

TNI Board of Directors Meeting Summary January 11, 2012

1. Roll Call and Approval of December Minutes

Directors	Present
Joe Aiello	X
Aaren Alger	X
Steve Arms	X
Susan Boutros	
Judith Duncan	
Robert DiRienzo	X
Zonetta English	X
Jack Farrell	X
Keith Greenaway	X
Sharon Mertens	X
Judy Morgan	X
Patsy Root	
Matt Sica	
Alfredo Sotomayor	X
Dave Speis	X
Elizabeth Turner	X
Curtis Wood	
Ex-Officio Directors	
Brenda Bettencourt	
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

Approve December 2011 Minutes: (Steve/Sharon version)

Changes: None

Motion to Approve: Judy Morgan
Second: George Detsis
Approved: Approved

2. ACIL Article / NELAP (Continued Discussion)

The NELAP Accreditation Council continues to explore ways to address fall-out from the ACIL newsletter discussed in the December Board meeting and has crafted a letter to the TNI Board clarifying its impact and requesting specific supporting language from the Board. See Attachment 1.

The attached letter attempts to clarify some discussion from last month (December). The Council had discussed our feelings about the issue but not what it was we wanted from the Board. No one is offended or angry; we just wanted to be honest about what we [the AC] was thinking.

Perhaps the AC has asked for something that they already have – the support of the TNI Board. Support may already be in writing somewhere, or it may be implied and not direct. The Bylaws document is one place where you can find a lot of support, albeit indirectly. The Bylaws define NELAP as a core program, with objectives, roles and responsibilities.

The AC has requested that TNI create a position statement (see the end of Aaron's letter "request from the NELAP AC"). The reason for wanting the statement is more than just because of the original letter, but also to diffuse any kind of notion that the TNI Board does not support a position of having 3rd parties as the only accrediting options.

There is concern that the ABTF report going to be used to get eliminate the AC. This is not the intent of the AB Task Force. While we don't know what the recommendation(s) will be from the ABTF, we do not expect this kind of a recommendation.

The Board has requested that the AC withhold judgment of the Board's position, and not assume by lack of immediate attention that there is a lack of support of the AC, until after the Sarasota meeting.

Also suggested, in addition to a Position Statement...

- We should create a "Fundamentals Beliefs of TNI" document. We have this in a PowerPoint presentation, but not any other kind of document.

This is not Standard language, however; it's Advocacy language and needs to be a core document.

- ABTF - Policy on Non-Government Accreditation? – White paper limited to AB issues. Need something broader than that.

Jerry has volunteered to draft a document.

The plan for Sarasota: to hold two consecutive meetings: one with the AC/ACIL, and one with the AC/BOD.

3. NEFAP Charter (Attachment 2)

Comments and vote will be solicited via email.

4. NEFAP Recognition Agreement (Attachment 3)

Comments and vote will be solicited via email.

5. Letter from EPA Office of Water

Based on a comparative review of the US EPA's Drinking Water Program (including the Manual for the Certification of Laboratories Analyzing Drinking Water) and TNI's 2009 Standard Volume 1, the EPA has taken steps to strengthen the quality system aspect of the Laboratory Certification program. Mr. Daniel Hautman, Deputy Director, Technical Support Center, EPA has requested to learn more about the steps that TNI has taken to address the gap between the technical elements of the Manual and the TNI Standard.

6. Program Reports (Attachment 4)

7. Next Meeting: February 1st, Sarasota, FL

Attachment 1

Dear TNI BOD,

Since the last BOD call, December 14, 2011, I have been thinking about the discussion that occurred. I am afraid that I did not convey my concerns and requests and those of the other accrediting bodies clearly. This note will, I hope, convey the AC's thoughts, concerns, and request more clearly.

Background:

The members of the AC have been discussing the ACIL, its white paper, and the most recent newsletter article. The newsletter caused great concern among some ABs and caught others completely off guard. The most worrisome part of the newsletter were the terms used, like "targeted states" and "easily modifiable"

This led some ABs to conclude that the ACIL's initiative was to eliminate the governmental ABs in whole. This conclusion seemed justified when the AC became aware of a presentation given to the ACIL membership that included slides that stated:

- "Convert All State Accreditation Programs to Non-Governmental Programs"
- "Use Economic Crises as Leverage"
- "Non-Government Accreditation Strategy Task Force"—"Identify State Targets"
- "Initiatives Targeted for Other Candidate States" including MN, CA, IL, ME, FL

After reading these documents, several ABs questioned whether they reflected ACIL's position or, since many of the members of ACIL's ESS also hold positions on the TNI Board of Directors, ELAB, and the AB Task Force, the positions of these organizations as well. Some ABs also questioned whether TNI has, directly with ACIL or indirectly, embarked on an initiative to eliminate the governmental ABs.

Several ABs subsequently discussed these concerns with individual ACIL members. In certain, cases, they came away with the feeling the newsletter and presentation may not reflect ACIL's position (or the positions of any of the organizations mentioned above). Other ABs are unsure what to believe, since at least one member of the ACIL, the TNI BOD, and ELAB continues to endorse the views expressed in the newsletter and presentation.

The AC's concerns and the uncertainty expressed by some ABs led the AC to direct me to contact the TNI BOD. The AC hoped the TNI BOD could clarify its position, that of the TNI as a whole, and that of its component organizations, e.g., AB Task Force, on the initiative described in the newsletter and presentation.

My impression from the BOD's meeting was that the BOD felt it could not or would not do so.

In addition, statements like, "TNI cannot disenfranchise any other group," "The TNI Board has never actively worked to disenfranchise the AC," and "We need to wait for the AB Taskforce's final recommendation," suggest the BOD is unconcerned about the continued existence of the governmental ABs.

To be completely blunt, I was shocked by the lack of support the AC received during the 12/14 call.

As I said at the beginning, however, it is likely I did not articulate the AC's concerns and request clearly. So let me be as clear as I can: The AC does not wish the TNI BOD to say or do anything with respect ACIL, any other organization, or individual.

Request from the NELAP AC:

The AC does request the TNI BOD adopt a position stating that TNI believes in and supports national accreditation with the NELAP Accreditation Council and NELAP State Accreditation Bodies as core components of the program and that inclusion of additional states or other accreditation bodies, as appropriate, will only strengthen NELAP.

Thank you for taking the time to consider the NELAP Accreditation Council's concerns and request. If you have further questions, please do not hesitate to ask.

Thanks again,
Aaren

**Attachment 2
NEFAP EXECUTIVE COMMITTEE CHARTER**

1. Organization Name: NEFAP EXECUTIVE COMMITTEE	2. Version: Revision 2012	3. Date: <u>November 20, 2011</u>
4. Mission Statement: The mission of the NEFAP Executive Committee is to ensure the implementation of a national program for FSMO accreditation that is consistent with the TNI FSMO Standard requirements. The Executive Committee will support the field accreditation program with appropriate guidance, procedures, and policies to facilitate implementation of these accreditation standards on a national level. The Executive Committee is committed to establishing and maintaining a program in support of the TNI FSMO standards that will ensure continual improvement of field accreditation processes and which incorporate practical, effective, and clear standards of performance that are consistent with the needs of the environmental community as well as regulatory and industry specific requirements. <u>The NEFAP accreditation ensures data of known and documented quality that meet the needs of the client.</u>		
5. Committee Sponsor: TNI Board of Directors		
6. Committee Members: <i>(indicate Chairperson, insert rows as necessary for additional members)</i>	7. Interest Category & Stakeholder Group:	
Calista Daigle	FSMO (Dade Moeller Inc.)	
Cheryl Morton	Accreditation Body (AIHA Laboratory Accreditation Programs, LLC)	
Dane C. Wren	Other (Wren Engineering)	
Doug Berg	Accreditation Body (Perry Johnson Laboratory Accreditation)	
Doug Leonard	Accreditation Body (L-A-B)	
Jan Wilson	Other (CAMMIA Environmental)	
John (Seb) Gillette	Other (DoD)	
John, Moorman	FSMO (SFWMD)	
Justin B. Brown	FSMO (EMT)	
Keith Greenaway	Accreditation Body (ANSI-ASQ National Accreditation Board)	
Kim Watson	FSMO (Stone Environmental)	
Lauren Hedrick	Accreditation Body (A2LA)	
Marlene Moore (Chair)	Other (Advanced Systems)	
Michael Miller	Other (Consultant)	
Scott Evans	Accreditation Body (STAC)	
8. Objectives/Approach:		
<input checked="" type="checkbox"/> Implement a national accreditation program that is consistent with the TNI FSMO standards.		
<input checked="" type="checkbox"/> Establish adoption and formal acceptance of the program through an advocacy program including supportive contracts, communications, and direction to the stakeholders as well as input to the Field Activities Expert Committee regarding additional standards needs.		
<input checked="" type="checkbox"/> Ensure consistent implementation by the ABs as an integral part of the recognition process, including the implementation of AB evaluation protocols, peer review processes, and an open input policy to ensure an effective forum and corrective action processes in support of all stakeholders.		

Attachment 2
NEFAP EXECUTIVE COMMITTEE CHARTER cont.

✓ Develop field accreditation program guidance, procedures, and policies that meet the needs of the environmental community as well as regulatory and industry specific requirements and are consistent with other national and international standards, avoiding unnecessary duplication and non-value added requirements.
✓ Collaborate with affected stakeholders to develop a national program that accounts for the needs and interests of all stakeholders while balancing considerations of cost; practical concerns, and the quality and consistency of environmental data.
✓ Continually evaluate and establish success measures to target opportunities for improvement.
✓ Develop and maintain the tools (e.g., guidance documents, templates, training materials, etc.) necessary for consistent standards implementation and AB recognition.
✓ Utilize existing and future stakeholder organizational infrastructure and resources to accomplish mission.
9. Success Measures: <ul style="list-style-type: none">• Implementation of an accreditation program that is acknowledged by EPA, government agencies and organizations through contractual requirements for field sampling and measurement organizations.• Increasing support and input from stakeholders including ABs, FSMOs, Industry, Regulators and Standards Setting Organizations.• Field accreditation standards are adopted by those performing environmental sampling and field measurements, including those not under a regulatory mandate to do so.• The field accreditation standards are adopted by accrediting bodies (3rd Party or government agencies) on a voluntary basis or written into regulation where applicable or through contractual arrangements.• Decision uncertainty reduced over time with the production of higher quality, more consistent environmental data.
10. Key Milestones: <i>(significant events and corresponding dates)</i> <ul style="list-style-type: none">• Revise implementation support documents including the required approvals during 2012.• Implement recognition program for accreditation bodies starting July 2010 with full operation by January 2012.
11. Considerations: <i>(assumptions/constraints/obstacles/risks)</i> <ul style="list-style-type: none">• Volunteer member organization with significant time constraints• New organization with limited resources and developing infrastructure• Ability to communicate updates and progress to the community at large in a timely fashion.• Ability to implement an effective consensus-based accreditation program that both meets the standard requirements and ensures comparable execution of the accreditation process by all accreditation bodies• Substantial learning curve for those organizations which have not previously been subjected to rigorous quality requirements and/or accreditation• Ability to develop and conduct training programs• Authority of government agencies to require FSMO accreditation• Stakeholder “buy-in” and acceptance within the industry• Industry “politics”

Attachment 2
NEFAP EXECUTIVE COMMITTEE CHARTER cont.

12. Available Resources:

- Volunteer committee members
- Existing national and international consensus-based standards
- EPA Cooperative Agreement
- TNI Website
- TNI Advocacy Committee
- TNI PT Executive Committee
- Dedicated TNI support resources
- Field Activities Expert Committee
- Other TNI Committees (Expert and Support)
- Participating organizations

13. Additional Resources Required:

- Industry experts
- Writers and technical editor support
- Web-based teleconferencing services
- Outreach assistance from Advocacy Committee
- Effective and accessible member database

14. Anticipated Meeting Schedule: *(specify meeting format and frequency)*

- Where Practical - Monthly Executive Committee Teleconferences (schedule to be posted in advance of actual meetings)
- Additional teleconferences as needed
- Executive Committee meetings (face-to-face) during semiannual TNI Forums (Winter and Summer)

Attachment 3

NEFAP Recognition Agreement

ACCREDITATION BODY

and

The NELAC Institute

Article I - Scope

1. This is an agreement between the **ACCREDITATION BODY (AB)** and **The NELAC Institute (TNI)** wherein it is mutually agreed to as follows:

AB shall serve as a National Environmental Field Activities Program (NEFAP) recognized Accreditor for TNI Field Sampling Measurement Organization (FSMO) standard.

The **AB**'s accreditation program shall be in accordance with the TNI Field Sampling and Measurement Organizations (FSMO) Sector standards defined in the latest versions of Volume 1, *General Requirements for Field Sampling and Measurement Organizations* and Volume 2, *General Requirements for Accreditation Bodies Accrediting Field Sampling and Measurement Organizations*.

The **AB**'s program shall be implemented as required by the TNI NEFAP adopted policies and procedures.

2. **AB** is an independent organization and is responsible for all necessary and applicable income taxes, business related expenses, insurances, licenses, and as would be deemed reasonable and necessary for a business of this type. **AB** acknowledges and agrees that it is an independent organization and not a division or part of TNI.
3. **AB** agrees to furnish all materials, supplies, fixtures and all labor, transportation and all other services to perform and complete the work. **AB** shall retain any and all fees it charges for the services it provides to FSMOs.
4. **AB** may indicate in printed or electronic media that it is recognized by TNI as a FSMO recognized accreditation body.
6. **AB** must permit TNI to perform periodic evaluations of its activities as defined by the applicable NEFAP policies and procedures. **AB** must correct any nonconformances noted in these evaluations according to a mutually agreed upon plan as defined in the NEFAP procedure 5-105. **AB** is responsible for the travel expenses incurred by the evaluator/evaluation team.

Article II - Term

This agreement shall be effective beginning **Date** and shall continue to be in force for four years. The provisions of this agreement may be extended for such additional periods of time as may be mutually agreed.

Article III - Confidentiality

AB shall not disclose TNI information that it may receive during the course of this agreement, classified or otherwise, to unauthorized persons. **AB** shall not, except in specific conformance of this Agreement, divulge or make known to any source outside of TNI any information of a proprietary or private nature acquired during the term of this Agreement and resulting there from. This prohibition shall include, but not be limited to, trade secrets, plans, methods, processes, results, findings, observations, opinions or procedures which effect the operation and activities of TNI.

TNI shall not disclose **AB** information that it may receive during the course of this agreement, classified or otherwise, to unauthorized persons. TNI shall not, except in specific conformance of this Agreement, divulge or make known to any source outside of **AB** any information of a proprietary or private nature acquired during the term of this Agreement and resulting there from. This prohibition shall include, but not be limited to, trade secrets, plans, methods, processes, results, findings, observations, opinions or procedures which effect the operation and activities of **AB**.

Article IV - Modifications and Governing Laws

This Agreement constitutes the entire agreement of the parties hereto and all previous communications between the parties, whether written or oral with reference to the subject matter of this Agreement, are hereby canceled and superseded. No modification of this contract shall be binding upon the parties hereto, unless such is in writing and duly signed by the respective parties hereto.

This Agreement shall be construed in accordance with and be governed by the laws of the State of Texas.

Article VII - Termination

TNI or **AB** may at any time, by giving the other party thirty (30) days' notice in writing, terminate this Agreement. It is expected that **AB** will continue through the term of this agreement. Records of accreditation must be retained for at least two accreditation cycles (4 years from date of accreditation).

Accreditation records, consisting of all records related to accreditation decisions, including records related to assessments and any communications with FSMOs, will remain with **AB**. In the event that an **AB** is requested to transfer accreditation records to another **AB**, the **AB** must obtain the permission of the FSMO in writing before the records are released.

Article VIII - Use of TNI Seal

A recognized Accreditation Body is authorized to use the NEFAP recognized Accreditation Body Seal in advertisements, brochures, websites and other media. The **AB** is also licensed to control and issue the use of the TNI seal by the FSMO per the **AB**s policies and procedures for use of the accreditation symbol.

The TNI NEFAP Seals shall not be used in any misleading manner. This includes the use of the symbol in such a way as to imply that TNI has certified, accredited or approved any product or service supplied by a FSMO or its clients that is not within the scope of accreditation.

Upon withdrawal or suspension of the FSMO accreditation, a FSMO shall immediately cease to issue testing reports and any other materials displaying the TNI symbol.

In the event that accreditation is withdrawn, suspended, revoked or cancelled, the FSMO shall take all reasonable steps to ensure that it immediately ceases use of stationery, literature, advertisements, goods and packaging bearing the TNI symbol.

The AB shall require the FSMO to handle the TNI seal in the same manner as the AB's symbol for accreditation.

Any use of the TNI seals(s) by the AB that are considered a misuse of the mark are subject to legal action which may include withdrawal of the AB recognition agreement, or publication of the transgression or other action deemed necessary by TNI to maintain the integrity of its seal.

Article IX – Amendment

This agreement may be amended only by the written consent of both parties. The undersigned warrants that he or she has the authority to enter into this binding agreement for the respective parties below.

Article X – Fees

The AB agrees to pay an annual fee as defined by the TNI Board to remain a recognized accreditation body. Invoices for the fees will be issued annually during the first calendar quarter of the year following recognition.

Entered into on this Date:

Jerry Parr
The NELAC Institute

NAME
Accreditation Body

Attachment 4 PROGRAM REPORTS

CONSENSUS STANDARDS DEVELOPMENT

- The Quality Systems Committee has posted the following 6 voting draft standards for the laboratory volume on the TNI website: V1M2 (General Requirements); V1M3 (Asbestos); V1M4 (Chemistry); V1M5 (Microbiology); V1M6 (Radiochemistry); and V1M7 (Toxicity). A summary of the changes is also posted. The membership vote will take place from January 10 through February 10. Any votes cast on or before January 30 will be considered and discussed publicly at the Sarasota meeting. All votes will then be discussed publicly at the August meeting in Washington DC.
- The Environmental Measurement Methods Expert Committee has prepared a list of items that might be included in the calibration standard. These will be discussed in Sarasota where audience input will be requested to make a final determination on the items that will be in the standard.

NEFAP Executive Committee

- The committee is continuing work on the update of a number of SOPs: Evaluation, Voting, Nomination and SIRs. The Nomination SOP is about complete and Ilona spoke with William regarding the electronic voting process. A DRAFT of the Evaluation SOP update will be presented in Sarasota. Ilona will work on some language for the voting SOP that will be discussed at the next committee teleconference.
- The Accreditation Body Recognition contract has been completed and forwarded for TNI Board review and finalization.
- Marlene is still receiving inquiries from potential FSMOs seeking accreditation. She is passing along the information on the ABs and encouraging them to contact them. Once applications come in, the technical evaluation can be performed to complete the AB accreditations.
- The committee is asking the TNI Board for support in encouraging people they know that are involved in federal contracts and other people involved in general sampling contracts to begin including a requirement for accredited FSMOs. The language could include a requirement that the FSMO needs to be accredited within a year of acceptance of the contract or something along those lines.

Field Activities Expert Committee (FAC)

- The committee has made progress on updating the sections for the new DRAFT standard based on the suggestions that were received. There are still two sections that need to be updated before Sarasota. Key changes being proposed will be discussed in Sarasota.
- 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. This will be discussed on the next conference call.
- The "NEFAP Training Oversight Subcommittee" is still working on written procedures on how to determine training needs and review training proposals submitted for review. The DRAFT is still being reviewed and will be discussed in Sarasota.
- New committee members were presented and are being voted on by e-mail.

NELAP

Accreditation Council

- There are 5 active evaluations at present. 3 renewals approved (NY, PA, UT) and 2 renewals pending AC review and vote (LA DHH and NH.) Staffing of evaluation teams has returned as a problem, complicated by the expectation of a new AB applicant (Oklahoma) this month.
- The AC has agreed that the evaluation process can be streamlined for the next round of AB evaluations, based on recommendations from the QAO. The NELAP evaluators (an informal group) will work to fine-tune those recommendations and create working documents for a revised SOP and technical review checklist, then the LAB Expert Committee will finalize that effort and forward it to LAS EC for approval before the AC is asked to approve the revised process documents.
- The AC continues to explore ways to address fall-out from the ACIL newsletter and has crafted a letter to the TNI Board clarifying its impact and requesting specific supporting language from the Board.
- The AC had committed to spend some time at every future meeting, as long as needed, discussing the outstanding Standards Interpretation Requests. Some of those should be approved within 4-6 weeks.

Laboratory Accreditation System Executive Committee

- Standards Interpretation Request (SIR) process:
 - 3 requests were received in December. One was not considered a SIR, one was sent to QS Expert and the other to PT Expert.
 - Responses were received from the QS Expert committee and they have been forwarded for posting on the NELAP AC voting site.
 - A report was submitted to the NELAP AC to give an update on the status of the SIRs. There are about 10 that should be ready for posting on the website and others that will be added to the NELAP AC agenda for discussion. There have been some changes in AB representatives that will be handling the vote for their state and William is updating these changes. The final vote e-mail will go out again to incorporate these new people. William also added a column for veto votes instead of using the comment section. The process continues to improve.
- Work continues on the AB Task Force action items. LAS EC completed the DRAFT response to the AB Task Force and some final comments are being incorporated. The final report will be sent out by Wednesday this week. The information collected for AB Task Force Item #5 was forwarded to the NELAP AC for their report.

Technical Assistance Committee

- The committee completed their AB Task Force report and is now planning their presentation in Sarasota.
- The subcommittee formed to work on the AB Task Force item continued to meet through December. The summary table prepared by the subcommittee is being distributed to the TAC and people are now signing up to begin preparation of course summaries that will include suggested elements and objectives. A template has been distributed to help with this. Key summaries are due 1/26/12 so they can be reviewed and discussed in Sarasota.

PROFICIENCY TESTING

- The Chemistry FoPT Subcommittee is continuing to review NPW analytes.
- The committee discussed different ways to post the FoPT tables to make them available earlier and to get the word out that an update has been made. William will be making some changes to the website so that it will be clear which tables are effective and which tables are being posted for implementation. He will also be developing a tool so that a mailing list will be developed for people who sign-up for updates on FoPT Table postings.
- 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 subcommittee has not started work yet due to some scheduling issues, but should start-up in January.
- The FoPT table management SOP (SOP 4-107) has just been approved by e-mail. It will be forwarded to the Policy Committee.
- The final vote was completed for one additional committee member. The candidate is being contacted and then information will be forwarded for Board approval.
- The committee is working with William to update the PTPA listing on the website to include their scope.

ADMINISTRATION

Advocacy Committee

- The Advocacy Committee will meet in Sarasota on Wednesday afternoon. Agenda items for that meeting will include: a report on accomplishments over the past 6 months, a discussion on how to reach out to non-NELAP states that are not participating in TNI, an update from SLAG, planning for future newsletters, and the policy for using the library of TNI presentations.
- The Advocacy Committee will pursue ways to market the Small Lab Handbook at regional meetings of WEF and AWWA.
- The Advocacy Committee will monitor EPA's final adoption of the Method Update Rule and make recommendations for any outreach that may be necessary to facilitate implementation.

Forum on Laboratory Accreditation – Sarasota, FL, February 2012

- Registration is currently around 150 with 15 exhibitors.
- Hotel and registration deadline is this Friday, January 13.
- Hotel room block commitment has been met.
- Detailed agenda undergoing review by committee chairs.

Environmental Measurement Symposium – Washington, DC, August 2012

- The new website is up and abstracts are continuing to come in. William should have the back end of the abstract process complete this week. This will enable session chairs to have access to abstracts submitted for their sessions.
- Updates have been made to the website to include information on due dates, etc.
- The 2012 Exhibition Prospectus won't be distributed until the Sarasota meeting is complete.

Training

- Updates have been made to the website. The fee schedule has now been included. Further updates are being planned to incorporate this information into the application. This should be completed this next month.
- There are currently 3 applications in. Additional information was requested and work on reviewing these trainings will occur in January.

Consistency Improvement Task Force

- The CITF will have their final report at the Sarasota meeting.

Accreditation Body Assistance Task Force

- Most of the reports from committees on ABTF recommendations were received in a timely manner. The ABTF will meet on Thursday to consider the responses and begin planning for Sarasota.
- Presentations on implementation of each recommendation will be given at the Sarasota meeting.

Membership Report

- Active Members: 829