

Summary of the NELAP Accreditation Council Meeting

April 15, 2013

1. Roll call and Approval of Minutes

The NELAP Accreditation Council (AC) met at 1:30 pm EDT on Monday, March 18, 2013. Minutes of the March 18 and April 1, 2013, meetings were approved. Those members in attendance are listed in Attachment 1.

Aaren noted that Steve Gibson has announced his retirement, effective May 31.

2. Action Items Pending

- SIR workgroup to modify remaining unapproved recommendation for SIR #81 and #125.
- Final Response to Complaint from ACIL – pending completion of evaluation process for the AB (site report sent to CA)

3. Temporary Extension of Illinois Certificate of Recognition

Illinois' Certificate of Recognition as a NELAP AB expires on April 18, 2013, and Scott Siders noted this in his request that the AC consider a temporary extension, as has been done for other ABs where the evaluation process was delayed. Aaren is the Lead Evaluator for Illinois, and confessed that she is the reason for this particular delay.

Steve Arms moved, and Michelle Wade seconded, a motion to extend the recognition of Illinois until such time as the Evaluation Team's recommendation is voted upon by the AC. Ten "yes" votes were cast during the teleconference, with IL abstaining; four ABs were absent and voted by email, with the final vote arriving on April 16. All four email votes were "yes" for a final vote count of 14 approvals and 1 abstention. The motion passed and Illinois was notified of the temporary extension on April 18, 2013.

4. Discussion of Draft Letter to EPA about Crypto Accreditations

During the March 4 AC meeting, Susan Wyatt had volunteered to draft a white paper about the crypto accreditation and EPA's decision to turn that completely over to "the states." Stephanie Ostrowski offered to work with Susan, and a draft letter was provided for distribution to the AC in advance of this meeting. Unfortunately, neither MN nor NY were present for this part of the meeting.

ABs have much concern about EPA's "hand-off" of crypto accreditations, along with considerable lack of clarity about what EPA wants versus what it will accept from TNI and the AC members regarding both the standard and the specifics of assessing for the crypto method.

The meeting moved to a different topic without resolving this issue. One option is to invite Carrie Miller to an AC meeting, but more discussion of how to approach her and the Agency is needed before that invitation is issued.

5. Assignment of New/Changed EPA Lab ID Numbers

An instance where EPA assigned a new ID number to an existing laboratory when it transitioned to new ownership raised a number of concerns about impacts on some AB data systems. A Mr. Charles Feldman in the Cincinnati office (likely the Office of Water) assigns these numbers when requested, but the criteria for doing so are unknown to the NELAP ABs.

Consensus was to invite Mr. Charles Feldman to an AC call and request that he provide a brief overview of the issuance of EPA ID numbers to labs and the criteria used to decide whether to issue or change that ID number, and then to discuss the AC's concerns about impacts of changing or not assigning such number to a lab. At a future meeting, this will occur.

6. Concerns About the Chemistry Expert Committee's Voting Draft Standard

Aaren asked that all ABs please read and comment on this VDS. Several AB representatives were in the CEC meeting in Denver and expressed their concerns about the standard presented there, which was similar to the standard posted for vote recently.

Aaren noted in the April TNI Board meeting that the lack of AB representation on the CEC was problematic. Several AB representatives or AB staff have tried to obtain positions on this committee (by submitting applications and speaking with the Chair) but to no avail, so the Program Administrator supporting that committee was asked by the Executive Director please to ensure that a few ABs be included on the CEC and quickly. This should ensure that AB comments on the VDS are heeded.

NOTE: This standard is supposed to undergo the process recommended by the Corrective Action Workgroup, whereby comments on the VDS will be addressed and the result called an Interim Draft Standard. The IDS will be presented to LAS EC and the AC for their review and those comments addressed, after which the final version will be put to another vote by the membership. The Consensus Standards Development Executive Committee is developing an SOP to guide standards development in a fashion consistent with the Corrective Action Workgroup's recommendations.

7. Information Only – Negative Comments on a NELAP AB from an In-state Laboratory

Lynn was copied on an email letter to Ilona, documenting a lab's dissatisfaction with one of the NELAP ABs. She sought to de-fuse the complaint, which was not filed in formal fashion but rather informally, and was very clear with the complaining person that TNI can absolutely not interfere in the personnel issues and practices of an AB. She also established that the complainer is in contact with the AB's management. The AB representative on the AC noted that the complainer's lab has applied to sit on the state's Advisory Committee and that the AB is aware of the other concerns expressed but that the lab has not seemed interested in full cooperation by providing with timely responses needed to address one of its issues, either. Lynn indicated that she believes the situation has been smoothed over for now, and the AB representative indicated that there are new regulations in development that may address the expressed concerns in other ways.

8. NELAP Voting SOP 3-102 – Revisions from March 18 Meeting

Revisions discussed at the AC's March 18 meeting had been incorporated into the revised SOP and circulated to the AC on March 24. Aaren asked whether there were additional comments to address or whether the revised SOP is ready for approval. Paul Bergeron moved and Scott Siders seconded that the revision circulated on March 24 be approved. Ten "yes" votes were cast in the meeting and 5 ABs will vote by email. [NOTE: As of April 18, four additional "yes" votes have been received, with one vote still outstanding.]

9. Consideration of Using Third Party Evaluators for the Next Round of AB Evaluations

Aaren initiated this discussion by asking about the current willingness of EPA regions to participate in NELAP evaluations, and whether TNI could pay for third party evaluators if needed. Lynn noted that at least half of the EPA regions have withdrawn from the process and are conducting separate drinking water certification audits, and that Jerry says TNI can pay for the third party evaluators.

The composition of teams remains to be addressed, but since at least one state has declared that it cannot be evaluated by a non-government person, Aaren asked whether other ABs could undergo evaluation by a team using a non-government person. Most ABs present believed that it would be a non-issue, although those opinions were not from legal counsel of the states.

One problem is that many or most of the potential third party evaluators are individuals already contracted to either states as assessors or to labs as consultants, and the Non-Governmental ABs couldn't really participate as evaluators because they too seek TNI recognition (and likely have legal restrictions against participating in peer evaluations due to restraint-of-trade concerns.) Lynn noted that multiple former evaluators either are or will soon be retiring, and these individuals might be candidates, while Aaren raised the possibility that the NELAP QAO could assume the role of Lead Evaluator for all AB evaluations, thus ensuring consistency as well as quality. [NOTE: the NGAB evaluations will not have a separate QAO, according to discussions currently underway, but that process has not been finalized.]

Further discussions on this issue will take place, but the allotted meeting time expired.

10. Next Meeting

The next AC meeting will be Monday, May 6, 2013. That meeting's agenda will include further discussion of the crypto issue and position statement or letter, further discussion of using third party evaluators for the next round of AB evaluations, and the 3 SIRs for which the LAS EC believes the AC can complete voting after discussion. Other issues may arise, and if Mr. Feldman is available to discuss EPA ID numbers assigned to laboratories, that may take precedence.

Attachment 1

STATE	REPRESENTATIVE	PRESENT
CA	Fred Choske 510-620-31745 F: 510-620-3471 E: fred.choske@cdph.ca.gov	yes
	Alternate: Dave Mazzer T: 510-449-5600 E: david.mazzer@cdph.ca.gov	no
FL	Stephen Arms T: (904) 791-1502 F: (904) 791-1591 E: steve_arms@doh.state.fl.us	Yes
	Alternate: Carl Kircher E: carl_kircher@doh.state.fl.us	No
IL	Scott Siders T: (217) 785-5163 F: (217) 524-6169 E: scott.siders@illinois.gov	Yes
	Alternate: Janet Cruse T: 217-785-0601 E: Janet.Cruse@illinois.gov	Yes
KS	Michelle Wade E: MWade@kdheks.gov Ph: (785) 296-6198 Fax: (785) 296-1638	Yes
	Alternate: N. Myron Gunsalus ngunsalus@kdheks.gov 785-291-3162	yes
LA DEQ	Paul Bergeron T: 225-219-3247 F: 225-325-8244 E: Paul.Bergeron@la.gov	Yes
	Altérnate: TBD	
LA DHH	Donnell Ward T: E: donnell.ward@la.gov	Yes
	Alternate: TBD	
MN	Susan Wyatt T: 651.201.5323 F: E: susan.wyatt@state.mn.us	No

	Alternate: Stephanie Drier E: stephanie.drier@state.mn.us	No
NH	Bill Hall T: (603) 271-2998 F: (603) 271-5171 E: george.hall@des.nh.gov	Yes
	Alternate: TBD	
NJ	Joe Aiello T: (609) 633-3840 F: (609) 777-1774 E: joseph.aiello@dep.state.nj.us	No
	Alternate : Rachel Ellis E: rachel.ellis@dep.state.nj.us	No
NY	Stephanie Ostrowski T: (518) 485-5570 F: (518) 485-5568 E: seo01@health.state.ny.us	Yes
	Alternate: TBD	
OR	Gary Ward T: 503-693-4122 F: 503-693-5602 E: gary.k.ward@state.or.us	Yes
	Shannon Swantek T: 503-693-5784 E: Shannon.swantek@state.or.us	Yes
	Included for information purposes: Scott Hoatson T: (503) 693-5786 E: hoatson.scott@deq.state.or.us	No
PA	Aaren Alger T: (717) 346-8212 F: (717) 346-8590 E: aaalger@state.pa.us	Yes
	Alternate: Dwayne Burkholder E: dburkholde@state.pa.us	No
TX	Steve Gibson E: sgibson@tceq.state.tx.us	Yes
	Alternate: (temporary) Melissa Peters-Kelly E: Melissa.Peters-Kelly@tceq.texas.gov	
UT	Kristin Brown T: (801) 965-2540 F: (801) 965-2544 E: kristinbrown@utah.gov	yes

	Alternate: Robert Aullman T: 801-965-2541 F: 801-965-2544 E: raullman@utah.gov	No
VA	Cathy Westerman T: 804-648-4480 ext.391 E: cathy.westerman@dgs.virginia.gov	Yes
	Alternate: Ed Shaw T: 804-648-4480 ext.152 E: ed.shaw@dgs.virginia.gov	no
NELAP AC PA and EC	Lynn Bradley T: 540-885-5736 E: lynn.bradley@nelac-institute.org	Yes
EPA Liaison	Marvelyn Humphrey T: (281) 983-2140 E: Humphrey.Marvelyn@epa.gov	No
NELAP QAO	Paul Ellingson T: 801-201-8166 E: altasnow@gmail.com	no
Oklahoma	David Caldwell	no
Guests:	none	