



January 10, 2019

Christine Sotelo
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Dear Ms. Sotelo:

The NELAC Institute (TNI) is a 501(c)3 non-profit organization whose mission is to foster the generation of environmental data of known and documented quality through an open, inclusive, and transparent process that is responsive to the needs of the community. Among other activities, TNI manages the National Environmental Laboratory Accreditation Program (NELAP) and is accredited by the American National Standards Institute as a consensus standards development organization.

TNI has provided the attached comments in response to ELAP's proposed changes to Title 22 of the California regulations as published on December 19, 2018. These comments are presented in the spirit of improving the proposed language for clarity and consistency with the TNI standard.

We congratulate you on this effort overall and especially for continuing to hold fast to one implementable program for all laboratories with a strong quality system foundation. This approach is the only way to ensure data of known and documented quality for use by your regulatory partners.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jerry Parr". The signature is written in a cursive, flowing style.

Jerry Parr
Executive Director

Comments on Proposed California ELAP Regulations: Laboratory Standard January 10, 2019

Comments provided by:

The NELAC Institute (TNI)

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The following comments are submitted in response to the third draft regulations published by the California Water Resources Control Board on December 19, 2018.

These comments address specifically the following areas:

- The incorporated name of TNI.
- Reporting of PT Results to ELAP.
- Requirements for Satellite and Mobile Laboratories.
- Verification of Pesticide Identities.

1. The NELAC Institute

Section 64801 (v) defines TNI as “The National Environmental Laboratory Accreditation Conference Institute.” That is incorrect. As incorporated in the state of Texas, TNI is The NELAC Institute. The “National Environmental Laboratory Accreditation Conference (NELAC)” was an unincorporated association of state and federal officials managed by the USEPA from 1995 to 2006. NELAC never had a tax identification number, a phone number, articles of incorporation or an address. The definition as stated is not the legal name of TNI.

2. Reporting of PT Results to ELAP

Section 64802.20(b)(2)(C) appears to require the PT Provider to report the results to ELAP “on or before the closing date of the study.” The phrase “on or before the closing date of the study” should be moved to the beginning of the sentence for clarity. The suggested change is shown below:

On or before the closing date of the study, direct the Proficiency Testing provider to report the Proficiency Testing study results directly to ELAP.

3. Requirements for Satellite and Mobile Laboratories

Sections 64810.05 and 64810.10 both contain language that would require the “main” laboratory to report results. In some circumstances, this requirement could be both impractical and unnecessary. Typically, satellite and mobile laboratories are used where timely reporting of results is essential, as for example in routine monitoring of wastewater discharges or real-time reporting to a project engineer managing a remediation effort. Requiring the satellite or mobile laboratory to report the results to the main laboratory which would then report back to the satellite location could add unnecessary delays in obtaining critical information. The other requirements in this section are designed to ensure the satellite or mobile laboratory is competent to perform testing. Such competence should extend to reporting of results. Many mobile and satellite laboratories are capable of generating final reports with adequate supervision.

4. Verification of Pesticide Identities

Section 64814 (m) states “A laboratory accredited for the analysis of pesticide residue in food shall verify the identity and concentration of a pesticide residue before reporting the results.” The phrase “verify the

identity” is nebulous. Does this mean to use a second column for gas chromatography or to use a different technique such as high-resolution mass spectrometry to confirm the identity? This section needs more clarity or a reference to guidance or other documents published by the pesticide program office. This requirement could be subject to misinterpretation by laboratories and laboratory assessors.