

**SUMMARY OF THE
TNI PROFICIENCY TESTING EXPERT COMMITTEE MEETING**

NOVEMBER 2, 2012

The Committee met by teleconference on Friday, November 2, 2012, at 11:00 am EDT. Mitzi Miller chaired the meeting.

1 – Previous Minutes

October 5. Ken reported that 8 members had voted to approve the minutes, and 3 had abstained. Therefore, the minutes were approved.

October 19. In the absence of a quorum, Ken was asked to send out the draft minutes for e-mail approval.

2 – Discussion of Comments received on the Working Draft Standard

Continued discussion of Scott's re-write of Section 4 was held in abeyance until next month's meeting. This will allow people to compare it with the WDS that was presented at the Washington DC meeting, to check if their assigned comments have already been addressed. Mitzi said she will send out to everyone the WDS from Washington DC.

Alger 9.

This had been assigned to Mitzi (see Attachment).

The first issue is in the first 3 paragraphs. Mitzi referred to the second paragraph, saying she brought this up during the Accreditation Council session in the August Washington DC meeting. The rest of the states adamantly disagreed with Aaron Alger (Pennsylvania), emphasizing that a Secondary AB must not make its own accreditation decisions that may be different from those made by the Primary AB. The problem is that many states cannot immediately suspend for PT failure as required by the standard. Due process may require a hearing that cannot even be completed before the laboratory has remedied its situation with subsequent PTs. Steve suggested making it the laboratory's responsibility to cease work on failure of two out of three PTs. If they did not, then it would be an audit finding by the AB. Mitzi added that the standard could then be amended to put the responsibility on the laboratory, while still giving the ABs the right to suspend. Judy said this would weaken the PT program by taking away its credibility, and others agreed with her. Mitzi suggested adding to the standard a requirement for laboratories to track their PT performance. This would make it a lot easier for assessors to check. Lisa added that this could make it more likely a laboratory would take the corrective action required in the standard after a PT failure. It was agreed to amend the standard to require laboratories to have a procedure in place for tracking PT performance. Mitzi will rule Aaron's comment non-persuasive.

Aaron's other comment (in the last paragraph) was indicated as a "deal breaker". Where the standard states "The Secondary AB shall not impose additional requirements..", there was discussion on what are additional requirements. It was suggested this was never intended to limit an AB from specifying its fields of accreditation (FOA); e.g., although Oil & Grease in potable water is not a FOA under the federal SDWA, a state could make it so and then could require a PT for laboratories accredited for Oil & Grease in potable water. Nicole suggested it would then, however, be necessary to petition the PT Executive Committee to add Oil & Grease to the potable water FoPT table. Rachel offered to work with Mitzi to craft language that might solve this problem in the way NJ is doing it. Mitzi will do this and will then take her draft response to Aaron's comment to some of the ABs for their opinions.

3 – Adjournment

The meeting was adjourned at 12:20 pm EDT. The next meeting will be November 16, 2012 at 11:00 am EDT.

TNI Proficiency Testing Committee			11/2/12
Committee Members 2012			
Member	Affiliation	Email	
Stephen Arpie	Absolute Standards, Inc.	stephenarpie@absolutestandar ds.com	X
Stacie Metzler	Hampton Roads Sanitation District	smetzler@hrsd.com	
Shawn Kassner	ERA-A Waters Company	skassner@era.gc.com	
Scott Hoatson	Oregon DEQ	hoatson.scott@deq.state.or.us	
Roger Kenton	Eastman Chemical Company	rogerk@eastman.com	
Mitzi Miller (Chair	Dade Moeller & Associates	mitzi.miller@moellerinc.com	X
Lisa Touet	Massachusetts DEP	lisa.touet@state.ma.us	X
Kirstin Daigle (Past Chair)	TestAmerica, Inc.	Kirstin.daigle@testamericainc.com	
Judy Morgan	Environmental Science Corp	Jmorgan@esclabsciences.com	X
Jim Todaro	Alpha	j.todaro@comcast.net	
Rachel Ellis	New Jersey DEP	Rachel.ellis@dep.state.nj.us	X
Joe Pardue	P2S - DOE Subcontractor	parduegjir@oro.doe.gov	X
Kareen Baker	Veolia Environnement (NYSE: VE)	kareen.baker@veoliawaterna.com	X
Associate non-voting members			
Bob O'Brien	Sigma-Aldrich	Bob.OBrien@sial.com	
Carol Smith	SC DHEC	smithcf@dhec.sc.gov	X
Susan Butts	SC DHEC	buttsse@dhec.sc.gov	X
Nicole Cairns	NY	nlc02@health.state.ny.us	X
Jeff Lowry	Wibby	jlowry@wibby.com	
Fred Anderson	Advanced	fred@advancedqc.com	X
Keith Ward	Wibby	kward@wibby.com	
Aaron Alger	PA DEP	aaalqer@pa.gov	
K. Black			
Ken Jackson	TNI Program Administrator	ken.jackson@nelac-institute.org	X

ATTACHMENT – Alger9

Limitations on the AB's Enforcement Abilities:

Some of this standard attempts to limit the AB's authority and ability to enforce requirements on laboratories. I know the following suggestion is a significant shift in the responsibility and authority of a secondary AB, but I firmly believe that this will actually bring greater consistency to the laboratories and limits the competitive advantage/disadvantage that occurs depending on the particular laboratory's home state or Primary AB.

I propose that the standard allow Secondary ABs to evaluate PT studies and make changes to a secondary accredited laboratory's accreditation status directly. This would allow for all laboratories doing business with a particular AB to be treated in the same fashion relating to accreditation status based on PT performance.

V2M2: 4.2.1, "The Secondary AB shall accept assessment decisions made by the laboratory's Primary AB regarding the laboratory's performance and compliance with the PT requirements set forth in this standard." What happens if a Primary AB does not evaluate the PTs correctly, what is the secondary AB's recourse? For this reason, I also suggest that the committee remove all references to "Primary" AB. And just let it be AB.

The following provision is most likely a deal breaker for several ABs. If the committee chooses to retain this provision, it could result in veto votes for the final draft standard. V2M2: 4.2.2, "The Secondary AB shall not impose additional requirements for PT that are not included in this standard as a requisite for initial or continued accreditation." For example, in PA we regulate the oil and gas industry. Much of the compliance testing is not under a defined "drinking water" or "non-potable water" matrix, but rather defined as "water." This means that a laboratory may choose accreditation in either DW or NPW. The FoPT Tables do not include the same analytes in both of these matrices. As such, if a laboratory wants accreditation in the DW matrix for an analyte that is only listed on the NPW FoPT Tables, PA-DEP requires successful performance of the WP study in order for the laboratory to obtain or maintain accreditation the DW matrix. For example, oil and grease.