

On-Site Assessment Committee Meeting Minutes
April 14, 2010
1:00 PM – 2:25 PM EST

Attendance

Committee Members

Nilda Cox, Lab – present
Don Cassano, other – present
Myron Getman AB - present
John Gumper, other – present
Virginia Hunsberger, AB - present
Mark Mensik, other – present
Faust Parker, Lab - present
Denise Rice, EPA - present

Associate members:

Judy Quigley
Nile Ludke

Approval of Minutes from March

The minutes from the March meeting were approved.

The Committee Charter

The Committee discussed the Charter again to make sure everything was covered. We added a bullet under the success measures. The Committee then voted to accept the charter. The Chair will send the charter to the CSDB.

Standards Interpretation Request

The accrediting Body Committee requested that the OSA Committee review the responses of both Committees regarding Standard Interpretation Request 71. The two Committees were close to agreement on the interpretation but need a unified answer. Below is the original issue and response of each committee and then the discussion and resolution of the OSA Committee.

Issue: Is there a conflict of interest (or potential for conflict) where a third party assessor is hired to assess an organization, where a direct competitor of that assessor or the organization to which they belong may be hired to provide quality assurance or other laboratory improvement consulting to the laboratory being audited.

If the answer to either is yes, please describe how much assistance qualifies as a conflict of interest, and where is this accounted for in the standard.

AB Committee Response: Each case such as given by this example must be handled separately, with concurrence among the assessor, the accreditation body and the laboratory as to the existence and nature of a conflict of interest. Without a clear expressed conflict between the two competitors that would compromise the assessment's validity, the committee does not believe that the situation described constitutes a conflict of interest. Furthermore, if the presumption is made that every assessor/consultant is a competitor with every other assessor/consultant, and if this were deemed a universal conflict, then third party assessors all would need to be prohibited from providing consultancy services to any accredited laboratory.

OSA Committee Response: Yes, this is a conflict of interest. In interpreting the 2003 standard we used the new 2007 TNI standard. The TNI standard was developed, in part, to clarify parts of the 2003 standard which were vague or broad. Section 4 of V2M3 is much clearer as respects conflicts of interest and assessor conduct.

Some committee members don't see a conflict of interest and others see the potential for a conflict. The key phrase is direct competitor. One member sees this issue as two separate actions: one being the AB hiring a third party and the other being the lab hiring consulting. It was agreed that the two parties (the consultant and the lab) do not get to decide if there is a conflict of interest. The AB is supposed to determine if a conflict of interest exists. Committee members gave examples of how there could be a conflict of interest. For example, from the lab perspective, if a third party from Oregon is the California lab's competitor because they are a lab and a consultant, if both labs put in for the same bid and then the third party lab assesses your lab. It is a conflict of interest because when they assess your lab they can find out things that would help them compete against you. Again, it is the responsibility of all parties to reveal actual or potential conflicts of interest but the AB is responsible for ferreting out conflicts of interest. It was agreed that some avenue of arbitration to determine conflict of interest if the lab disagreed with the AB's determination is needed.

The Committee now agrees with the AB Committee response but would like the final sentence clarified as follows: *Furthermore, ~~if the~~ it should not be the presumption ~~is made~~ that every assessor/consultant is a competitor with every other assessor/consultant, ~~and~~ because if this were deemed a universal conflict, then third party assessors all would need to be prohibited from providing consultancy services to any accredited laboratory. This is not the intent of the standard.*

Next Scheduled Meeting: June 9, 2010 at 1 PM EST. The next TNI meeting is in August. This will be an item on the next meeting agenda.