS	Dennis L. Dobson 785-291-3162 ddobson@kdhe.state.ks.us F: (785) 296-1638	Yes
	Alternate: Michelle Probasco mprobasco@kdheks.gov	
LA DEQ	Paul Bergeron T: 225-219-3247 F: 225-219-3310 E: Paul.Bergeron@la.gov	No
	Altérnate: Cindy Gagnon E: Cindy.Gagnon@la.gov	
LA DHH	Louis Wales T: (225) 342-8491 F: (225) 342-7494 E: lwales@dhh.la.gov	Yes

	Alternate: Ginger Hutto ghutto@dhh.la.gov	
NH	Bill Hall T: (603) 271-2998 F: (603) 271-5171 E: whall@des.state.nh.us	No
	Alternate: Jeanne Chwasciak jcchwasciak@des.state.nh.us	
NJ	Joe Aiello T: (609) 633-3840 F: (609) 777-1774 joseph.aiello@dep.state.nj.us	No
	Alternate : TBD	
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	Alternate: Dan Dickinson dmd15@health.state.ny.us	
OR	Dan Hickman T: (503) 229-5983 F: (503) 229-6924 E: hickman.dan@deq.state.or.us	Yes
	Alternate: Raeann Haynes haynes.raeann@deq.state.or.us	
PA	Aaren Alger T: (717) 346-8212 F: (717) 346-8590 E: aaalger@state.pa.us	Yes
	Alternate: Bethany Piper bpiper@state.pa.us	
TX	Stephen Stubbs T: (512) 239-3343 F: (512) 239-4760 E: sstubbs@tceq.state.tx.us	Yes

	Alternate: Steve Gibson jgibson@tceq.state.tx.us	
UT	David Mendenhall T: (801) 584-8470 F: (801) 584-8501 E: davidmendenhall@utah.gov	Yes
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	Program Administrator: Carol Batterton T: 830-990-1029 or 512-924-2102 E: carbat@beecreek.net	Yes
	Evaluation Coordinator: Lynn Bradley T: 202-565-2575 E: Bradley.lynn@epa.gov	No
	Quality Assurance Officer Paul Ellingson T: 801-201-8166 E: altasnow@gmail.com	No