

## TNI Board of Directors Meeting Summary October 10, 2012

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### 1. Roll Call

Directors	Present
Joe Aiello	X
Aaren Alger	X
Steve Arms	
Susan Boutros	X
Judith Duncan	X
Zonetta English	X
Jack Farrell	
Keith Greenaway	
Sharon Mertens	X
Judy Morgan	X
Patsy Root	
Scott Siders	X
Alfredo Sotomayor	X
Dave Speis	X
Elizabeth Turner	X
Susan Wyatt	X
Ex-Officio Directors	
Brenda Bettencourt	X
Brooke Connor	
George Detsis	
Jordan Adelson	X
Staff	
Lynn Bradley	X
Carol Batterton	X
Ken Jackson	
Jerry Parr	
Ilona Taunton	X
Janice Wlodarski	X

### 2. Approval of September 2012 Minutes

**Motion to Approve:** Judy Duncan

**Second:** Dave Speis

**Approved:** Unanimous

### 3. Resignation of Matt Sica

Matt has resigned from the Board in order to focus on his new business. The Bylaws allow the remaining Directors to appoint a new Director in his place. The Executive Committee recommends this position remain vacant until the Board election next year.

*Concerns or discussion?* Will the BOD be out of balance? With Matt's departure – no; with Steve's absence, doesn't affect balance either.

#### 4. Steve Arms Leave of Absence

Steve has provided a letter indicating he cannot serve on any committee of TNI at the current time due to a potential conflict of interest relating to the information TNI provided the Florida Department of Health. This letter was provided as a separate document.

Steve is very active in TNI and his absence could last anywhere from a few weeks to a few or more months. Our intent in responding to Florida's Request for Information was intended to help them and provide some guidance, not to get their business, so to speak. If Florida came back and requested an RFP, TNI probably would not be acting to open up any kind of contract with Florida at this point in time. It may help to alleviate Steve's conflict of interest if we could put together a letter to this effect. A letter will be drafted in case it helps alleviate the potential conflict of interest and brings Steve back sooner.

#### 5. Old Business

**Board webinar:** Webinar has been converted to a webcast is available for viewing until October 10. If you haven't viewed it yet, please try to get that in today.

#### 6. Use of Third Party Assessment Reports (Attachment 1)

The Accreditation Council has completed their efforts on evaluating the feasibility of using third-party assessment reports. See Attachment 1.

Took a while to get an example report probably was not complete. There were key things missing but it was hard to tell if everything had been reviewed or not. Assuming that it was, the majority of the conversation revolved around liability and use of work product generated by someone not under contract and therefore not protected by your insurance and appeal rights, etc.

We all agreed it was a great tool. If we could get copies of the reports it would certainly focus an assessment and potentially shorten an assessment if you knew which areas where more or less time could be spent. It also came up in the discussion about where we would get these reports because the laboratories are protected by confidentiality so the report can't come from the AB, they can't come from the DoD. They could come from the labs if they are willing to provide it.

#### 7. SOP and Policy for Board Review and Adoption

##### SOP 1-116: Development and Approval of TNI Policies and SOPs

**Motion to Approve:** Judy Morgan  
**Second:** Judy Duncan  
**Approved:** Unanimous

**POL 1-115: Use of TNI Presentations**

**Motion to Approve:** Judy Duncan  
**Second:** Zonetta English  
**Approved:** Unanimous

**8. Program Reports (Attachment 2)**

**Attachment 1**

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**Memorandum**

**TO:** TNI Board of Directors

**From:** Aaren Alger, Chair, NELAP Accreditation Council

**DATE:** 10/1/2012

**SUBJECT:** Accreditation council Use of DoD/DOE Assessment Reports (AB/TF Option #5)

In January, 2011, the TNI Board charged the NELAP Accreditation Council (AC) to explore the feasibility of partnering with the non-governmental Accreditation Bodies (NGABs) approved by the Departments of Energy (DOE) and Defense (DoD) for their environmental laboratory accreditations, for the purpose of using their assessment reports as part of implementing the recommendation of the Accreditation Body Assistance Task Force (ABTF) Option #5. This option suggested that using the reports of other ABs might be a way to facilitate the accreditation process, especially for those laboratories that are not located in NELAP states, that would not require additional cost to the laboratory unless additional parameters were needed for the NELAP accreditation. The state would still retain the granting of NELAP accreditation.

As the AC initially began to consider this recommendation, we learned that the Laboratory Accreditation Systems Executive Committee (LAS EC) was also addressing the same recommendation, from the perspective of its information-sharing charge in that same ABTF report. The ABTF option as presented noted that "To preserve integrity of assessment reports, it would be best if they were obtained directly from the DOE or the DOD AB rather than indirectly from the laboratory, but with the permission of the laboratory." LAS EC worked with both the DoD and DOE Liaisons to the TNI Board, and established that "NELAP ABs would likely need to obtain the assessment reports directly from the laboratory instead of from the AB to ensure all policy and contractual obligations of the AB are satisfied." (Full report from LAS EC is Attachment A.)

In discussing the LAS EC's report, AC members realized that they needed to review example reports from the federal agency accreditation programs, in order to determine what information was being provided in the reports, before any conclusion could be reached about relying on the federal assessment reports to support an accreditation decision. Due to the confidentiality of such assessment reports, it was April 2012 when one single example report was provided for the AC to consider, with strict prohibition on further dissemination of the report. The AC has now finalized its position on using these reports as provided by the laboratories themselves.

**CONCLUSION:**

Regarding the use of assessments performed by the DOD-contracted ABs and the DOE audits, the AC acknowledges that these reports may be valuable for informing pre-assessment (audit planning) for laboratories that have undergone such assessments and are willing to provide them. However, most NELAP ABs cannot legally rely upon the decisions or findings of another group, but must observe the laboratory and prepare independent reports and findings based solely upon state employee or state contractor activities.

The AC does agree that joint assessments may be a savings of resources for both the AB and the laboratory, and the DoD ABs have indicated willingness to conduct joint assessments. Therefore, when a laboratory self-identifies that it has a DoD/DOE assessment being planned, and is willing to undergo a joint assessment, NELAP ABs will attempt to coordinate with the other AB to plan such a joint assessment. In some cases a joint report might be employed, but many NELAP ABs would be legally required to prepare independent reports, despite having conducted a joint assessment.

Only a small percentage of NELAP-accredited labs, and generally only the large commercial ones, hold these federal accreditations. If the lab offers its latest assessment report to the NELAP AB, that report will become

part of the lab's NELAP records and will be utilized as the NELAP AB is able to do so. It appears that, in most cases, the DoD/DOE assessments, while performed against the adopted NELAC standard "with gray boxes," the methods being assessed are specified in the federal contract with the laboratory, and may or not be methods that fall within the Fields of Accreditation (FOA) that the NELAP AB offers. Additionally, drinking water is highly unlikely to be covered as a FOA by other federal agencies.

## **Memorandum Attachment A**

### **AB Task Force #5**

#### **Use of Assessments Performed By Other Accreditation Bodies (AB)**

**Lead: NELAP Accreditation Council (AC)**

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The following information is provided to the NELAP AC Council from the LASEC. This information was gathered by members of the LASEC by contact from other Accreditation Bodies, specifically those ABs associated with DOE or DoD.

**DOECAP (Department of Energy Consolidated Audit Program):** Laboratories may release the DOECAP audit reports to whomever they choose but these reports cannot be released directly to another AB by the agency because the distribution of these audit reports and associated corrective action plans (CAP) and their contents are OUO labeled within the Federal Government. The policy is articulated by the DOE's Office of General Counsel and is in place to protect possible proprietary information that may be included in these documents.

**DoD (Department of Defense; 3<sup>rd</sup> Party ABs (A2LA, L.A.B & ACLASS):** A2LA, LAB responded and Perry Johnson responded to the inquiry. Each AB responded that the audit reports could only be released to another AB with consent from the laboratory. The laboratory however, may release the report to other parties at their discretion. The ABs are obligated to maintain contracts with their clients and some of these contracts require that information be retained confidential. This contract requirement could not be maintained if after release of the report to a NELAC AB, the report becomes classified as public domain.

**Conclusion:** The AC needs to determine if the NELAP ABs can partner with DOE and DOD to use their assessment reports. The LASEC cannot provide a recommendation in this regard but generally agrees that the AC should evaluate these reports to determine if the content and format are readily understood, can be applied to the NELAP program and otherwise meet their requirements. The information provided by the federal programs and contracted accreditation bodies indicate that NELAP ABs would likely need to obtain the assessment reports directly from the laboratory instead of from the AB to ensure all policy and contractual obligations of the AB are satisfied.

**Attachment 2**  
**PROGRAM REPORTS**

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**CONSENSUS STANDARDS DEVELOPMENT**

- The new Radiochemistry Expert Committee has submitted its charter for consideration by the Consensus Standards Development Executive Committee, which is expected to officially sanction the new committee this month. The new Microbiology Expert Committee now has sufficient potential members for balance. They will meet soon, as an ad-hoc group, to finalize a draft charter.
- The Chemistry Expert Committee (formerly the Environmental Measurement Methods Expert Committee) has almost completed its modified Working Draft Standard (WDS) after considering comments received during its session at the August Environmental Measurement Symposium.
- The Proficiency Testing Expert Committee is making steady progress in addressing the comments received on its WDS.
- The Consensus Standards Development Executive Committee (CSDEC) has continued to discuss the recommendations of the Corrective Action Committee on standards development. The expert committee chairs emphasized that a better record system is required to accurately track the comments received at every stage of standards development (not just the VDS) and the committee's deliberation and disposition of those comments. It was felt that a more rigid system is needed for LASC to give the AB council a deadline to submit its comments. It was also emphasized that the stage where notification of proposed standard development is publicized needs to be strengthened by actively soliciting input from the ABs.
- Ken Jackson is participating in an ANSI Legal Issues Forum in Washington DC on October 10. The main agenda item is a moderated discussion on issues surrounding the incorporation by reference of voluntary consensus standards into government regulation. Topics such as reasonable availability and copyright concerns will be of interest to the state government ABs who are implementing the 2009 Environmental Laboratory Sector Standard.

**NEFAP**

**NEFAP Executive Committee**

- The NEFAP EC is voting for the formation of the first Recognition Subcommittee. The vote will close on October 9<sup>th</sup>. There were 6 candidates and 5 open positions. Once this subcommittee is formed, it will meet to begin review and finalize ABs.
- The Voting SOP was reviewed and some research on Robert's Rules of Order was done. The committee was looking for a way to change some wording in DC that would allow an accreditation-related vote to be based on number of actual votes. It was determined that this is possible and a change was made to the Voting SOP and an updated version was submitted to the Policy Committee for finalization.
- The charter is being reviewed.
- Provided information for posting on website and made updates as appropriate.

**Field Activities Expert Committee (FAC)**

- The committee is reviewing comments and making updates to the Working Draft Standard. They plan to have the comments addressed and updated in the standard by November 6<sup>th</sup>. Main issues remaining surround PTs and inclusion of clarifying language.
- The committee wanted NEFAP EC input prior to starting work on the Quality Manual template for FSMOs. In general the response has been favorable, but the NEFAP EC wants to ensure that the template is something that still requires an FSMO to develop their own systems. They want to ensure that it is not something that an FSMO will just place their name on and place it on a shelf. They want it to be a guide to prepare a manual.
- 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. (Note: Something similar was mentioned in DC during the NEFAP EC meeting. Need to discuss which committee will take responsibility for this concern.)
- The chair and the NEFAP EC chair still need to meet to discuss the placement of the “NEFAP Training Oversight Subcommittee”. This subcommittee needs to work on written procedures on how to determine training needs and review training proposals submitted for review. This will be addressed in October.
- Justin and JoAnn will put together an updated table of presentations and Ilona will work with William to post this list. The viewer should be able to see when and where presentations are planned, which presentations still need a presenter, etc.

**NELAP**

**Accreditation Council**

- Ten NELAP ABs have successfully completed the evaluation process and been approved for renewal. Four evaluations are underway and the final evaluation will begin next month.
- Provided Board with decision about use of DOE/DoD assessment reports – Option # 5 from the original ABTF report.
- Continuing intense review of backlogged SIRs (those needing discussion for various reasons) using small workgroup for preliminary screening. Voting on new and incoming SIRs continues as normal.
- No SOPs or policies awaiting Policy Committee consideration. Comments on AC Voting SOP (3-101) await AC consideration and return. In the coming months, the AC will consider updating all of its operational documents and what form this might take.

**Laboratory Accreditation System Executive Committee (LAS EC)**

- Working with CSD EC to ensure that incorporation of recommendations from the Corrective Action Workgroup will be well-coordinated. Initiating development of new SOP for suitability review of standards.
- Revising SOP for SIRs, to make changes going forward so that the process moves more smoothly.
- No SOPs or policies await Policy Committee consideration at this time.

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- Standards Interpretation Request (SIR) Update:

Total Number	Closed Out	In NELAP AC Voting Process	With Quality Systems Expert	With PT Expert	With LAB Expert	Being Redirected
213	127	66	8	6\	4	2

**Technical Assistance Committee**

- Meeting rescheduled for 10/15

**PROFICIENCY TESTING**

**PT Program Executive Committee (PTP EC)**

- The Chemistry FoPT Subcommittee has finished their review of NPW analytes. The FoPT table has been updated and is now being reviewed by the subcommittee. It is hoped it will be finalized this week and passed on to the PTP EC for voting on October 18<sup>th</sup>.
- The committee finalized its recommendation to the formal complaint it received regarding the communication of the new PTPA and the effect on a PT Provider. The chair is preparing the final communication for the Policy Committee. It will be reviewed by the PTP EC and then passed on to Policy.
- A meeting with the PTPA database subcommittee is being planned in mid October. The subcommittee is being asked to review the list of items it has determined each PTPA is collecting and recommend what the PTP EC should review to evaluate the TNI PT Program. The next step is to evaluate how this information should be collected – costs will need to be factored in. They need to understand what the costs would be to collect this information using the system A2LA is willing to provide TNI and what the costs would be for TNI to set-up a system to collect and provide the information recommended. Peter Unger (A2LA) would still like to meet with Jerry (TNI Executive Director).
- The SOP Subcommittee is meeting on Friday to finalize a DRAFT of their complaint resolution SOP. This SOP will be reviewed at the next PTP EC meeting. The next priority SOPs will be the Voting SOP and FoPT Limits SOP.
- The A2LA evaluation is expected to be complete by the end of November. ACLASS will be evaluated in February 2013.
- The State Assessors Forum will be contacted to inform them of the new option on the PT page that will automatically e-mail them when any updates are made to the FoPT pages.
- A PTP EC member will be joining the Policy committee to provide an interface between the two committees.
- A meeting is planned with Carrie and Leah mid October to discuss next steps in TNI's involvement in the Protozoa PTs.
- A Microbiology Subcommittee is being formed to review FoPTs, address less than values issue and set ranges for presence/absence PTs.

## **ADMINISTRATION**

### **Advocacy Committee**

- All articles have been submitted for the next newsletter. Target publication date is October 15.
- The Advocacy Committee is providing final review on a guidance document on how to use the TNI standard to comply with the 12 essential QC elements required in the MUR. Jerry expects the one hour MUR webinar to be ready to go in November.
- The draft SOP regarding development and approval of TNI position statements is out for final comment. The Advocacy Committee expects to vote by email for final approval.
- WEF has advised us that they are discontinuing publication of WEF Lab Solutions. The Advocacy Committee has submitted an article prepared by Elizabeth Turner for the last edition. WEF will try to have some lab practices coverage in their WE&T magazine.

### **Accreditation Body Assistance Task Force II**

- ABTF II is reviewing the NEFAP evaluation SOP to determine its suitability for approval of NGABs in the NELAP program. This approach calls for a recognition committee separate from the NELAP AC as the approval body, possible part of the LASEC. The Chair of LASEC will be involved in future discussions about where the NGAB approval process should reside organizationally.
- Next steps for ABTF II will also include developing a budget for the NELAP NGAB program.

### **Policy Committee**

- Now meeting twice monthly to catch up with pending document reviews.
- Approved and forwarded to the Board for approval:
  - Policy 1-115, Use of TNI Presentations, a new policy originating in the Advocacy Committee, and
  - SOP 1-116, Development and Approval of TNI Policies and SOPs.
- Minor changes to SOP 1-104, Control of TNI Documents, were approved as Revision 1.0. Committee consensus was that the changes do not seem significant enough to warrant Board review, but the new version will be provided if requested.
- The policies and SOPs listed below are being voted on electronically by the Policy committee and should be made available to the Board this month also for electronic vote as they are non-controversial.
  - Policy 1-111: Accounting Policies and Procedures for Administration of Assistance Agreements: General
  - Policy 1-112: TNI Travel Policy
  - Policy 1-116: Training Courses
  - Policy 1-117: Accounting Policies and Procedures for Administration of Assistance Agreements: Property Management and Control
  - Policy 1-118: Accounting Policies and Procedures for Administration of Assistance Agreements: Reporting Policy
  - Policy 1-119: Accounting Policies and Procedures for Administration of Assistance Agreements: Policy on Recording Direct Labor Charges

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- Policy 1-120: Accounting Policies and Procedures for Administration of Assistance Agreements: Conflicts of Interest Policy
- SOP 1-109: Establishing, Validating, and Maintaining Analyte and Method Codes

### **Training**

- The third Brown Bag Webinar occurred on October 5<sup>th</sup>. Information has already been submitted for posting as a webcast. Response to these webinars continues to be great and it was once again sold out. Ilona is now keeping a list of inquiries and will send an e-mail out when the webcast is posted. The survey results have been tabulated and it is clear that these webinars are continuing to improve with averages in the 4-5 range.
- Three more webinars are planned to occur on the first Friday of each month.
- Updated templates for webinars to make it easier for students to register and log-in on the date of training.
- Working with William on notifications when webcasts are purchased so that training certificates can be prepared.
- Working with William to make handouts available for webcasts.

### **Conference Planning**

#### **2013 Denver Forum (1/14-17, 2013)**

- Preliminary schedule developed
- Conference registration and exhibit fees established
- Registration to open on October 16
- Minor issue surrounding meeting space has been resolved

#### **2014/15 Meetings**

- Contracts signed for 2014 and 2015 winter meetings
  - Louisville selected for 2014 meeting
  - 2015 meeting will be in the same location as NELAC 1 (Crystal City, VA) in recognition of 20 year anniversary date

#### **2012 Environmental Measurement Symposium – Washington, DC**

- All abstracts were converted to PDF summaries and provided to Jan for inclusion in the Conference Proceedings. A number of abstracts needed updates to their title to match presentation titles.

#### **2013 Environmental Measurement Symposium – San Antonio, Texas**

- Call for Abstracts will be sent in late October.
- Website has been re-done to prepare for 2013.
- Exhibit Program will open in November

### **Membership Report**

- Active Members: 863