

TNI Board of Directors Meeting Summary

June 8, 2011

1. Roll Call and Approval of May Minutes

Directors	Present
Joe Aiello	x
Aaren Alger	X
Steve Arms	X
Susan Boutros	
Judith Duncan	X
Robert DiRienzo	X
Zonetta English	X
Jack Farrell	X
Keith Greenaway	
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
Edward Hartzog	X
Staff	
Lynn Bradley	X
Carol Batterton	X
Ken Jackson	X
Jerry Parr	X
Ilona Taunton	X
Janice Wlodarski	X

Approval of May 2011 Minutes

Changes:

Add Ed to roll call.

Page 3 – “Jack” “AB” not AC

Page 4 – Steve – second question mark – attributed to someone else – maybe Dave...

Page 5 – “Florida Update” – privatation misspelled

Motion to Approve May 2011 Minutes, with Changes: Jack

Second: Sharon

Approved: Unanimous

2. Implementing the 2009 Standard

The AC voted on a motion consistent with the recommendation (to delay implementation) that was discussed at the May Board meeting. That motion failed to pass. A second motion has been put forward, but not yet seconded, and will be discussed at a special meeting the end of the week. Regarding the Standard, whichever standard or combination of standards is settled upon, one AB will have great difficulty changing back from the 2009 TNI Standard, and one will have near-insurmountable difficulty utilizing the 2009 TNI Standard. A few others will be only inconvenienced (assuming the new PT standard emerges in timely fashion), but the majority (13) can proceed with whatever the group decides.

Supplemental call – Friday, June 10 – vote will be whether or not to stay with the 2003 NELAC Standard in its entirety.

In related news, two trade associations sent letters to New York State voicing their concerns over New York's proposed actions. Copies of these letters have been provided separately. A meeting of the NYAAEL was held Monday, June 6 and this topic was expected to be discussed in more detail. Any details from that meeting will be provided by email before the Board call if they are available.

Discussion:

Sharon: Do we have a summary of who is ready to roll July 1?

Jerry: This information in the last newsletter that went out. Information is still current.

Ken: 1) Regarding NY regulations: They do mention reporting "less than's" but only for blank samples. For spike samples, the regulations do not talk about what to do if not detected. Always allowed to report an ND and that ND was if it was less than the PTRL. PTRL also not mentioned in NY regulations. I don't see how reporting less than LOQ rather than reporting less than PTRL is any more out of compliance with NY regulations at all. 2) I was chair of the consensus standard development program through INELA and TNI through last year. Really confused – surprised that Aaron found that old INELA draft interim standard from 2007 – does not mention LOQ reporting, mentions PTRL. Can't remember what happened after that. There was discussion... Found the LASEC report from the standard does say "the change from proficiency test reporting and LOQ reporting... and questions concerning implementation was discussed publicly during the consensus standard development process. Don't know when it came in. Suggest going back to the PT committee minutes and clear this up.

Jerry: Will create a clear timeline of changes and approvals/non-approvals of Standards.

Alfredo: Re: Ken's first point – has this been communicated to the Accreditation people in NY – that it appears that there shouldn't be an impediment in adopting the standards?

Ken: This is my opinion and if I still worked there, it would be my position.

Aaron: (*recording unclear*)...as a PT Provider, they require this reporting to the PTRL and therefore as an AB it's required as well – they don't separate their PT program from their AB program. That's my understanding as to their interpretation.

Jack: But, it's written throughout the Standard that we want PTs reported the same way labs would report their normal samples, which is why they were looking to go to LOQ.

Bob D: Issue with the old Standard: If a lab was reporting less than the LOQ, they needed to flag the data and there's no way to do that with a PT sample – that would put them immediately out of compliance with what we require.

Jack: If they reported a number below the LOQ. If they reported the LOQ or less than the LOQ, that's still a quantitative number that should not need to have a qualification there.

Bob D: But our reporting requirements say that anything less than the LOQ...

Jack: If you're reporting a number less than the LOQ, but that's not the case here with the new Standard.

Steve: If a lab were able to qualify a result below their LOQ, and did report a value, that might be a partial solution to the problem that NY is having right now.

Jerry: And that's what I've proposed to Kirstin in the draft language that I've sent the committee to consider.

Ken: Has anyone asked NY how many of their labs will be affected by this?

Steve: Stephanie and I talked around this question... arrived at a possible temporary solution with a little extra work for the providers and possibly some of the secondary ABs – a solution which allowed them to collect that information to see what the extent of this would be. She presented it to her people and convinced about half of them but then it was over-ridden.

Patsy: What will happen after the meeting on Friday?

Depends on how the meeting goes. If we go forward with 2009 Standard, chips will have to fall as far as NY is concerned. If we stay back on the 2003 NELAC Standard, the BOD may have something more to say about it. Oregon has put 2009 into regulation already, which is what we were all obligated to do by now as a NELAP AB. Everyone else is waiting. There will be issues regardless of what happens this Friday, but we had agreed way-back-when that we would deal with all that.

What about PT Providers that have already made changes to their procedures and databases, etc to accommodate the new Standard? This is another issue/consideration.

Curtis: Someone, after the Friday meeting, should reach out to the other providers as to what has happened and where this is going.

Aaren: This will absolutely happen – everyone will be notified, ABs, PT Providers, A2LA, Board, laboratories; everyone will know immediately what the plan is and what the expectations are.

Jack: After Friday, does this Board have any actions/approval, etc., that has to be taken depending on the decision?

Steve: This board has already said what it thinks should be done and because of the way we've set up the organization, the AC does have a bit of autonomy...

Jack: Except from the TNI Board, as I understand it, the issues affect fiduciary responsibility and organization risk.

Lynn: May not be a final decision Friday afternoon – NELAP AC provides missing members up to two weeks to cast a vote.

What will the vote look like? Will this be a majority vote?

Voting procedure -- yes/no/veto. Not clear yet what will be voted on or if there is anything to vote on. Will not be clear until the meeting. 2/3 affirmative vote with no veto. Motion has not yet been made for voting.

The vote will be to determine whether to stay with the 2003 NELAC Standard or move forward with the 2009 TNI Standard.

Has there been any more thought regarding the approval of NY as a PT provider if they are not following the Standard they are supposed to be following? We are trying to keep that as a separate

issue. Jerry has alerted A2LA of what has been developing. If the vote goes the way the board would like it to go, Jerry will send a message to A2LA saying that we would like to know what actions they are going to take.

FYI - Gary Ward has taken over, for Irene Ronning, Oregon, as the administrator of their program

3. AB Task Force Report

The Accreditation Body Task Force report was provided to the NELAP Accreditation Council. The Council discussed the report and made several observations. A slightly revised report (no significant changes in the recommendations) will be provided to the Board for the July meeting and a session on this report will be held at the Seattle meeting.

4. SOP 1-110: Educational Delivery System

The Policy Committee is recommending the Board endorse SOP 1-110, Educational Delivery System. This SOP was provided as a separate attachment to the Board agenda.

Discussion:

Bob D.: 1) While we have a confidentiality agreement, we do not have a conflict of interest agreement. Some of the people that do training are very concerned that other trainers will be evaluating their program. We haven't dealt with this issue.

Jerry: We have a separate document that might cover that but it's something I would need to look at. We do need to make sure we have this addressed but it might be in other documents. (Conflicts of Interest and Ethics documents.)

Jerry: Policy 101 covers this. Maybe we should include a reference to this Policy.

Sharon: Section 5.3.2.2 Typo "Confidentiality" agreement.

Alfredo: A change that was recommended but that did not make it into the version to the board: regarding what to do with unsolicited proposals (Section 5.2.3.1). We wanted to make a note that if we receive an unsolicited proposal, TNI is under no obligation to consider it.

Ilona/Jerry: Jerry did add that but the board doesn't have that version.

Jerry's review of the Ethics and Confidentiality documents indicates that these documents cover the issue well. We will add this as a reference to Section 3, Policy 1-101, Conflicts of Interest.

We should also have a disclosure statement in the Confidentiality Agreement. Jack is willing to work with whomever to add that language to the confidentiality agreement.

Bob D. 2) We don't really address copyright issue. It is not clear who owns the material, who is copyright-protecting it.

Ilona: The way the SOP is put together, that issue would be dealt with in the contract for the training.

Steve: Should we put a clause in the SOP that essentially says this?

Lynn: "Owning" is pretty generic and doesn't specifically address CR law.

Ilona: The SOP is a broad overview sop. Thought it was being covered on the contract side.

Jerry: We can add that sentence, that ownership/copyright is covered in the contract, like Steve proposes.

Alfredo: FYI -- This SOP was circulated amongst people we have done training with in the past and their comments were incorporated into the SOP.

Jerry – Will see if anyone else has any other changes; then incorporate the changes; and send via email for final vote and approval.

Other:

We need to establish a procedure for each committee that will be reviewing training so we know how everyone is doing the review. NEFAP is ahead of us on this. They may be using something that can be standardized for everyone or it may have to be customized for each committee.

The SOP should indicate that each committee needs to establish a procedure on review and selection of training/organization. The current process is very informal. We haven't micromanaged the process, but probably do need a little more structure so materials, etc. are a little more consistent all around.

Jerry – Next Steps for this SOP: Incorporate changes, then send via email for final vote and approval. Please "Reply All" with yea/nay for formal vote.

MOTION to Endorse SOP 1-110, with changes made by Staff: Jack

Second: Curtis

Approved: email vote to occur on revised SOP

5. Open Meeting Policy

The Policy Committee is recommending the Board endorse Policy 110, Open Meetings. See Attachment 1.

Discussion:

George: "For the general public" -- do we want to open meetings to the general public or just members of TNI?

Jerry: We've always said anyone can come to a meeting – but they might have to pay more to come than a member. "Public" does not mean free. The public has to pay a registration fee. Exception: SLAG group bulletin board: Anyone can join – no fee – but they have to register and they have to be approved. (SLAG is essentially a no cost activity for us.) "Public" is just a phrase to mean people that are not paying members.

Steve: This Policy is intended to cover teleconferences as well? Yes.

Lynn: For teleconferences – the expectation is that everyone present identifies themselves.

Other:

During roll call – be sure to ask if there are guests present.

Need to put these in both SOPs: the one for Expert committees and the one for other committees.

"Publicizing meeting" what does this mean? Most of our meetings are noted or publicized. There may be some impromptu meetings that are more restricted and would not be publicized.

By default meetings are open. Clause 3 handles the exceptions.

No amendments to policy.

Motion to Endorse Policy 110, Open Meeting Policy: Jack
Second: Judy D.
Approve: Unanimous

6. Program Reports

See Attachment 2.

7. NEXT MEETING: July 13, 2011

Attachment 1
Policy 1-110, OPEN MEETINGS

I. PURPOSE AND APPLICABILITY

This policy asserts TNI's commitment to conducting its activities in an open fashion without excluding members or the general public and discusses conditions under which TNI may deviate from this guiding principle. This policy applies to all TNI programs.

II. PHILOSOPHY

TNI's mission emphasizes openness, inclusion, and transparency of operations. TNI believes this creates the best atmosphere for promoting exchange of ideas, increasing knowledge, and remaining responsive to the needs of its members.

TNI endeavors to provide universal access to its meetings, workshops, forums, seminars, and training sessions and limits the occasions in which it restricts access to these activities to well-defined and publicized instances.

III. OPENNESS AND MEETINGS

1. All TNI meetings are open by default except for the meetings of the TNI Finance and Nomination Committees, and the Executive Committee of the TNI Board of Directors.
2. Some TNI meetings or workshops may be intended for a particular group and members of those groups may be given priority for attendance. Other individuals may be admitted to these events after the intended group members have been given a reasonable period to register.
3. Some TNI meetings or workshops are intended for a specific group and their organizers may wish to restrict participation in them solely to members of the intended group. Exclusions of this type require endorsement by the TNI Executive Committee, and when endorsed, the meeting notices must include clear statements indicating the restricted participation.
4. At times, a TNI committee or board may need to discuss sensitive matters and may opt to meet in a closed session restricted to its members or to designate a portion of an otherwise open meeting as closed.
5. Closed sessions are generally called to discuss personnel matters, complaint investigations, disposition of complaints, or other situations in which it is reasonable to maintain a level of confidentiality.
6. Closed sessions shall not be used to otherwise circumvent TNI's commitment to openness.
7. Any person wishing to challenge an exclusion from a TNI function may do so by registering a complaint through TNI's established processes.

Attachment 2 PROGRAM REPORTS

CONSENSUS STANDARDS DEVELOPMENT

- The USEPA has approved and accepted the Stationary Source Audit Sample (SSAS) standard. This was a result of the SSAS Expert Committee processing several TIAs in response to EPA comments on the standard. The Committee is now finalizing the SSAS table of audit sample concentration ranges and acceptance criteria.
- The CSD Executive Committee will consider ways to improve input from the ABs on the working draft laboratory standards (PT and QS) that are being developed. Specifically, any potential “showstoppers” must be identified at an early stage.

NEFAP Executive Committee

- Lead evaluators have been selected for the four AB applicants. Each of the applicants has been notified of their lead evaluator and information on potential conflicts of interest is being collected and assembled.
- It was decided that the lead evaluator does not need to be present at the witnessing – only the technical evaluator will be attending. The lead assessor will be available by phone if needed.
- Document review and preliminary letters of acceptance are hoped to be completed by Bellevue.
- A nominating committee is being formed to prepare for the election of new members on the NEFAP Executive Committee.

Field Activities Expert Committee (FAC)

- Comments are being received for consideration in the update of the 2007 Standard. The standard will be split into sections for various members to do a more detailed review of the standard.
- The “NEFAP Training Oversight Subcommittee” is working on written procedures on how to determine training needs and review training proposals submitted for review.
- The FAC is still working on an SOP for development of marketing materials and an update on the NEFAP brochure is planned for completion before Bellevue.
- One SIR was received and a DRAFT response is being considered.
- Craig Forbes prepared a chart to compare NELAP QC vs. NEFAP QC and this is still being reviewed by Carl Kircher and Mike Miller.

NELAP

Accreditation Council

- Evaluations – 7 are in process. 2 site visits completed, 3 technical reviews underway, and one renewal letter was sent (application pending.) One Lead Evaluator had to withdraw due to other pressing commitments, and a replacement is not yet identified; the technical review for that AB remains “on hold.” State Lead Evaluators for teams for all remaining evaluations are agreed upon by the AC; EPA evaluators remain to be identified for 4 ABs.

- The Chair of the AB Assistance Task Force met with the AC on May 16 to discuss the likely-to-be-controversial option of using third party accreditation bodies within the NELAP program. The discussion showed that one AB has a statutory requirement that only governmental ABs can be recognized, several ABs would require revision of regulations, but most seemingly could grant mutual recognition to a third party AB if the NELAP program determines to utilize that option.

Laboratory Accreditation System Executive Committee

- Standards Interpretation Request (SIR) process:
 - 4 requests were received in May.
 - The Policy Committee approved the new Standard Interpretation Request (SIR) SOP.
- The committee discussed the PT standard issue. Their recommendation was forwarded to the NELAP AC and will be discussed this week.

Technical Assistance Committee

- Quality Manual Template training was performed at the lab meetings in Oregon and Florida. The training was well received.
- Plans are being finalized for the Bellevue meeting. There will be a mentor session (internal audits) and an assessment forum.
- The committee plans to follow-up on the status of the LOQ/LOD training that was originally planned to be performed as a webinar early 2011.
- SLAG would like to plan a conference call for a Q&A with assessors.

PROFICIENCY TESTING

- The Chemistry FoPT Subcommittee is continuing to review NPW analytes.
- The Field PT Subcommittee has proposed an FSMO PT table for NEFAP. It will be discussed at the next PT Executive Committee meeting. Eric commented that NEFAP will be working on putting a process in place to approve the FoPT table. The effective dates are expected to sometime within the first quarter of 2012.
- The Protozoa (Cryptosporidium) Subcommittee had their first meeting and will be establishing a regular meeting schedule. Lea Villegas (Villegas.Leah@epamail.epa.gov) from EPA was elected chair.
- The PT Executive Committee contacted the NELAP AC to find out about their intended use of the WET Accreditation FOPT table on the website after July, 1, 2011. The PT Executive Committee currently plans to leave the table up for DMRQA purposes. They have not received a response yet. The WET subcommittee is continuing to move forward with the work on the WET FoPT table.
- The DW FoPT table was not accepted by the NELAP AC and was discussed. The issues of concern regarding VOCs and asbestos were discussed. The table will be updated and discussed for finalization at the next PT Executive Committee meeting.
- The SCM FoPT table was forwarded to the PT Executive Committee and reviewed. There were some concerns raised about co-eluting analytes that were discussed. The vote is being finalized by e-mail.
- The FoPT Table Management SOP is still being worked on. The next step is preparation of an analyte request application. This is expected to be completed in June and then shared with the NELAP AC and NEFAP Executive Committee for comment before the Bellevue meeting.

- The PTPA database recommendation was forwarded in April and needs to be discussed by the TNI Board of Directors.

ADMINISTRATION

Advocacy Committee

- Prepared outline for July newsletter and assigned individuals to write articles.
- New TNI brochures for each of the programs and training have been prepared.
- TNI exhibited at the APHL meeting in Omaha this week.

Policy Committee

- The Quality Systems Expert Committee has a DRAFT of the QA checklist completed, but they still want to complete a final review. A question on distribution was raised. Is there a way to make sure that anyone who wants to download a copy of the checklist owns a copy of the TNI standard or owns a copy of ISO 17025?
- The Open Meeting and Training EDS SOPs have been forwarded to the TNI Board for approval.
- The Standard Interpretation Request (SIR) SOP has been forwarded to the TNI Board for approval.
- The Mutual Recognition Policy has been returned to the NELAP AC for one final review before the Policy Committee performs their final review.
- The Analyte and Method Codes SOP, Calculation of Acceptance Limits SOP, and the Complaint Resolution SOP reviews still need to be completed.

IT Committee

- Not a single AB has started to load FOAs yet – Dan has asked them to do so but no one has done it yet. Has offered different ways to get it done (i.e., send it to me). No responses or activity on loading FOAs. He is not sure how to get them to do it. Dan, Jerry and Art plan to discuss this issue on June 9.
- Working on a solution to how to handle labs that change their primary AB in the database.
- Continued discussions on elements of methods to be required and analytes for WET mentioned in May report.

NEMC

- Abstracts and sessions are generally finalized, but there have still been a few changes this last week. Information should be ready for posting this weekend.
- Biographies are coming in and will be added to the abstracts as they are made available.
- Conference program has been mailed and registration has opened.

FEM Cooperative Agreement

- The State Primacy Laboratory Accreditation Task Force (SPLATF), comprised of TNI and APHL members, held its first conference call. It was agreed the first priority will be to develop an acceptable approach for accreditation of primacy laboratories in the TNI system. Difficulties to be overcome will include cost, since EPA regional accreditation to the SDWA standards is free, and some States' reluctance to being accredited by other State ABs. The next call will involve a "brainstorming"

session to put forward alternative proposals for primacy lab accreditation.

- The Environmental Measurements Expert Committee continues to refine its guidance document on calibration. Section headings of a proposed laboratory standard module are being drafted in readiness for the Committee to work on the standard at the August meeting in WA.

Educational Delivery System

- LOD/LOQ, QA Manual Template and TNI Standard training are being planned.

Membership Report

- Active Members: 817