

Summary of the NELAP Accreditation Council Meeting

July 15, 2013

1. Roll call and Approval of Minutes

The NELAP Accreditation Council (AC) met at 1:30 pm EDT on Monday, July 15, 2013. In the absence of the Chair, Vice Chair Paul Bergeron led the meeting. Minutes of the July 1, 2013, meeting were approved. Those members in attendance are listed in Attachment 1.

2. Action Items Pending

- Return DW FoPT table to PT Executive Committee (done July 17.)
- Draft RFP for third party evaluator to be prepared for AC review, by September
- Final Response to Complaint from ACIL – pending completion of evaluation process for the AB (site report sent to CA)

3. Request to Adopt Revised DW FoPT Table

A very slightly revised Field of Proficiency Testing (FoPT) table had been sent for AC adoption in late winter, but was mislaid, and then delayed by other more urgent items. The revision was an additional footnote (#15) about xylene, but the footnote used the un-defined term “volatile aromatics” rather than the normal and expected “volatile organics.” For this reason, the AC requested that the FoPT table be returned to the PT Executive Committee for correction.

4. Draft Policy about AB Notifications to the AC

At its July 1 meeting, the AC wanted to add to the draft two additional items, that would trigger notification. This change was made, and after some discussion about how to clearly identify one item (change in analytical disciplines for which accreditation is offered,) Steve Arms moved to approve the revised draft and Michelle seconded; all 11 members present voted to approve the policy and the absent 4 members were asked to vote by email. [NOTE: as of 7/18, one additional “yes” vote has been cast.]

5. Possible Modification to AC Voting SOP

In following through on a formal complaint which was eventually withdrawn, the Chair of TNI’s Policy Committee had contacted Aaren with a suggestion regarding the way the AC makes decisions on standards interpretations, and in particular how the NELAP AC’s Voting SOP requires all ABs to cast a vote for matters related to accreditation even when an AB may not feel qualified to do so. His suggestion was that it might be useful to have provisions that would allow making a decision without requiring all ABs to cast a vote, by using a parliamentary procedure called “unanimous consent” that could resolve the situation. A short summary of the “unanimous consent” procedure was provided, as follows:

In parliamentary procedure, **unanimous consent**, also known as **general consent**, is a situation in which no one present objects to a proposal. The chair may state, for instance: "If there is no objection, the motion will be adopted. [pause] Since there is no objection, the

motion is adopted." On the most routine matters, such as inserting an article into the *Congressional Record*, the chair may shorten this statement to four words: "Without objection, so ordered" or even to two words: "Without objection." If no member objects the motion is adopted, but if any member does declare his opposition the motion is not adopted and cannot be agreed to without a vote.

Unanimous consent can greatly expedite business by eliminating the need for formal votes on routine procedural questions in which the existence of a consensus is likely. The principle behind it is that procedural safeguards designed to protect a minority can be waived when there is no minority to protect.

That a proposal passes by unanimous consent does not necessarily indicate that every member of the body would have voted in favor of the proposal. It is sometimes used simply as a time-saving device. Sometimes members do not want a formal recorded vote on the issue, or know that they would lose such a vote and not feel a need to take the time. Conversely, raising an objection does not necessarily imply that the objector disagrees with the proposal itself; he may simply believe it would be better to take a formal vote.

In non-legislative deliberative bodies operating under *Robert's Rules of Order*, the unanimous consent device is often used to expedite the procedural consideration of uncontroversial secondary motions.

Lynn noted that, when most recently revising its Voting SOP to address Policy Committee concerns from that review, the AC had clearly articulated that all AB representatives were expected to vote upon all matters of accreditation. After some discussion about the potential future and possibly unforeseen consequences of altering that stance, and with Paul inviting AB representatives to email him with further comments on the issue, it was agreed to resume discussion of the issue either at conference or in September.

6. SIRs Requiring AC Discussion

Several Standards Interpretation Requests have either veto votes or outstanding requests for discussion, or in one case, a submitter objected to being informed that the request ought never have been accepted as a SIR and Aaren had offered that the AC discuss that request again.

#125 – this vote landscape shifted since the agenda was sent out. There are two “veto” votes but also 5 “against” votes (as of July 18.). The Voting SOP requires that the AC determine whether the veto votes are persuasive, so the two ABs will be asked to submit materials substantiating the veto votes prior to the next AC meeting. Unless the vote count changes, this SIR will be returned to LAS EC with the note that it cannot possibly be approved, regardless of the outcome of the persuasiveness of the vetoes.

#185 – this vote landscape also shifted, so that no veto remains, but there are 9 “against” votes. This SIR will be returned to LAS EC with the comments and a note that it cannot possibly be approved.

#197 – this item was returned to the requester as being “not a SIR” but the requester objected and stated that different ABs handle the issue different ways and therefore an interpretation is required. After discussion, it was not clear whether there are implementation differences or not, but that the standard itself remains clear. Several comments noted difficulty in determining what the question as submitted actually WAS, and there was a suggestion that if the submitter is dissatisfied with the initial outcome, perhaps submission of a “clearer” question might be more productive. [NOTE: the

outcome of this discussion was relayed back into the SIR system and will be transmitted to the submitter.]

#218 – the AB representative requesting discussion was not present when this SIR was presented for discussion several months ago, but was present today. The discussion request was satisfied, in that the TNI ELSS does not mention “grandfathering” incumbent assessors but that a written test (not necessarily post-adoption of the 2009 TNI standard) is adequate to show competency of assessors, and that new post-adoption technical training is not necessarily required.

7. Next Meeting

The next AC meeting will be at conference in San Antonio, on Friday, August 9, 2013. The scheduled meeting time is 8 am Central, and the call-in number for those unable to be present is 1-213-342-3000, passcode 155258#. The line will be open at 7:45 am Central.

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	No
	Alternate: Janet Cruse T: 217-785-0601 E: Janet.Cruse@illinois.gov	No
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	No
	Alternate: TBD	
NJ	Joe Aiello T: (609) 633-3840 F: (609) 777-1774 E: joseph.aiello@dep.state.nj.us	yes
	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	No
	Alternate: Dwayne Burkholder E: dburkholde@state.pa.us	No
TX	Steve Gibson E: sgibson@tceq.state.tx.us	Yes
	Alternate: Alice Colt T: 512-239-3927 Alice.Colt@tceq.texas.gov	No
	Included for information purposes: Melissa Peters-Kelly E; Melissa.Peters-Kelly@tceq.texas.gov	No

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	yes
NELAP QAO	Paul Ellingson T: 801-201-8166 E: altasnow@gmail.com	Yes
Oklahoma	David Caldwell	yes
Guests:	Cindy Maresh, TX E: cindy.maresh@tceq.texas.gov Mary Magerkurth, TX E: mary.magerkurth@tceq.texas.gov	