

## **Summary of the TNI NELAP Board Meeting May 20, 2009**

### 1. Roll call

The NELAP Board met at 12:30 PM CST on May 20, 2009. Those members in attendance are listed in Attachment 1. In addition to those indicated, Cathy Westerman from Virginia DCLS and Dave Speis representing ELAB joined the call.

### 2. Minutes

Minutes from the 5-4-09 meeting were reviewed and approved for posting.

### 3. SW 846

Dave Speis joined the call as a representative of ELAB to report on ELAB's recent meeting with EPA's Office of Resource Conservation and Recovery (ORCR – formerly OSW). Dave reviewed ELAB's Discussion Strategies and recommendations (attached). These recommendations were based on questions posed to ORCR prior to the Miami ELAB meeting and ORCR's response to the ELAB questions. In response to the ELAB recommendations, ORCR had prepared a policy document and definitions related to new methods and method revisions immediately prior to the ELAB/ORCR meeting in April. Key elements of the proposed policy included:

- ORCR will continue to use a Notice of Data Availability (NODA) to announce new methods.
- ORCR will clearly state a preference for the latest version of a method to be used.
- ORCR will establish specific procedures for revising methods.
- SW 846 should be considered as a base document, with revisions as needed, consistent with the PBMS approach.

Based on discussions conducted during the ELAB/ORCR meeting, ELAB will propose that the definitions and policy document be blended and that the method status definitions make sense to all users. The modified definitions agreed to by ELAB and ORCR will be limited to three terms, Final (method), Draft (method) and Withdrawn (method). The term revised was removed from the definitions list and has been proposed to be used as an internal EPA status definition only. The revision process is proposed to be subdivided into minor modifications – editorial, minor procedural corrections not impacting data comparability and major modifications which impact data comparability. ELAB will further propose that previous versions of a method be withdrawn if a major modification of a quality control nature is incorporated as a revision.

ELAB will keep the NELAP Board informed of developments and will include a NELAP member in the ORCR discussions at the appropriate time. There will be an outreach need to

ORCR program offices as well as state regulatory program offices when the policy changes are finalized to provide the program staff with a clear explanation of the processes ORCR uses to update and issue new SW-846 methods. Dave confirmed that it is still the TNI Board's expectation that the NELAP Board develop an interim solution to accreditations for SW 846 while discussions with EPA are ongoing to alleviate the current accreditation confusion.

#### 4. Update on renewals

##### First round:

CA – All electronic votes received. Renewal approved. Paul Ellingson will complete his report. Carol will draft a letter.

##### Second round:

IL- IL responded to the technical review on May 5. TR under review by evaluation team. Onsite not yet scheduled.

LADEQ –Onsite scheduled for the week of July 13. Lab observations the week before.

OR – Draft report from the onsite is in preparation. Lab observation scheduled first week in June.

TX – Onsite and lab shadow completed. Report due out this week.

##### New applications:

VA – Technical review underway.

#### 5. Update on Evaluation SOP

Carol presented questions from Art Clark, EPA Regional Evaluator, on the ongoing revision of the SOP. Art had inquired whether it was the NELAP board's intent to revise the SOP just to include initial applications under the 2003 standards, or whether the SOP should be revised for use with the new standards. The Board directed that the SOP be revised for new AB's under the 2003 NELAC standard. The LASC will be responsible for developing an evaluation SOP under the new standard.

#### 6. EPA person on NELAP Board

Carol reported that Jerry Parr had suggested that the NELAP Board go ahead and request an EPA member while bylaws revisions were ongoing. Carol will draft a letter to the Forum on Environmental Measurements Executive Director, Lara Autry, requesting appointment of an EPA member.

#### 7. QA/QC memo from EPA

Dan called the recent memo from EPA OW to the Board's attention. All agreed that the memo was a positive action from EPA. Dan pointed out that all of the essential QC checks listed in the memo are already in the NELAC standards. This memo will not change anything for NELAC accredited labs, but it could impact wastewater utility labs in states

that do not require WW labs to be accredited. There was concern expressed about enforcing requirements that we only specified in memo and not in regulation. The EPA website does indicate that these requirements are being considered for regulation.

8. Next meeting

The next meeting of the NELAP Board will be June 1, 2009. Agenda items at the next meeting will include:

- Update on renewals
- SW 846
- NELAP Program items for August meeting
- Standards Interpretations
- Status of revision of the Evaluation SOP

**Attachment 1**

STATE	REPRESENTATIVE	PRESENT
CA	George Kulasingam T: (510) 620-3155 F: (510) 620-3165 E: <a href="mailto:gkulasin@dhs.ca.gov">gkulasin@dhs.ca.gov</a>	No
	Alternate: Jane Jensen <a href="mailto:jjensen@dhs.ca.gov">jjensen@dhs.ca.gov</a>	
FL	Stephen Arms T: (904) 791-1502 F: (904) 791-1591 E: <a href="mailto:steve_arms@doh.state.fl.us">steve_arms@doh.state.fl.us</a>	No
	Alternate: Carl Kircher <a href="mailto:carl_kircher@doh.state.fl.us">carl_kircher@doh.state.fl.us</a>	
IL	Scott Siders T: (217) 785-5163 F: (217) 524-6169 E: <a href="mailto:scott.siders@illinois.gov">scott.siders@illinois.gov</a>	Yes
	Alternate: TBA	

KS	Dennis L. Dobson 785-291-3162 <a href="mailto:ddobson@kdhe.state.ks.us">ddobson@kdhe.state.ks.us</a>	Michelle Wade
	Alternate: TBA	
LA DEQ	Paul Bergeron T: 225-219-3247 F: 225-219-3310 E: <a href="mailto:Paul.Bergeron@la.gov">Paul.Bergeron@la.gov</a>	Yes
	Alternante: Cindy Gagnon E: <a href="mailto:Cindy.Gagnon@la.gov">Cindy.Gagnon@la.gov</a>	
LA DHH	Louis Wales T: (225) 342-8491 F: (225) 342-7494 E: <a href="mailto:lwales@dhh.la.gov">lwales@dhh.la.gov</a>	Yes
	Alternate: Ginger Hutto <a href="mailto:ghutto@dhh.la.gov">ghutto@dhh.la.gov</a>	
NH	Bill Hall T: (603) 271-2998 F: (603) 271-5171 E: <a href="mailto:whall@des.state.nh.us">whall@des.state.nh.us</a>	Yes
	Alternate: Jeanne Chwasciak <a href="mailto:jcchwasciak@des.state.nh.us">jcchwasciak@des.state.nh.us</a>	
NJ	Joe Aiello T: (609) 633-3840 F: (609) 777-1774 <a href="mailto:joseph.aiello@dep.state.nj.us">joseph.aiello@dep.state.nj.us</a>	Yes
	Alternate : TBD	
NY	Stephanie Ostrowski T: (518) 485-5570 F: (518) 485-5568 E: <a href="mailto:seo01@health.state.ny.us">seo01@health.state.ny.us</a>	Yes

	<p>Alternate: Dan Dickinson  <a href="mailto:dmd15@health.state.ny.us">dmd15@health.state.ny.us</a></p>	
OR	<p>Dan Hickman  T: (503) 229-5983  F: (503) 229-6924  E: <a href="mailto:hickman.dan@deq.state.or.us">hickman.dan@deq.state.or.us</a></p> <p>Alternate: Raeann Haynes  <a href="mailto:haynes.raeann@deq.state.or.us">haynes.raeann@deq.state.or.us</a></p>	Yes
PA	<p>Aaren Alger  T: (717) 346-8212  F: (717) 346-8590  E: <a href="mailto:aaalger@state.pa.us">aaalger@state.pa.us</a></p> <p>Alternate: Bethany Piper  <a href="mailto:bpiper@state.pa.us">bpiper@state.pa.us</a></p>	Yes
TX	<p>Stephen Stubbs  T: (512) 239-3343  F: (512) 239-4760  E: <a href="mailto:sstubbs@tceq.state.tx.us">sstubbs@tceq.state.tx.us</a></p> <p>Alternate: Steve Gibson  <a href="mailto:jgibson@tceq.state.tx.us">jgibson@tceq.state.tx.us</a></p>	Yes
UT	<p>David Mendenhall  T: (801) 584-8470  F: (801) 584-8501  E: <a href="mailto:davidmendenhall@utah.gov">davidmendenhall@utah.gov</a></p> <p>Alternate: Kristin Brown  <a href="mailto:kristinbrown@utah.gov">kristinbrown@utah.gov</a></p>	Yes
	<p>Program Administrator:  Carol Batterton  T: 830-990-1029 or 512-924-2102  E: <a href="mailto:carbat@beecreek.net">carbat@beecreek.net</a></p>	Yes
	<p>Evaluation Coordinator:  Lynn Bradley  T: 202-565-2575  E: <a href="mailto:Bradley.lynn@epa.gov">Bradley.lynn@epa.gov</a></p>	Yes

	Quality Assurance Officer Paul Ellingson T: 801-201-8166 E: <a href="mailto:altasnow@gmail.com">altasnow@gmail.com</a>	No

**Environmental Laboratory Advisory Board (ELAB)  
Potential Solution Strategies for Discussion  
SW-846 Regulatory Status Uncertainty  
Date: March 26, 2009**

**Issue Summary.** The release of SW-846 Update IV raised significant concerns in the stakeholder community on their regulatory use status. The USEPA did not include clear use status language with the release, leading to confusion within State regulatory agencies resulting in piecemeal recognition for monitoring and remediation uses by these agencies, which have caused interstate accreditation recognition difficulties. Update IV also includes quality control requirements that conflict with previous method versions causing laboratory and regulatory community confusion determining which criteria to apply.

**Background.**

ELAB held an informal informational session at the 2007 TNI/NEMC meeting to gather stakeholder input on this issue.

Approximately 100 stakeholders attended the session.

ELAB added this topic to its agenda and initiated an open dialogue with ORCR to better understand the issues and gather

information from September 2007 through January 2008. Those interactions continue.

ORCR actively participated in the January 2009 face to face meeting held at the TNI meeting to discuss issues and potential solutions with meeting attendees and ELAB.

The potential solution strategies below are based on input and discussions from that meeting which was attended by over 300 stakeholders

The materials below are offered to assist the ORCR and the stakeholders in their understanding of the issues.

**Draft of Potential Solutions:**

ORCR to provide a strong written confirmation that the latest version is the preferred version of a test method and should be used unless there is an overshadowing reason, such as an ongoing project, consistency monitoring DQOs, etc. that a previous

version should be continued for a project. Also, that a six month to one year time period be stipulated for implementing new versions of methods.

ORCR to include termination dates for all old methods and develop specific regulatory milestones for replacement.

ORCR to implement a policy that employs rigorous criteria for revising methods. This policy should define the criteria for initiating a revision and how it will be clearly distinguished from previous versions. It should also define how editorial changes are differentiated from more substantial technical or procedural changes. Substantive changes should be either marked as a new version or a completely new method.

ORCR to provide for notification of the Agency's intent to withdraw methods, such as 8000B, with the target date for withdrawal.

ORCR to provide a change summary in the beginning of each new method to clearly indicate what has been changed and its quality impact.

ORCR to reconfigure the method status table on the SW-846 methods page to just indicate the most recent version.

ORCR to provide clear definitions and intended use for terms such as draft method, obsolete, withdrawn, final, preferred use, etc.

ORCR to caucus with States, the NELAP Board and other interested stakeholders to develop accreditation strategies that promote the performance approach and include accreditation to base SW-846 methods, (i.e. SW-8270, without letter revision designations) provided the technology and basic chemistry or procedures have not changed, streamlining the assimilation and accreditation of new method versions.

When a test method is issued or revised, where there is a change in technology or a significant change in the chemistry, a new method number should be assigned.

Implementation of these recommendations will enable ORCR to promote a communication and education program for regulators and data users through other industry organizations that will assure the intended application of SW-846 methodology.