

Summary of the NELAP Accreditation Council Meeting

July 1, 2013

1. Roll call and Approval of Minutes

The NELAP Accreditation Council (AC) met at 1:30 pm EDT on Monday, July 1, 2013. Minutes of the May 6, May 20, June 3 and June 17, 2013, meeting were approved. The June 17 minutes had been expanded to include additional details provided by Dr. Miller upon her review of the initial draft, and these will be shared with the email list of non-NELAP ABs. (NOTE: Lynn also asked Stephanie Drier to share them with the State Assessor Forum.) Those members in attendance are listed in Attachment 1.

2. Action Items Pending

- 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. Temporary Extension for MN's Certificate of Recognition

MN's Lead Evaluator, Donnell Ward, had requested that the AC grant a temporary extension to Minnesota's Certificate of Recognition, due to the legislative changes that became effective May 22, 2013. This request was received on June 6 but July 1 is the first business meeting of the AC since that time. This extension will allow the evaluation site visit to occur after the legislatively mandated changes become operational, probably by early fall.

A motion was offered by Fred and seconded by Steve Arms to temporarily extend the Certificate of Recognition for Minnesota, until such time as the AC can act on the recommendation of the Evaluation Team. The motion carried with 14 yes votes (MN was absent from the meeting, and by email, indicated it would abstain.)

4. Attendance at Conference in San Antonio

Aaren asked who planned to be present in San Antonio. Positive responses are listed:

- FL (Steve and Carl)
- KS (Michelle and Myron)
- MN (absent, but likely)
- NJ (not Joe but 2 others)
- OR (Gary and Shannon, but departing prior to the AC meeting)
- PA (Aaren)
- TX (Steve, Alice, Cindy Maresh and 6 more)
- UT (Kristin)
- VA (Cathy but departing prior to the AC meeting)
- OK (likely with additional travelers also)
- EPA Liaison (Marvelyn)

5. Draft Policy about AB Notifications to the AC, as requested from LAS EC

In early 2012, the AC realized that at least one NELAP AB was facing substantial operational changes due to a departmental decision and eventual legislative mandate to outsource its assessment functions, and asked the consensus body, the Laboratory Accreditation Systems Executive Committee, to please provide a policy and/or an SOP about what types of operational changes ought to require notification to the AC as well as what extent of change would require partial or full re-evaluation prior to the next scheduled cycle.

Lynn noted that there was sentiment in the LAS EC that any changes to contractual operations of an AB ought not to warrant any form of notification, yet when the LAS EC removed that section, language referring to contracting remained in a different section of the draft policy recommended to the AC by LAS. She noted that this oversight should be corrected prior to adoption of the policy, either by removing the contracting reference or adding back in a notification requirement.

Several ABs discussed how they handle contract assessors, and there seems to be a shift from (in general) the state paying the contract assessor to the state identifying several potential assessors who provide quotes for assessment cost to the laboratory, and the laboratory then selects an assessor and pays directly to the assessor for that task. Consensus within the AC discussion was that a change in the use of contracting to perform accreditation functions ought to require notification.

Additionally, the AC requested to add a notification requirement about a change to the disciplines, or fields of testing, for which an AB offers accreditation. Lynn agreed to add these changes to the draft policy and distribute it to the AC by July 8.

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

This discussion was continued from the May 6 meeting, where strong sentiment for having a sole contract or “third party” evaluator existed. Because there were no further business meetings scheduled until July AND of the need to move forward with approval of the NELAP Evaluation SOP as well as to create the request for proposal for a third party evaluator, Lynn had sought email discussion to reach consensus among the full membership of the AC, but after some days of correspondence, no consensus emerged.

General consensus on several points emerged fairly quickly in this July 1 discussion about how the teams shall be composed for the next round of evaluations.

- The contract evaluator must have the same training as previous NELAP evaluators in order to ensure compliance with V2 of the TNI ELS standard.
- The contract evaluator would work for the NELAP AC and be paid by TNI with funds from the AB fees.
- The contract evaluator will function as the Lead Evaluator (LE) in all cases.
- A state AB person will serve as an additional Evaluation Team (ET) member. This determination was made on the basis of retaining the “peer evaluation” aspect as well as the offered opinions of several AB representatives that conducting an evaluation is an excellent training tool for the state program managers or

- assessors.
- EPA regions desiring to join in the ET may do so, in lieu of a separate review for drinking water state primacy determination. AC members realize that not all ETs will have an EPA representative.

Paul Ellingson, NELAP QAO, noted that he strongly supports having an AB member, in order to provide perspective for the contract evaluator(s). There were a few questions about whether it would be possible to continue the QAO role, but that is likely too costly to be feasible. As discussed with the non-governmental AB evaluations and also in the AC earlier, with only one or possibly 2 contract evaluators, the QAO role in ensuring “consistency” would be far less critical than with 15 different LEs, as has previously been the case. All agreed that if a second contract evaluator is needed, the two must work together and share the same approach, philosophy and judgments about evaluation matters.

NOTE: Lynn confirmed with Jerry that available resources would not support a QAO in the manner used presently.

Now that consensus has been reached, Lynn will begin drafting a request for proposal, for this contract evaluator.

7. Next Meeting

The next AC meeting will be Monday, July 15, 2013.

Items to be addressed include several more SIRs needing discussion before closure of the voting process and a possible modification of the NELAP Voting SOP to include a “unanimous consent” decision process for SIRs, as recommended to Aaren by the Chair of the TNI Policy Committee.

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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 | 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 | No |
| 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 |

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| | 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 | 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 | 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@state.pa.us | Yes |
| | Alternate: Dwayne Burkholder E: dburkholde@state.pa.us | No |
| TX | Steve Gibson E: jgibson@tceq.state.tx.us | Yes |
| | Alternate: Alice Colt T: 512) 239-3927 Alice.Colt@tceq.texas.gov | Yes |
| | Included for information purposes: Melissa Peters-Kelly E; Melissa.Peters-Kelly@tceq.texas.gov | No |

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| 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: | none | |