

TNI Stationary Source Audit Sample Expert Committee Teleconference  
February 8, 2010

Attendance:

Maria Friedman, Chair	Committee member	present
Jack Herbert	Committee member	present
Michael Klein	Committee member	present
Ray Merrill	Committee member	absent
Gregg O'Neal	Committee member	present
Michael Schapira	Committee member	present
Jim Serne	Committee member	present
Candace Sorrell	Committee member	absent
Richard Swartz, Vice-chair	Committee member	present
Stanley Tong	Committee member	present
Jane Wilson	Program Administrator	present
Shawn Kassner	Associate member	present
Mike Miller	Associate member	present
Chuck Wibby	Associate member	present
Jeff Lowry	Guest	absent
William Daystrom	Guest	present
Mike Hayes	Guest	present

- 1) Double-check of documents to be referenced in this teleconference

Maria confirmed the materials for review during today's call. She also introduced Mike Hayes of Spectra Gases (a Linde organization) as a guest for today's call. Mike gave a brief overview of his interest in the committee. He heads up Spectra's protocol development in this area and has about 20 years experience in the industry. He is considering applying to be a voting member and would represent a Provider as a committee member.

- 2) Review and approval of minutes from Chicago meeting/teleconference on January 26, 2010

Jim Serne asked a question on the role of confidentiality agreements in the SSAS program (Bob Finken's question from the Chicago discussion). Chuck Wibby explained it is an issue of confidentiality agreements required by the provider accreditor regarding who has access to the client data, etc. The Accreditor will have rules that need to be accommodated for this program to allow for the release of data to the database that others can then access. There are requirements about confidentiality in the Provider and Provider Accreditor SSAS standards.

Mike Schapira motioned to accept as written /Jim Serne seconded. Stan requested the word "arbitrary" be removed from a sentence regarding current EPA audit sample limits. Mike and Jim approved the amended motion based on Stan's comment. All were in favor of the motion.

- 3) Election of Chair

Maria noted the need to elect a committee chair for 2010 as required by TNI policies. Gregg nominated Maria to continue as Chair for the year. Richard seconded the nomination. All were in favor of the nomination.

4) Resume discussion re. SSAS Central Database permission matrix

Maria reviewed the discussions on the central database that occurred in Chicago. The permissions matrix based on the high level permissions was voted on by the committee prior to the TNI meeting (1/22/10) and it was further discussed in Chicago.

Maria submitted the permissions matrix to TNI for review and the high level concept was accepted. Additional proposals from Jim Serne were discussed in terms of facilities being able to see all testers' data and testers being able to see all labs' data. The TNI Board was not supportive of additional access being approved for the following reasons:

- 1) Database shouldn't be used as default accreditation in the absence of a more robust accreditation system. The pass/fail in the database should not be the only reason a lab or tester is selected – QS, customer service, etc should be considered as well.
- 2) Database should not be used for marketing purposes, and access to the information could leave TNI open to legal challenges and loss of credibility.
- 3) Prevent estimation of audit sample results based on prior performance – users should not see actual audit sample values in database.

If there are compelling reasons to allow it, TNI will reconsider it. Gregg asked whether a majority of labs already active in TNI would want this access and if that would have any influence. When the database goes live, all labs will be starting from the same point. Gregg suggested that maybe the report wouldn't be available for a lab until they have completed a statistically significant number of samples in the database. Jack asked for a comparison of this program to the TNI PT program and Shawn explained the differences between a lab accreditation program based on the PT results and the non-accreditation based SSAS program.

Other options discussed were labs signing waivers for permitted use of the data, charging a fee for access to the database, or no-print options for viewing the data (usually this can be defeated). Labs could sign agreements regarding how the data can be used (e.g. not for marketing purposes, etc.). Most of these issues still come down to liability and would need to have some legal review.

The committee also discussed the comment field – this field has limited access to regulators only, and not everyone could enter comments. Opening additional access would require someone to monitor the field to ensure that comments were received or acknowledged.

Jim asked how regulators are going to use the information in database since they would be the only ones with access to all the data. Regulators can't pick the testers/labs etc. Some states have their own lists of approved labs and testers. Regulators would essentially use the data the same way as other potential users, as one piece of information in evaluating the overall competency of a lab or tester. Regulators are a few steps removed from dealing with the labs, etc, unlike the facilities.

Mike Miller reminded the committee that this will be a private sector database, not a government database. It is not being used for decision making in accreditation. Also, there are differences state to state with respect to regulatory oversight of the facilities, the labs, and the testers. If a state doesn't have regulatory oversight of laboratories and/or testers, do they have the right to access data for entities they do not regulate? The committee discussed the various implications of having access to certain levels of data. Louisiana has a program for accrediting labs and testers, and Georgia does as well. The database needs to be consistent in the access across the states for ease of design for the TNI webmaster. If the same data are available to everyone, then everyone is looking at the same thing and this levels the playing field. It was noted the PT program does not have a central database, it is available by individual provider only.

Maria will forward an email discussion between the Maria, Mike Schapira, and Jane following the Chicago meeting. She invited committee members to forward other ideas regarding compelling reasons to change the access rights. Minutes from the TNI Board meeting in Chicago will eventually be posted on the TNI site.

Next week the committee will start to look at the details meant by "all data" as proposed by Jack.

EPA is planning to put the new regulation up for signature in mid April. Michael Klein noted the TNI program will have to be found to comply with the new regulation before it can get off the ground.

Next week's meeting will be on Feb 16<sup>th</sup> 2:00 EST because of the federal holiday on the 15th.