

Summary of the NELAP Accreditation Council Meeting
March 19, 2012

1. Roll call and Approval of Minutes

The NELAP Accreditation Council (AC) met at 1:30 pm EST on March 19, 2012. Minutes of the March 5, 2012, meeting were approved. Those members in attendance are listed in Attachment 1.

Aaren noted that TNI election for Board of Directors is underway and that two additional AB representatives are nominated, Susan Wyatt and Scott Siders. Both Aaren and Joe were also re-nominated.

2. Action Items Pending

- Policy about triggers for AB re-evaluation
- Open Meeting of AC for May 7, 2012 – create draft agenda, compare email address list with managers' list from the state assessor group, send announcement
- Use of DoD-DOE reports (pending receipt of sample reports, raised w/ AB/TF again on 2/23/12)
- SIRs – discussion of “needs discussion” votes, 1-2 each AC meeting
- Follow on new Task Force addressing third party AB option
- Letter from TNI Board to NELAP and related correspondence (sent w/ A Alger email of 12/29/11)
- Suggestion to have Kathy Gumpfer meet with AC to discuss consistency (on indefinite delay – keep?)

3. Updates on AB Renewals and other items

Lynn reported on the status of ongoing evaluations.

CA – technical review nearly complete, scheduling site visit underway

KS – letter amending site report sent, response from KS just signed

NJ – technical review response undergoing review. Site visit re-scheduled to week of April 16, with observation in late March.

TX – technical review underway

LA DEQ – requested 30-day extension to submit application, now due April 19.

VA – completeness review awaiting transmission; new application signed by “Acting” Lab Director submitted.

OR – renewal letter sent

4. Discussion of EPA Regional Labs and Accreditation Activities

Marvelyn requested to update the AC about what EPA regional labs are considering for

future accreditation needs. Several regional labs due to renew their accreditation will be looking outside of NELAP. The reasoning seems to be that labs anticipate a recommendation that organizations performing forensic work should use the ISO international standard for accreditation, i.e., ISO/IEC 17025. Marvelyn noted that the National Enforcement Investigations Center, part of the Office of Enforcement and Compliance Assistance, has accreditation as a forensic lab, and that her lab (EPA Region 6) will continue with NELAP for at least this coming year.

The affected regional labs issued solicitations for bids. One has determined to use ACLASS for its accreditation. Another noted that it received no bids from any NELAP AB. Yet another is preparing a solicitation.

Multiple AB representatives noted that they were contacted by the EPA Region 1 lab, inquiring why they did not respond to the solicitation. Reasons were diverse, as follows:

- State agency does not solicit work since they are not a money-making organization
- No out-of-state travel allowed
- Counsel advised the wording of the solicitation required a firm price for each of the next 2 years, but the legislature sets prices annually, so the agency cannot guarantee the outyear cost
- Program uses third party assessors for out-of-state work and cannot set prices for those contractors
- Wording of the solicitation suggested that the AB would guarantee that an accreditation would be issued
- Solicitation required all fields of accreditation, and not all are offered by the AB

None of the NELAP ABs objected to the idea of regional labs seeking accreditation outside of NELAP, but it was noted that some interagency data sharing agreements do require NELAP accreditation. Other points noted were that there is only one US organization offering accreditation for forensic lab work, and they use an interpretive standard that incorporates ISO 17025, just as NELAP is an interpretive standard incorporating ISO 17025 – essentially, the ISO standard plus specific additional requirements for the area of testing addressed. There might be some misunderstanding, and the AC recommended that the remaining EPA regional labs determine what they actually want or need, whether environmental or forensic or just generic 17025, and then use the bid solicitation process to identify an AB that can provide it.

5. Update from TNI Board meeting

At the March 14 Board meeting, the AB Assistance Task Force (AB/TF) presented its recommended implementation plans for the first 7 options and asked for Board discussion to develop a recommendation for how to address the 8th option concerning third party accreditation bodies. The language of the recommendations posed is in Attachment 2 to these minutes. By individual vote, options 1-7 were approved for further development as presented.

Option 8 brought much discussion, including the concept that not all labs actually “need” NELAP accreditation if they are not submitting data to a NELAP state, so that it could be a non-state AB (i.e., third party) issuing accreditation to the TNI Environmental Laboratory Sector standard (the current NELAP standard.) This was described as a “paradigm shift” but would in fact lead to wider use of the NELAP standard.

The Board did adopt the AB/TF recommendation to constitute a new task force, and while volunteers were accepted during the Board meeting, they also sought additional volunteers from within the LAS EC and the AC. Joe especially urged more than one AB volunteer to participate on the task force (currently just Aaren), to provide “fresh” viewpoints. Aaren noted that it’s vitally important to convey the importance of enforceability of the standard beyond the AC’s internal discussions.

Aaren also informed the AC that another task force was formed under Sharon Mertens’ leadership, to address Corrective Action for Standards Development. Susan Wyatt is on this Task Force, and its composition is set. The genesis of this group was to ensure that critical comments are not ignored (deemed non-persuasive) when future standards are created and adopted.

This led to discussion about the PT standard under development, and Aaren’s thus-far lack of success in obtaining a draft from the PT Expert Committee chair. Susan also noted that the current PT standard is not amenable to programming into MN’s ELDO system, that it cannot be broken into programmable logical steps using the analysis date paradigm, so she hopes to be able to work with the new draft standard as a functional alternative. Susan did ask if others were actually implementing the standard as written, and noted that MN did not have the opportunity to veto its adoption because at that time, MN was not yet a NELAP AB.

6. Continued Discussion of the Desired New Policy or SOP about Changes to AB Operations

The motion put to vote at the March 5 meeting passed, with 11 “yes” and 4 “no” votes. Several AB representatives who had not been on the March 5 teleconference raised sound objections to the wording of that motion, so that the AC sought to address these points by reopening the discussion. Steve Arms moved and Scott Siders seconded a motion to rescind the previous action; there were 11 “yes” votes, one “no”, and 1 abstention, so the motion passed and the motion from March 5 was rescinded.

The intent was to have the LAS Executive Committee define for the AC

- What is a significant change
- How should notification occur
- What change warrants action by the AC
- What would be the appropriate action

It is envisioned that the extremes would be an AB ceasing to offer accreditation, to no alteration at all. One suggestion was that action would be warranted if the change in AB operations affects accreditation of labs.

Some believe that asking LAS to create policy for the ABs when the state ABs would need to enforce that policy once adopted might be problematic; others view having a draft policy to consider as a positive. This matter was addressed in the original (2003?) NELAC standard, but then the “policy” matters were removed with the intent that they would be replaced by operational policies during the INELA era. Still, there was a great deal of material that did not transition from INELA to TNI. We considered asking the LAS to track down the old materials from the NELAP Board, and the question was raised about whether these “policy” items ought to become part of the next TNI standard.

The AC agreed to keep this item on the agenda for the next meeting, along with the larger issue of what policies do we need.

7. Follow-Up on Open AC Teleconference, Planned for May 2012

The first call in May (May 7) was agreed upon for this event. Aaren suggested that the agenda include a general update about TNI and NELAP AC within TNI, and an announcement that there might be travel support for non-NELAP ABs to come to conference in DC, in August, for the session with non-NELAP ABs, then perhaps look for misperceptions about NELAP and ask what issues the non-NELAP AB representatives would like to have addressed in DC.

Susan offered to find and send the managers, as identified within the state assessor group (from 3/26 call of that group), and Aaren was going to ask to get on the agenda. Lynn will cross reference the managers listing with the listing from the relatively new AB database, to get email contacts as accurately as possible.

8. Discussion of SIRs

This was delayed until the next call.

9. Next meeting

The next AC meeting will be Monday, April 2, 2012, at 1:30 pm EDT. Teleconference information and an agenda will be sent beforehand. The agenda will include:

Updates

Draft Agenda for Open AC Call in May

Revisit Policy Development for Changes in AB Operations

SIRs (the next 2 oldest ones)

Attachment 1

STATE	REPRESENTATIVE	PRESENT
CA	Jane Jensen 510-620-3174 F: 510-620-3471 E: jjensen@cdph.ca.gov	yes
	Alternate: Fred Choske 510-620-3175 F: 510-620-3471 E: fchoske@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	yes
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: none	
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	yes
	Alternate: Stephanie Drier E: stephanie.drier@state.mn.us	yes

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	yes
	Alternate : TBD	
NY	Stephanie Ostrowski T: (518) 485-5570 F: (518) 485-5568 E: seo01@health.state.ny.us	yes
	Alternate: Dan Dickinson E: dmd15@health.state.ny.us	no
OR	Gary Ward T: 503-693-4122 F: 503-693-5602 E: gary.k.ward@state.or.us	no
	Alternate: 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	Stephen Stubbs T: (512) 239-3343 F: (512) 239-4760 E: sstubbs@tceq.state.tx.us	yes
	Alternate: Steve Gibson E: jgibson@tceq.state.tx.us	yes
UT	David Mendenhall T: (801) 584-8470 F: (801) 584-8501 E: davidmendenhall@utah.gov	no
	Alternate: Kristin Brown E: kristinbrown@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 Program Administrator and Evaluation Coordinator 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
	Quality Assurance Officer Paul Ellingson T: 801-201-8166 E: altasnow@gmail.com	yes
	Oklahoma: David Caldwell	yes
	Guests: none	

Attachment 2

March 14, 2012

To: TNI Board of Directors

From: Judy Duncan, Chair, Accreditation Body Task Force

Subject: Plan of action for Accreditation Body Task Force Options

In July 2011, the Accreditation Body (AB) Task Force presented to you a preliminary report with eight recommended options for improving the efficiency and effectiveness of TNI's National Environmental Laboratory Accreditation Program (NELAP). Since that time we have forwarded the recommended options to various TNI committees and requested their input and assistance in the development of an implementation plan for the recommended options. Specifically, the committees were asked to identify any impediments to the recommended option and to suggest a plan for implementation. The committees also solicited input on these options at the Sarasota meeting.

At this time, we would like to present you with the results of the committees' review and a recommended plan of action for your approval. The recommended options and plans of action are listed below:

Option 1: Training

Have TNI develop assessor training, both for technical training and for assessment techniques. This option could be implemented in the short term, but some components may take longer.

Recommended plan of action: This recommendation was reviewed and accepted by the Technical Assistance Committee (TAC). TAC should continue to identify training needs, priorities, best delivery method, learning objectives and content. TAC will not develop training, but will provide information so that others can do it. TNI staff (Jerry and Ilona) should be responsible for arranging appropriate delivery of training in accordance with the Educational Delivery System (EDS).

Option 2: Administrative Support Services

Develop a number of support services (e.g., tracking proficiency test data) that TNI could provide to ABs to relieve some of their workload. This option is a long-term solution, but some elements could be implemented sooner.

Recommended plan of action: The LAB Committee has accepted the recommendation and submitted a plan for implementation. The Laboratory Accreditation Body committee should continue to focus on development of a standard (generic) application form for lab accreditation that can be completed online, using the MN ELDO database as the framework. LAB should work on the generic application along with other tools for tracking PTs, corrective actions, etc.

The TNI Board should develop an action plan to promote the implementation and use of the ELDO database by the NELAP ABs where appropriate, and where it will provide the greatest benefit. (This may require development of an MOU with MN DoH.)

Option 3: National Database

Implement the national database of accredited laboratories to enhance reciprocal accreditations. This option should be fully implemented by August 2011.

Recommended plan of action: The IT committee concurs that this recommendation continues to be an ongoing high priority. Implementation of the National Database should remain with the IT Committee.

Option 4: Third-party Assessors

Enhance the process by which NELAP-recognized ABs can use third-party assessors, especially to assess laboratories in states that do not participate in NELAP. This option could be implemented in the short term.

Recommended plan of action: The LAB committee has endorsed this recommendation and started the process to develop qualifications for third party assessors. This process will involve developing criteria for states to use to evaluate third party assessors, but does not include a separate credentialing process at this time. The LAB should follow through with their plan to identify criteria for third party assessors

Option 5: Use of Assessments from other Organizations

Use the laboratory assessments performed by the Department of Energy (DOE) or the Department of Defense (DOD) Accreditation Bodies in lieu of assessment performed by the NELAP AB. This option could be implemented in the short term.

Recommended plan of action: The LASEC provided a report to the NELAP AC on this recommendation. This recommendation should remain with the NELAP AC for additional evaluation. The AC will review examples of DoD and/or DoE reports before making a final determination.

Option 6: Sharing of Information and Resources

Develop a system so that NELAP ABs could better share information and resources. This option is a long-term solution, but some elements could be implemented sooner.

Recommended plan of action: The LASEC has explored the recommendations and generally endorsed going forward. They feel that more discussion is needed, however, on sharing of assessors from multiple states. They have developed an implementation plan for sharing form letters and related documents. The LASEC should continue with implementation of this recommendation.

Option 7: Surveillance Assessments

Develop a process to allow the use of surveillance assessments to extend the time frame for a reassessment to beyond two years. This option is a long-term solution.

Recommended plan of action: Initial referral to LAB Expert Committee and LAS Executive Committee resulted in one opinion from a joint workgroup of the two committees which was strongly opposed by at least one NELAP AB as well as other members of the LAB Committee. Recommend referring back to LAB Expert Committee with direction to consult stakeholders and develop a plan of action.

Option 8: Non-Governmental Accreditation Bodies

Develop a process to allow non-governmental ABs (also called third-party ABs) to offer accreditations that would be accepted through reciprocity by the existing

NELAP-recognized ABs, especially in states that do not operate a NELAP accreditation program, or where an existing state program may be privatized. A non-governmental AB could include a separate, but closely affiliated organization, as a way to offer accreditations and other services. This option is a long-term solution.

Recommended plan of action: The AB Task force has been unable to agree on final language for a plan of action and requests discussion with the Board before making a final recommendation this Option.

The Task Force does agree that third party accreditation is a viable option that has the potential to alleviate workload problems for NELAP ABs, believes that there are no insurmountable impediments to its use and has two key components:

- 1) Developing a process for Third Party ABs to be authorized to grant NELAP accreditations in accordance with the TNI Environmental Laboratory Sector Standard.
- 2) Developing a process for Third Party ABs to be recognized by the state government NELAP ABs.

If the decision is made to go forward with third party accreditation in some manner, the AB TF recommends that the TNI Board form a new Task Force to address implementation of Option 8, composed of representatives from the Laboratory Accreditation Systems Executive Committee, the NELAP Accreditation Council and the original AB TF, and that the Board charge this group with developing a plan of action to bring back to the Board for its consideration, in order to proceed with actual implementation of Option 8.

We request the Board's approval of these plans for Options 1-7 and discussion on Option 8.

Judy Duncan, Chair

Accreditation Body Task Force