

TNI Board of Directors Meeting Summary November 9, 2011

1. Roll Call and Approval of October Minutes

Directors	Present
Joe Aiello	X
Aaren Alger	
Steve Arms	X
Susan Boutros	X
Judith Duncan	X
Robert DiRienzo	X
Zonetta English	X
Jack Farrell	X
Keith Greenaway	X
Sharon Mertens	X
Judy Morgan	X
Patsy Root	X
Matt Sica	
Alfredo Sotomayor	X
Dave Speis	X
Elizabeth Turner	X
Curtis Wood	X
Ex-Officio Directors	
Brenda Bettencourt	X
Brooke Connor	X
George Detsis	X
Jordan Adelson	X
Staff	
Lynn Bradley	X
Carol Batterton	X
Ken Jackson	X
Jerry Parr	X
Ilona Taunton	X
Janice Wlodarski	X
Invited Guests	
Mitzi Miller	X
Eric Smith	X
Bob Wyeth	X

Approval of October 2011 Minutes

Changes: Next meeting: **November 9th** (not October 9th)

Motion to approve October minutes: Sharon Mertens

Second: Judy Morgan

Approved: Unanimous

I. New Business

2. Proficiency Testing for Whole Effluent Toxicity (WET)

See Attachment 1. Mitzy, Eric, and Bob are on the call to discuss this issue.

Three programs are floundering with what to do regarding the issue of PT requirements for WET testing not being in Module 1 of the 2009 lab standard. 2003 NELAC Standard had a separate standard language for WET testing. 2009 TNI Standard does not include separate language for WET testing. This has created a few differences in how WET testing is performed if labs are to be accredited. The two primary issues are 1x per year (2003) vs. 2x per year (2009), and a new pass/fail criteria.

See Attachment 1, paragraph 1 for summary of issue.

V1M1 4.2.1 – language is similar to 2003 – doesn't this cover it? No, because all PTPs will have them available at the same times. If ABs are going to enforce it, then PTPs are going to offer it. They don't want to be the limiting factor. TNI needs to have something that explains that it's only necessary once a year if they only want it done once a year. Caveat: ABs would like us to resolve this issue with FoPT tables and an update in the 2009 Standard to be corrected by the time all the states have their grace period end. Operate with 2003 Standard for WET until the grace period is done and by this time, the FoPT tables would be done and the 2009 Standard would be updated.

Motion that 1) instructs CSDP EC to prepare TIA to clarify the frequency of PTs for the WET discipline, 2) for us to direct the Expert Committee to re-establish the WET Expert Committee and include this with next round of WDS, and 3) that the PTEC hone in and target on a new FoPT table (already underway): Jack Farrell

Second: Judy Duncan
Approval: Unanimous

3. Proposed Bylaw Changes

In the August 10 meeting, the Board discussed potential changes to the Bylaws related to the definition of balanced representation in Article XI, Section 5. After reviewing this discussion and the bylaws in more detail, the TNI Executive Director has developed proposed changes to Articles IV and XI. See Attachment 2.

Article IV would be revised by removing the word "balanced" so that this section would no longer be directly connected to Article XI. The proposed language retains requirements for representation and non-dominance. SOP 1-108 (Nominating Committee procedures) would provide whatever detail is needed.

Article XI would be revised by removing the word "Board" so that it is clear this section only applies to committees and then a Note would be added, comparable to the language in SOP 2-100, that would allow flexibility.

This language was provided for discussion in October.

Motion to Accept Changes to Bylaws: Dave Speis
Second: Sharon Mertens
Approval: Unanimous

4. Florida Update

As discussed earlier this year, there has been an effort initiated in Florida to “privatize” their accreditation program. Jerry Parr met with Jeff Flowers on October 27 at the Florida Society of Environmental Analysts Fall meeting. Jeff had formed the American Environmental Laboratory Association (AELA) with a stated goal of assisting Florida DOH with a transition if privatization were to occur. AELA has expanded their membership to include all laboratories in Florida, not just commercial labs, and further has revised their plan to provide outsource services to Florida DOH rather than becoming an Accreditation Body. The current plan, as presented to both the Florida DOH and DEP, would have DOH retaining a licensing and enforcement function. It is still unclear as to whether or not this privatization will occur, but more information should be available early next year.

5. Corrective Action for 2009 Standards Development

On August 8, the Board decided to undertake a formal corrective action process to determine what occurred in the development of the 2009 Standard, with the intent to suggest actions to improve this process for the current standards being revised. The draft Quality Management plan states:

Corrective actions include a determination of the nature and extent of the problem, the root cause of the problem, and alleviation of the problem as soon as practical, including implementing appropriate corrective actions and actions to prevent recurrence, documenting all corrective actions, and tracking such actions to closure. Review of the effectiveness of implementation of the corrective action is performed by the QA Director or QA Manager, as appropriate, and reported to the BOD.

Suggested involvement included the AC, PT Committee, a Quality Assurance person, CSD Executive Committee or a task force consisting of the CSDEC with representatives from other groups. No progress has been made on this effort.

Who:

- CSDEC should be involved but a minority in the group.
- Strong representation from the Board
- Sitting comments that got ignored
- From the LASC
- QA presence
- Representation from the AC

Volunteers: Sharon will lead, Jack will help. Suggestions: Susan Wyatt, Aaron (AC Rep), LAS with someone that was heavily involved in standards review (Dan), Jerry, Ken.

II. Program Reports

See Attachment 3.

III. Next Meeting: December 14th

Attachment 1 WET PT Issue

When Module 1 of the 2009 lab standard was approved by the PT Expert Committee, the standard did not contain PT requirements for Whole Effluent Toxicity (WET) testing. The plan in 2009 was to supplement Module 1 with an appendix using the Tentative Interim Amendment (TIA) process at a later date. For several reasons, that did not occur. The CSDP Executive Committee decided the TIA process could not be used for this purpose and it also became clear that the process for getting the standard adopted by NELAP would not easily allow for a change. So, the current standard has no requirements for WET testing other than the general references that discuss analyzing 2 samples per year for any analyte posted on the TNI website in FoPT tables and passing 2 of the most recent 3.

PT for WET testing has traditionally been performed only once per year due to the complexity and cost of the analysis. Further, there have been no defined pass/fail acceptance criteria (e.g., pass 2 out of 3) but rather a process by which the laboratory is to take corrective actions on failures and this process is reviewed by the AB during the laboratory assessment.

Independent of the PT Expert Committee's efforts, the PT Executive Committee, working with EPA's Discharge Monitoring Report – Quality Assurance (DMRQA) program set out to evaluate and improve upon the current FoPT Table requirements for WET testing. The committee is in the process of evaluating such items as:

- Identifying which endpoints make sense and which do not make sense
- Eliminating temperature variation to increase WET study sizes
- Eliminating the hypothetical estimates (such as NOEC) and substitute an endpoint test (such as IC25)

This review process is ongoing. A revised WET PT Table is anticipated late next year.

The current availability of a previously NELAP AC approved WET FoPT table on the TNI website in conjunction with a lack of WET specific Standard language has led to an interpretation by some ABs that the samples are to be analyzed twice a year with the 2 out of 3 passing criteria.

Such an interpretation was never the intent of the Expert Committee and the standard would not have been approved if this requirement was present.

The PT Expert and Executive Committees and the NELAP Accreditation Council have been discussing this issue and no viable solution has been accepted by all three groups. There are three possible solutions; there may be others.

1. The PT Expert Committee issues a TIA specific for WET testing. This solution would have to have the CSDP Executive Committee decide that the lack of requirements for PT for WET testing was a blunder and an emergency fix is needed. The CSDP EC has previously ruled this issue does not warrant a TIA.
2. The PT Executive Committee removes the WET FoPT table from the NELAP required portion of the FoPT table website. This would essentially remove the NELAP requirement to proficiency test for WET testing and some ABs would not support this move.
3. The Accreditation Council issues a policy statement clarifying this issue, or alternatively, the PT Expert Committee publishes a Standard Interpretation that is accepted by the Council. Several have expressed concern that such a process bypasses the consensus standards effort.

Attachment 2 Proposed Bylaw Changes

ARTICLE IV — BOARD OF DIRECTORS

Section 1 – Composition:

The Board of Directors shall consist of no fewer than ten (10) or more than eighteen (18) members. The Directors shall be chosen, insofar as possible, to represent the varied interests and areas of expertise and competency that are of concern to The NELAC Institute and shall have ~~balanced~~ representation from all stakeholder groups. At least three (3) Directors shall be elected from organizations that are recognized accreditation bodies and at least three (3) Directors shall be elected from organizations that are accredited laboratories. Other Directors may be elected, to the extent practical, from organizations that represent other relevant stakeholders. No one stakeholder group shall have a majority on the Board. Ex officio (non-voting) Directors may be appointed by the Board of Directors.

ARTICLE XI — GENERAL PROVISIONS

Section 5 – Balanced Representation

“Balanced representation” as used within the context of participation on a ~~Board or~~ Committee of The NELAC Institute means that no stakeholder group has a majority of voting members and all stakeholder groups are represented. The following stakeholder groups are ~~generally~~ defined:

- Accreditation bodies and other governmental agencies that operate environmental accreditation programs.
- Laboratories and other organizations directly involved in providing sampling and environmental measurements, and
- All Others

~~Note: The stakeholder groups appropriate to a particular committee are a function of the nature of the activities of the committee. Changes in the suggested stakeholder group designations above shall be documented in the Committee’s charter and be approved by the TNI Board of Directors.~~

Attachment 3 PROGRAM REPORTS

CONSENSUS STANDARDS DEVELOPMENT

- Preparation of the PT Working Draft Standard (WDS) remains on target for presentation at the Sarasota meeting. The PT Expert Committee is working with the PT Executive Committee to establish a FoPT table for WET.
- The Field Activities Expert Committee will not have a WDS available for the Sarasota meeting, because the committee has received more than 80 comments and suggestions that must first be addressed. Instead, they plan to conduct an open meeting in January where they will discuss these suggestions/comments and advise the stakeholders of their proposed resolution(s).
- The Environmental Measurement Methods Expert Committee has voted to incorporate its calibration standard into the existing Quality Systems standard, rather than prepare a separate module. Therefore, a WDS will not be presented in Sarasota. Instead, the committee will present its guidance document for comments. The guidance document will then be revised as necessary, and will be used as a basis for a draft standard.

NEFAP Executive Committee

- The committee is continuing work on the update of a number of SOPs: Evaluation, Voting, Nomination and SIRs.
- An FAQ is being developed to help ABs work through SOP 5-105 (Evaluations). It has been delayed, but is expected in November so that it can be used the update of the Evaluation SOP.
- Advocacy continues to be busy. Presentations are being given by different members of the FAC and NEFAP Executive Committee. There are 4-5 presentations coming up. Marlene and Justin are working on a presentation that will continue speaker notes for these types of presentations.
- Confidentiality concerns were expressed by some of the ABs. Keith brought some of this up at the last TNI Board meeting. The concerns will be further discussed at the next meeting because they are critical to the update of the Evaluation SOP. The group is considering whether there needs to be a subcommittee that does not include any ABs needs to review the evaluation reports and recommendations before they come to the NEFAP EC.
- Questions about the control of the NEFAP seals were raised. These issues were discussed at the last TNI Board Meeting.
- Work continues on the recognition agreement for the ABs.
- Work on the committee charter will begin in November.

Field Activities Expert Committee (FAC)

- Suggestions are still being received for consideration in the update of the 2007 Standard. Bob is continuing to populate a database to keep track of these suggestions and he will be sending suggestions out to specific committee members who are working on the update of sections. The committee is hoping to have first DRAFTs done by November 15th.
- There is no report yet on the subcommittee that was developed to look at the best way to accredit mobile labs and stand alone analytical instruments used in the field. Overlap with NELAP will be considered.

The “NEFAP Training Oversight Subcommittee” is still working on written procedures on how to determine training needs and review training proposals submitted for review. Updates have been made and a new DRAFT is being reviewed.

- Committee membership is being looked at.
- The committee charter is being worked on.

NELAP

Accreditation Council

- Nine AB renewal evaluations underway. Multiple time extensions have been needed to accommodate team member workload constraints; only one AB has requested and received an extension of time to complete its corrective actions, and that is an extreme circumstance where survival of the AB as a NELAP program may be in question. The AC extended the expiration dates of Certificates of Recognition for KS, NH, LA DHH, PA, UT, and NY until the recommendation of each ABs evaluation team can be voted upon by the AC. This became necessary due to workload issues, not to ABs being non-compliant. A letter can be provided to the AB, if needed. New certificates, when issued, will expire 3 years from the original (not the extended) date, per the Evaluation SOP (SOP 3-102 Rev 3.)
- The Council received a reminder from EPA Liaisons that EPA will not be a full participant in the 2013-2015 round of renewal evaluations, urging the AC to begin considering how to modify its evaluation process to accommodate changes. Third party evaluators as well as process streamlining will be considered and new procedures prepared over the coming months; the LAB Committee and the LAS EC will be involved, as will the individual state and federal evaluators and the QAO. Jack Farrell requested to participate as an observer for the evaluation of Florida scheduled to occur the week of November 14 but the Council rejected this request due to a concern over impartiality.
- Met with representatives of PT Expert and Executive Committees to consider how to deal with the Whole Effluent Toxicity PT issue. There is no appendix to the TNI Standard for this Field of PT; it's required once/year for Discharge Monitoring Report QA testing but states that accredit WET PT under NELAP require 2x PT/year. Various options were considered; a Tentative Interim Amendment to the standard appears to be the only viable option (still pending reply from one AB whether that will be acceptable.) See Attachment 1.

Laboratory Accreditation System Executive Committee

- Standards Interpretation Request (SIR) process:
 - 7 requests were received in October.
- Work continues on the AB Task Force action items. There was some confusion on whether the committee was supposed to work on #5, but this was worked out with Lynn. The subcommittees are making good progress and expect to have reports back to the Task Force in December.

Technical Assistance Committee

- The Handbook has been completed. There are ideas for future updates that will be discussed in future meetings.
- The subcommittee formed to work on the AB Task Force has met. More meetings need to be scheduled. The subcommittee will be reporting back to the TAC next Monday.
- The committee would like to look at the need for CEUs.

PROFICIENCY TESTING

- The Chemistry FoPT Subcommittee is continuing to review NPW analytes.
- There were a few editorial changes found on the recently approved FoPT tables. The corrections will be made to the posted tables.
- Steve Gibson will be chairing the Oversight Database Subcommittee. A2LA has offered to provide the current Neptune database to TNI to act as a single database and eliminate the need for a third oversight database. It would be TNI's responsibility to operate the database and work with Neptune on any updates or needs. This proposal will be assessed within the subcommittee. William and Kelly Black will be invited to these discussions.
- The PT EC charter is still being reviewed and updated.
- Work is continuing on the FoPT Table Management SOP. Comments from the NELAP AC were received and reviewed at the last meeting. The comments from Sarasota will be considered at the next meeting.
- Committee membership is being reviewed to fill some open spots.
- Committee SOPs will review for possible updates.
- Samuel Brown and Eric Winchester contacted Eric about their need for a quality control program for formaldehyde in wood products. They will also be talking to Jerry about a possible meeting to discuss this in Sarasota.

ADMINISTRATION

Advocacy Committee

- The Advocacy Committee discussed and selected potential new members for the committee.
- The committee is discussing development of a policy for handling the library of TNI presentations. The policy will include how presentations will be maintained and shared in order to maintain the most current information in our outreach.
- The November newsletter is in final form and will be distributed this week.
- The Advocacy Committee submitted an article "Update on TNI" to WEF Lab Solutions for publication. The article will appear in the December edition.
- Ken Jackson presented a report from the State Primacy Task Force which recommended that the task force be put on hold as TNI explores options for 3rd party ABs.
- The Advocacy Committee reviewed the accreditation body database and made suggestion for ensuring uniformity and clarity of information. Jerry will present the database to the State Assessors' Group and ask the states to verify their information.

Policy Committee

- No meeting in October.

IT Committee

Website

- Working on adding complaint procedure form.

LAMS

- Some FOAs are missing because we are still waiting for decision about Toxicity methods, Extended or Modified methods, and Prep methods.
- Text file bulk upload for all lab FOAs and single Lab FOAs now working perfectly.
- Text file upload for lab demographics working perfectly.

- 12 new labs have been entered into LAMS bringing the total to 1621.
- 48 labs were updated in October, last update 02 November.
- Complete FOAs entered for OR, MN, NH, TX, UT, and partial for FL bring total FOA records to 180,671.
- Last data uploads were FOAs from OR on 11/02/11
- Dan is working with LADHH and their contactor, LDC, to get their data into LAMS.
- Dan has made contact with the IT folks at LADEQ to see how we can help enter their data.
- Cathy hopes to get VA data into LAMS sometime in December.
- LAMS now ready for public use and announcement in Newsletter.

Environmental Measurement Symposium – Washington, DC, August 2012

- The website is undergoing a change in format to make suggested improvements from last year. The initial transition has been accomplished and the new website is now active.
- Work on the vendor Prospectus has been started.
- The Call for Papers will be sent out via email the week of November 14.

Forum on Laboratory Accreditation – Sarasota, FL, February 2012

- Registration has opened.
- Brochure to be mailed in November.
- Denver was selected as the location for the 2013 meeting.

FEM COOPERATIVE AGREEMENT

- The State Primacy Laboratory Accreditation Task Force (SPLATF) is tasked with developing an acceptable approach for accreditation of DW primacy laboratories in the TNI system. A report has been submitted by SPLATF to the Advocacy Committee. The major obstacle to accreditation is the primacy laboratories' ability to obtain certification from the EPA regions at zero cost, compared with accreditation fees of several thousand dollars if they go to a NELAP AB. Therefore, SPLATF is recommending TNI consider forming a less costly third party accreditation body specifically for the accreditation of state primacy laboratories for drinking water.
- A paper titled "What is the Quality of your Laboratory Data?" was presented at the Annual Meeting of the Association of State Drinking Water Administrators in Minneapolis. The presentation stressed the more rigorous quality system in the TNI standard compared with the EPA drinking water certification requirements. Its purpose was to urge the drinking water administrators to recommend their laboratories to become NELAP accredited.
- Jerry, Ken and Ilona met with Lara Autry on October 27 to scope out efforts for the coming year.

Educational Delivery System

- LOD/LOQ training is being re-evaluated. Jerry and Jack did a training recently that was split up a little differently and it may be a better option.
- Work on the TNI Standard training needs to begin. The team that will be doing the training has been formed.

- The RFP for training in Sarasota was distributed and responses are in progress.

Consistency Improvement Task Force

- The CITF plans to begin meeting again in November and finalize their recommendations.

Accreditation Body Assistance Task Force

- The AB Task Force will hear a presentation on the MN DoH lab accreditation program's database at their next meeting.
- Liaisons have been assigned to monitor progress on all recommendations. Reports are due December 31.

Membership Report

- Active Members: 834