

Summary of the NELAP Accreditation Council Meeting

October 5, 2015

1. Roll Call and Approval of Minutes

The NELAP Accreditation Council (AC) met at 1:30 pm EST on Tuesday, October 5, 2015. Participants asked that the minutes from September 21 be revised to remove an error, so these will be brought back at the next meeting for approval. Those members in attendance are listed in Attachment 1.

2. Action Items Pending

None at present

3. Proposed Outline for Guidance for the Calibration Standard

Richard Burrows, Chair of the Chemistry Committee, provided a draft outline for the guidance that he has agreed to have that committee prepare for laboratories to use in implementing the revisions to those sections of V1M4. Several AB representatives offered the opinion that it seemed appropriate and there were no adverse comments. Participants did request that the language of the guidance reference the related section of the standard, in order to be absolutely clear that the guidance is an illustration of the standard and not somehow to be used as an addition to it. Another recommendation was to “keep it simple.”

Aaren asked that any further comments on this outline be shared with the AC and forwarded to Judy Morgan, Chair of LASEC.

4. Review of Additional Revisions of Mutual Recognition Policy 3-100

The AC approved this policy on June 15, 2015, and it is in use as “provisional” pending final approval by TNI’s Policy Committee. The Policy Committee review offered three recommendations, and draft revisions were reviewed at the AC’s September 21 meeting. The changes to sections IV and VII were agreed upon without further changes, but the revision of section V concerning what secondary ABs may require was problematic, and prompted another revision for this October 5 review. The agreed-upon changes are reflected in the version found in Attachment 2 of these minutes, and will be presented to the Council at its next meeting.

5. Additional Discussion of SW-846 Update V

There was no further discussion about this Federal Register Notice. An inquiry was presented concerning accreditation by versions of the SW-846 methods, but there is no consistent policy about handling those, since an AB’s practice is necessarily dependent on its individual state programs, but the ABs seem to be able to make the process work.

6. Discussion of Possible Revisions to the NELAP Evaluation SOP

The workgroup did not meet since the previous AC meeting.

7. Remote Analysis

Paul had asked for the group to discuss an issue that arose in the State Assessor Forum, where Arizona's assessors told the group that TestAmerica labs are now using overseas contractors to review analysis results and prepare draft reports. Essentially, the electronic results are transmitted elsewhere for processing, and a report returned, then the report is issued under the name of the individual TestAmerica analyst who loaded the samples into the equipment. It appears the practice is being used for IC and GC/MS methods, especially. Arizona stated that this is a new corporate-wide practice for TestAmerica, and that the reports are being issued with no reference to the sample results being processed outside of the laboratory itself.

Thus far, assessments have not shown any non-compliances with the data reports, and at least the contract assessors used by NELAP ABs seem to be aware of the practice. The types of problems being identified are with documentation of analyst credentials and demonstrations of competency, which are not available for the lab site assessment. Additionally, there were some concerns that the practice has not been acknowledged by TestAmerica with any degree of transparency.

Participants were asked to continue to share information as more is revealed about this practice. The standard already requires that such practices be documented for the historical reconstruction of the data (i.e., audit trail.) A comment was made that EPA should be asked to consider offering assessor training for asbestos; currently the Cert Manual only advises that an "outside expert" assessing asbestos should be accompanied by a qualified assessor.

8. PTs for Asbestos in Drinking Water

Ken raised this issue, that at present the sole provider of PT samples for asbestos in drinking water is New York State, and NY requires that purchasers of its PTs be accredited by NY. Many if not most NELAP ABs rely on NY for such accreditation, but not all, and thus some labs are being forced into an entirely unneeded primary accreditation, in order to be able to purchase PT samples, or else they risk losing accreditation for failure to perform PTs.

Aaren agreed to contact Dan Hautman of EPA's Technical Support Center, as well as to notify Donna Ringel of this issue.

9. Draft Report on California ELAP, for Stakeholder Comment

Lynn had emailed the link to this report, and reviewed the draft recommendations of the five-member review panel, with a recommendation that AB representatives at least look at the Executive Summary of the document.

10. Next Meeting

The next teleconference meeting of the AC will take place on Monday, October 19, 2015, at 1:30 pm Eastern. An agenda and teleconference information will be sent out before the meeting.

Attachment 1

STATE	REPRESENTATIVE	PRESENT
FL	Stephen Arms T: (904) 791-1502 F: (904) 791-1591 E: steve.arms@flhealth.gov	No
	Alternate: Carl Kircher E: carl.kircher@flhealth.gov	Yes
IL	Celeste Crowley T: 217-557-0274 F: 217-524-6169 E: celeste.crowley@illinois.gov	No
	Alternate: Janet Cruse T: 217-785-0601 E: Janet.Cruse@illinois.gov	Yes
KS	N. Myron Gunsalus 785-291-3162 E: ngunsalus@kdheks.gov	Yes
	Alternate: Sara Hoffman shoffman@kdheks.gov	Yes
	Included for information purposes: Nick Reams nreams@kdheks.gov	Yes
LA DEQ	Paul Bergeron T: 225-219-3185 E: Paul.Bergeron@la.gov	Yes
	Altérnate: TBD	
LA DHH	Donnell Ward T: E: donnell.ward@la.gov	No
	Alternate: TBD	
MN	Lynn Boysen E: lynn.boysen@state.mn.us	Yes
	Alternate: TBD	
NH	Bill Hall T: (603) 271-2998 F: (603) 271-5171 E: george.hall@des.nh.gov	No
	Alternate: Tyler Croteau Tyler.Croteau@des.nh.gov	Yes

NJ	Michele Potter T: (609) 984-3870 F: (609) 777-1774 E: michele.potter@dep.nj.gov	Yes
	Alternate : Rachel Ellis E: rachel.ellis@dep.nj.gov	No
NY	Mike Ryan T: (518) 473-3424 F: (518) 485-5568 E: michael.ryan@health.ny.gov	No
	Alternate: Victoria Pretti victoria.pretti@health.ny.gov	No
	Included for information purposes: Lynn McNaughton lynn.mcnaughton@health.ny.gov	No
OR	Gary Ward T: 503-693-4122 F: 503-693-5602 E: gary.k.ward@state.or.us	No
	Shannon Swantek T: 503-693-5784 E: Shannon.swantek@state.or.us	No
	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@pa.gov	Yes
	Alternate: Yumi Creason E: ycreason@pa.gov	Yes
TX	Ken Lancaster T: (512) 239-1990 E: Ken.Lancaster@tceq.texas.gov	Yes
	Julie Eldredge E: Julie.Eldredge@tceq.texas.gov	Yes
UT	Kristin Brown T: (801) 965-2540 F: (801) 965-2544 E: kristinbrown@utah.gov	No
	Alternate: Jill Jones T: (801) 965-3899 E: jilljones@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	Donna Ringel T: 732-321-4383 E: Ringel.Donna@epa.gov	No
California	Christine Sotelo Christine.Sotelo@waterboards.ca.gov	No
Oklahoma	David Caldwell E: David.Caldwell@deq.ok.gov	Yes
Guests:	Kelly Turpin, Illinois (for information purposes)	

Attachment 2 – Draft Revised Policy

Policy TITLE:	Mutual Recognition Policy for Accreditation Bodies
Policy NO.:	3-100
REVISION NO:	0.2
Program	NELAP

LASEC Approved Date (Revision 0.2):	1/27/2015
NELAP AC Approved Date (Revision 0.2):	6/15/2015
Policy Committee Reviewed Date (Revision 0.2): (returned with comments 6/17/15)	
TNI Board of Directors Endorsed Date:	
POL Effective Date:	6/15/2015

Comments received from Policy Committee:

- Since it was never previously approved, but has undergone several iterations, a decimal revision number is appropriate
- §IV-4 -- replace example in parentheses with new sentence. Suggested wording is “For instance, an AB may grant a waiver to the state’s primacy laboratory from having to apply to its own state agency for accreditation.” This rearrangement avoids possible confusion as experienced by several participants, without altering meaning
- §V-2b – request rephrasing for clarity, to better define what a secondary AB is and is not allowed to do. This stemmed from anecdotal information that one lab whose site visit from its primary was greatly overdue, was told by its secondary AB that the secondary AB would “perform the site visit itself” in order to maintain the secondary accreditation status for the lab. Since that would be inappropriate, participants sought clarity on what information a secondary AB could and could not request.
- §VII – to avoid confusion among labs that might read this and misunderstand, please add an additional sentence that “disputes between a lab and an AB shall be resolved according to the AB’s policies”

I. PURPOSE AND APPLICABILITY

The principle of recognition is a fundamental concept in a national environmental laboratory accreditation program. This policy establishes the principle of recognition as an essential element of and condition for participation in the National Environmental Laboratory Accreditation Program (NELAP).

II. SUMMARY

The policy establishes the responsibilities of primary and secondary accreditation bodies as they relate to mutual recognition, describes circumstances when the policy does not apply, and prescribes how disputes relating to the policy between or among accreditation bodies are

to be resolved.

III. DEFINITIONS

All definitions are incorporated by reference to maintain consistency within the TNI organization.

NELAP Accreditation Body as defined in Vol 2, Mod 1, and Vol 2, Mod 2

NELAP Accreditation Council as defined in the TNI Bylaws

Standard as defined in Vol. 1 Mod. 2

Conformity Assessment Body as defined in Vol.2 Mod. 3

Primary Accreditation Body as defined in Vol. 2 Mod. 2

Secondary Accreditation Body as defined in Vol. 2 Mod. 2

Mutual Recognition: the acceptance by an accreditation body of an environmental laboratory accreditation issued by a primary accreditation body without any other duplicative actions to determine the laboratory's conformity to the Standards. For the purposes of accreditation, mutual recognition does not mean automatic accreditation by a secondary accreditation body or exemption from complying with the administrative processes of a secondary accreditation body.

IV. RESPONSIBILITIES OF A PRIMARY ACCREDITATION BODY

A primary accreditation body:

1. Ensures that Conformity Assessment Bodies (CAB) meet applicable requirements contained in the Standards;
2. Is responsible for receiving, evaluating and making accreditation decisions regarding granting, denying, revoking, and suspending interim or full accreditation to applicant laboratory organizations;
3. Receives and evaluates applications from laboratories that are physically located within the AB's borders for those fields of accreditation for which the NELAP AB offers NELAP accreditation, meaning that the laboratory's "home-state" is its NELAP-recognized AB;
4. May waive the requirement for the laboratory to seek primary accreditation from its home-state in cases where the laboratory applying for primary accreditation from its home-state would create a real or perceived conflict of interest (For instance, an AB may grant a waiver to the state's primacy laboratory from having to apply to its own state agency for accreditation);
5. May choose to receive applications from laboratories that are physically located outside of the AB's borders when the applicant laboratory's home-state is not a NELAP-recognized AB or when the home-state AB does not offer Primary NELAP accreditation for one or more fields of testing. Primary ABs are not required by this

policy to accept applications from out-of-state laboratories seeking primary accreditation.

6. Is responsible for assisting secondary accreditation bodies, if requested, with the verification of accreditations issued by the primary accreditation body;
7. Must maintain conformance to the Standards and the policies, procedures, resolutions, and interpretations pertaining to accreditation bodies approved by the NELAP Accreditation Council.

V. RESPONSIBILITIES OF A SECONDARY ACCREDITATION BODY

1. Except as specified in this policy, an accreditation body agrees as a condition for participation in the NELAP to:
 - a) recognize environmental laboratory accreditations issued by primary NELAP accreditation bodies without any other duplicative actions to determine the laboratory's conformity to the Standards. The secondary AB may require copies of existing documentation and may work in concert with the primary AB in the event that any investigative actions are needed. The AB offering secondary accreditation to a laboratory shall not impose additional requirements concerning on-site assessments, quality assurance, proficiency testing, or other matters relating to conformance to the Standards, but may request copies of the primary AB's on-site assessment report and a copy of the certificate of accreditation.
 - b) maintain conformance to the Standards and the policies, procedures, resolutions, and interpretations pertaining to accreditation bodies approved by the NELAP Accreditation Council.
2. Mutual Recognition of an accreditation issued by a primary accreditation body:
 - a) is limited to the fields of accreditation (methods and analytes) included in the primary accreditation at any point in time, and
 - b) does not prevent a secondary accreditation body from verifying the accreditation with the primary accreditation body or requiring a laboratory to adhere to applicable laws and rules and normal administrative process, such as submitting applications and paying fees.

VI. EXCEPTIONS

A secondary accreditation body does not have to recognize a primary accreditation or grant secondary accreditation if a law, rule, or decision resulting from a legal action precludes or has the effect of precluding the secondary accreditation body from granting accreditation in whole or in part to a laboratory.

VII. DISPUTES

Disputes between or among NELAP accreditation bodies relating to this policy shall be resolved according to the appropriate TNI policy or procedure. Disputes between a lab and an

AB shall be resolved according to the AB's policies and are beyond the scope of this policy.

VIII. EFFECTIVE DATE

This policy becomes effective on January 4, 2010, and remains in effect until amended or revoked by the TNI NELAP Board.

Policy Approved Changes

Prev. Policy No.	New Policy No.	Date of Change	Description of Change
n/a	3-100 Rev 0.1	3-10-12	Updated format.
0.2	3-100 Rev 0.2	12-22-14	Minor editorial revisions prior to presentation to NELAP AC for first vote (documentation of initial approval cannot be located)
		1/27/15	Revisions approved by LASEC, recommended to NELAP AC for approval and adoption.
		May-June 2015	Revised by NELAP to include "home state" application requirement
		Aug-Oct 2015	Revised to address Policy Committee comments upon its review