

TNI Board of Directors Meeting Summary

July 14, 2021

ROLL CALL

Directors	Present	Staff	Present
Jordan Adelson	N	Lynn Bradley	Y
Aaren Alger	N	Carol Batterton	Y
Steve Arms	N	Jerry Parr	Y
Justin Brown	Y	Suzanne Rachmaninoff	Y
Kristin Brown	N	Ilona Taunton	Y
David Caldwell	Y	Janice Wlodarski	Y
Stacie Crandall	Y	Bob Wyeth	N
Bob Di Rienzo	N		
Jack Farrell	Y		
Maria Friedman	Y		
Myron Gunsalus	Y		
Jessica Jensen	Y		
Paul Junio	Y		
Judy Morgan	Y		
Patsy Root	Y		
Debbie Rosano	N		
Scott Siders	Y		
Nick Slawson	Y		
Alfredo Sotomayor	Y		
Lem Walker	Y		
Curtis Wood	N		
Past Chair			
Sharon Mertens	Y		

AGENDA

1. Review of Consent Agenda – Approved 7/14/2021

2. California Update

- The California Coalition of Accredited Laboratories (cal-labs.org) filed a lawsuit against California ELAP that was scheduled to go to trial on June 11. However, on June 9, the judge in the case extended the date to August 20 and issued a Writ of Mandate that, among other items, stated:
 - Is there any judicial decision in which a court approved the incorporation of technical standards or other material into a regulation and no one could gain access to the incorporated material without paying a fee? Assuming that requiring the Coalition's members and/or the public to pay The NELAC Institute a fee to gain any access to the incorporated 2016 TNI Standard violates due process, must the court invalidate the Lab Regulations in the first instance? Or could the court first grant the State Board an opportunity to negotiate with The NELAC Institute to make a read-only version available free of charge, as was the case while the Lab Regulations were undergoing rulemaking?

Jerry looked into various options and discovered ANSI has such a system for many of its other standards development organizations, an Incorporation by Reference Portal, (<https://ibr.ansi.org/>). This IBR Portal allows the public to view, but not download or print, standards that are incorporated

by reference into Federal regulations. The Portal requires anyone who uses this approach to register and to click on an on-line agreement that requires the individual accessing the standard to agree not to print or download the document. Jerry asked William to develop a comparable system for TNI and this was done by June 18. The agreement contains this language:

- You acknowledge that the content of the Online Document is copyrighted and owned by TNI and is protected by U.S. copyright law and international treaty provisions. You acquire no proprietary interest in the Online Document or any of the information displayed therein. Nothing herein is intended to prohibit you from making limited, non-commercial use of the content of any TNI standards to the extent that such use is a “fair use” under the copyright laws of the United States. However, such fair use does not include the disabling, circumventing, or otherwise evading the read-only or other technological measures that limit copying of the content of the Online Document. No copying beyond that permitted by “fair use” shall be permitted without the express written permission of TNI. Electronic versions of TNI standards, including the Online Document, are available for purchase through this web site or by contacting TNI at 1-817-598-1624.

William then posted an online version of the 2016 standard than has an “Unlicensed Copy” watermark on every page and this statement on the cover page:

**Controlled Copy
NOT FOR COPYING OR DISTRIBUTION**

This document contains copyright information from The NELAC Institute and thus must be handled as a controlled document for review and discussion purposes only.

This document was provided to the Board on June 11. The electronic version is password protected and individuals cannot copy or download the standard, but someone could do a screen shot of every page.

In early July, a librarian working for California ELAP discovered Virginia had posted a copy of the 2016 standard on a rulemaking website. Jerry contacted Cathy Westerman with a request to remove the standard and Cathy did so within 24 hours and replaced the document with the same document provided to California. (A similar approach was done in Florida in 2019.)

Here is a link to the TNI portal and the password is **T6E79WS**.

<https://nelac-institute.org/docs/standards/2016/CA/>

Over 350 laboratories in California have already purchased the standard.

Can we remove the Portal after the ruling is complete? We should wait until after the trial is finished to see what California has done/promised.

In the future, we should remind Accrediting bodies and third parties that a paid copy is required for labs to attain and retain their accreditation and it should be verified that they have a licensed copy of the standard.

How many labs have purchased the standard, but are not accredited? Jerry will ask Suzanne to pull this together (it will happen after the summer meeting).

Idea: When someone purchases the standard, they should automatically receive a copy of the letter stating that they have purchased a licensed copy of the standard.

3. Accreditation for Covid Testing

For several months now ACIL has been leading an effort to develop a method checklist for the analysis of COVID-19 in wastewater. Jerry, Judy Morgan, Jack Farrell, Stacie Crandall, Nick Slawson, and Sharon Mertens have been participating. The checklist is now complete. Jerry and David Friedman met with Sarah Wright of APHL on July 9 to discuss options for accreditation. APHL is considering going to CDC to have CDC issue a rule to have laboratories who perform this testing be accredited to either 17025 or to the TNI Standard. Sarah has requested TNI consider supporting this effort.

There are two proposals:

1. Draft letter to APHL to support their efforts, for the Board to review. Take care of by email? Jerry will communicate with Sarah, and then we will get back to her.
2. Develop a plan to have a draft ready in the next month or so. Plan to develop a standard for addressing COVID -19. Maybe include other contaminants as well.

Group: Patsy, Jerry, Jack, Sharon, Myron, Alfredo

Another issue: We need to start looking for more revenue streams. This might be a way to do some of that.

SARS-COV-2... We will be adding this to LAMS and will let everyone know in case they want to start offering it.

4. The NELAP Voting SOP 3-101

The NELAP Voting SOP 3-101 was updated to incorporate the contents and language of the TNI Voting SOP 1-101. Due to NELAP's treatment of "matters of accreditation" (more than standards and SIRs) and the Council's online SIR voting (to approve SIR responses as being implementable by ABs), both of which require a super-majority, it is still necessary to maintain a separate NELAP Voting SOP. The document as approved by the Council has been forwarded to Policy Committee for review.

5. Strength of the Standard – Potential Issues

A potential issue has been brought forth – a concern that we are diluting the standard. We should make sure that we don't make a standard that is less stringent than what we've currently have, unless there is a good reason for it, i.e., requiring internal audits every two years instead of every year.

We need to make sure that every time a change is proposed or made, that there is an accompanying document that explains why the change was made and/or why it is an improvement. We've done this in the past but have not been consistent with it. We need to make sure this happens regularly.

CONSENT AGENDA
Approved July 14, 2021

1. Approval of June 2021 Minutes

2. [RESERVED]

3. [RESERVED]

4. [RESERVED]

5. CONSENSUS STANDARDS DEVELOPMENT REPORT

5.1 CSDP Executive Committee

- Standard/Module review continues for virtually all elements of the TNI Standard. A Notice of Intent (NOI) for Chemistry is anticipated shortly. Potential developments on EL-V3 and EL-V4 are also under consideration. An ANSI BSR-8 for EL-V1M3 (asbestos) has been submitted and a BSR-8 is being prepared for EL-V2-M1 (General Requirements for Accrediting Bodies). PINS announcements to ANSI will follow approval of the Chemistry NOI by the CSDEC.
- The TNI Glossary work group continues to prepare a comparison document of all definitions presented in TNI documents and the current glossary as completed last year. Relevant ISO standards definitions are also being included as appropriate. A Glossary Annex which contains all the TNI definitions contained in documents which are not included in the Standards has been prepared and members of the work group have been assigned a number of said definitions for proposed resolution of any potential conflicts. Completion of this effort should be accomplished soon and the work group and the CSDEC will request the authors of the documents in question to modify their language to utilize the harmonized definition. As virtually all of the anticipated changes are editorial in nature this process should be relatively straight forward. The resolution of different definitions for the same fundamental term within the Standards will be more difficult but the plan is to determine the most appropriate definition and then to work with the appropriate expert committees to include these harmonized definitions within the next revision of their Standard/Module, many of which are being worked on at this time.
- Revised training materials for Expert Committee members and Chairs has been completed. A webinar-based presentation of the new training has been presented. The session was recorded for use by Committee Chairs and Committee members unable to attend the initial presentation. A link will be provided to the Chair of CSDEC who will distribute it to Expert Committee Chairs, who will in turn distribute it to the members of their committees. Attendance by Committee members is mandatory and will be recorded by the Committee Chairs. While not required, Committee associates are also being encouraged to participate in the training.
- The CSDEC and all Expert Committee Charters have been finalized and forwarded as appropriate to the Policy Committee.
- The proposal to resolve the issue of the definition of Technical Director/Manager in EL-V1-M2 (Quality Systems) from the Competency Task Force has been presented to relevant Expert Committees and the CSDEC. General agreement with the proposed approach was realized.

5.2 Asbestos Committee

- The Asbestos Expert committee has completed development and approval of their Draft Standard (EL V1M3) and all required accompanying documentation. The comment period for TNI has closed and the committee is continuing to address and respond to comments. An ANSI BSR-8 was filed on behalf of the ATEC. To date no comments have been received from ANSI's public announcement.

5.3 Chemistry Committee

- The Chemistry Committee continues to seek resolution of SIRs from the LASEC. The committee also continues discussion of potential issues regarding modifications to Module 4. While the entire module will be examined as per SOP 2-100, at this point in time, the primary issues facing the committee relate to reconsideration of the language and/or clarification of the requirements for Initial and Continuing Demonstration of Capabilities for the laboratory and individual analysts, and detection limit and calibration language clarifications. Minor, less substantive issues, are also being discovered during the review process which will be resolved by the Committee. A draft Notice of Intent has been prepared and is under review.

5.4 Laboratory Accreditation Body Committee

- LAB members continue reviewing the comments submitted on the V2M1 Draft Standard. The most controversial of these will be identified for discussion at the conference session, to get the broadest possible input and advice.

5.5 Microbiology Committee

- The Committee hopes to be voting on the DRAFT Standard during their July meeting. Kasey and Cody are working on updating the Summary of Changes document and notifying LASEC about any SIRs incorporated into the new Standard.
- Kasey Raley will be leaving as Chair of this Committee to take a position outside of the environmental field. A new Chair will be voted in during their July meeting.

5.6 Proficiency Testing Committee

- The PTEC committee continues to develop work plans focusing on needed changes to Module 1 including review of ISO 17011, 17025, 17034 and 17043 for consistency with the TNI standard. The committee is also beginning to look at EL V2M2, EL V3 and EL V4 for any needed updates or modifications to these standards. These latter standards will have to initiate the revision process or be reaffirmed through the ANSI process by 11/29/2021.

5.7 Quality Systems Committee

- The workgroup formed to start working on specific sections of the new Standard while the Committee continues to tackle the controversial topics, is continuing to meet and is making progress.
- The Committee is continuing on procedures for Internal Audits. Most Committee members preferred Option 1, but it will be further modified during their July meeting. Drinking water requirements and comments will be considered.

- Option 1:
In addition to the requirements listed in 8.8.1 and 8.8.2, the internal audit program shall include:
 - a. a pre-defined schedule covering a 2-year period.
- Option 2:
The planned interval for each audit shall be determined by the lab and shall not exceed:
 - a. 24 months methods/technologies on the scope of accreditation
 - b. 12 months for the elements in Module 2 of this standard

5.8 Radiochemistry Committee

- The Committee did not meet in June.

5.9 Stationary Source Audit Sample Committee

- The Committee finished a letter to EPA to request that they reconsider their requirement for two providers. The letter was sent to Jerry for his review and signature.

5.10 Whole Effluent Toxicity Committee

- Development of a Data Interpretation Training and review of draft revisions to various sections of the V1M7 module of the TNI Standard continue, with good progress. The conference session for WET will address the proposed changes to the WET module V1M7.

6. NEFAP

6.1 NEFAP Executive Committee

- The Marketing and Training Subcommittees are continuing to meet.
 - Marketing: The marketing subcommittee is continuing to meet and work on the action items from the strategic plan. Website changes were submitted to Jerry for review. Jerry has commented on the changes, and the committee will review and get back with him. This includes changes to About Us, New Keywords, and testimonials. Justin and Tracy met with Jerry to discuss the current Ambassador program currently established within TNI. The plan is to discuss this with the subcommittee and develop action items to get this started for NEFAP.
 - Training: A request went out this last week to find a lead to develop the Internal Audit training within NEFAP. The committee has not met since the last report.
- The Committee started looking at the NEFAP voting SOP to determine if it can be replaced with the new TNI voting SOP. They are concerned they need to keep the veto vote and the ability of alternates to vote. The NEFAP SOP has been drafted with a reference to the new TNI voting SOP with these two possible additions. The DRAFT review was delayed to July.
- The NEFAP Nomination Committee (Chair: Tracy Szerszen Members: Stacie Crandall and Mohan Sabaratnam): The Nomination Committee is still working on their candidate list. They received some additional options they are reaching out to. Kim Watson is interested in serving for a short term and EPA will give us another candidate.

- The Committee will complete their Charter update in July.
- Quarterly Metric Review: Next report will be in September.

6.2 Field Activities Expert Committee (FAC)

- The Committee has not yet met in July due to the holiday. They will be meeting next week and are continuing work on both Volume 1 and 2 of the Field Standard.

7. NELAP

7.1 Accreditation Council

Two AB renewals have been approved and a third remote site visit is complete. At present, one application awaits the “site visit”, one application has Technical Review and review of lab files nearly completed, while there are three submitted applications awaiting review and three applications yet to be submitted.

The implementation status of the 2016 Standard is shown below. Utah has officially implemented the 2016 Standard as of June 11. Updated information on the status of the various rulemakings will be available after conference.

Implementation Plans for 2016 TNI ELS Standard – 6/30/2021		
State	Process for Implementing the New Standard	Implementation Date
FL	FL adopted the TNI 2016 Standards by regulation on September 26, 2018. Laboratories were granted a grace period until April 1, 2019, to implement the new standards	April 1, 2019
IL	Full implementation on January 31, 2020	January 31, 2020
KS	Rulemaking underway, but slowly. Is allowing labs to upgrade now and is assessing to 2016 Standard even though 2003 NELAC standard is still the official version	Unknown
LA	Regulation updates delayed by pandemic, tropical storms, and hurricanes	Unknown
MN	Adopts by statute and is updating its databases now. Is encouraging labs to implement 2016 standard now, with database updates ready and checklist going into electronic data system now	January 2021
NH	Is encouraging labs to upgrade now, working with counsel about how and when they can proceed with rulemaking	Unknown
NJ	Incorporated into regulation by reference	January 31, 2020
NY	Adopts by reference; unable to obtain permission to complete rulemaking to update other aspects on separate timeline. Implemented PT modules of 2016 Standard immediately but not able to use the updated/2016 checklist yet. Encouraging labs to upgrade now	PT changes implemented; other modules await rulemaking to revise NYS certification manual. Unknown date for completion
OK	Discussions about rulemaking and implementation have resumed, is allowing labs to upgrade now	Unknown
OR	Implemented 2016 Standard effective January 1, 2021	January 1, 2021
PA	Incorporated into regulation by reference, all labs are required to have the 2016 standard implemented by July 2020.	January 31, 2020
TX	Incorporated into regulation by reference. Implementation has gone well.	January 31, 2020
UT	Rulemaking complete, 2016 standard implemented.	June 11, 2021
VA	Regulatory update stalled, awaiting first publication.	Unknown

7.2 Laboratory Accreditation Systems Executive Committee

- LASEC set its agenda for conference and committed to initiate a conversation with CSDEC about the desirability of avoiding public discussion of and release of preliminary but expert-committee-approved SIR responses. The availability of committee-approved decisions is creating confusion in laboratories about whether they are expected to adopt these preliminary interpretations prior to their formal and final approval and posting to the TNI website.

8. PROFICIENCY TESTING PROGRAM

- The PFAS analyte request application (ARA): The Chemistry FoPT Subcommittee working on contacting laboratories through PT Providers to get information about their MDLs, RLs, calibration curves, etc. The contact is being done by the PT providers so the labs can remain anonymous. The thought is that this information may help them set appropriate limits. The Committee did not meet in June, but will be meeting again in July.
- The Committee invited the Chair of the Stationary Source Audit Sample Expert Committee (SSAS) so the two committees could discuss PTPEC's role in SSAS. Both Chairs (Shawn Kassner and Sheri Heldstab) also met with Jerry to make some recommendations and reach some conclusions. They decided that SSAS does not need to report to PTPEC, but they may ask for assistance periodically when they are developing limits. SSAS reviewed their current Charter and SOPs to make sure there was nothing in conflict with this decision. Their Charter is fine, and they updated one SOP being sent to Policy for review.
- SOP 4-107 (FoPT Table Management) is still in progress and will be sent to the Policy Committee soon for review.
- The Committee started work on developing their metrics in combination with updating their Charter. A number of their success measures were actually tasks and this is being corrected.
- The Committee will review their voting SOP in July to finalize their preliminary decision to make it obsolete and start using the new TNI Voting SOP instead.
- A WET FoPT Subcommittee is still being formed.

9 ADMINISTRATION

9.1 Advocacy Committee

- The State of National Accreditation letter was sent to Dr. John Griggs who chairs the Environmental Methods Forum at EPA. His response was favorable, and he was interested in meeting with TNI at a later date. Suggestions for sharing the letter to other organizations outside of TNI included ACIL, APHL, WEF, AWWA, DoD, and NACWA. Jerry Parr and Steve Arms will make a presentation on the State of National Accreditation at the Environmental Measurement Symposium.
- The Advocacy Committee approved a revised charter which reflects the addition of TNI's oversight of the mentoring initiative.
- The TNI Ambassadors are meeting on Tuesday July 13. Mike Delaney, retired from the Massachusetts Water Resources Authority, has been asked to serve as the TNI Ambassador to the EPA Region 1 states.

- Ilona Taunton has volunteered to give the presentation at the Analytix 2022 conference in Amsterdam. The only costs TNI will incur are for the airfare and registration as Ilona plans to stay with family members who live there. This is an opportunity to promote our standard on a global level.

Mentoring Steering Committee

- The Mentoring Steering Committee has paired 6 laboratories with 6 mentors so far. Three additional laboratories do not have a mentor. The steering committee will be soliciting additional mentors.

9.2 Policy Committee

- Review of SOP 3-105 (Standard Interpretation SOP) is in progress.
- SOP 6-101 (SSAS Table Management) is under review and will be finished in July.
- The Committee has received a number of updated Charters that they will begin reviewing later this week.

9.3 Training Committee

- Training Committee:
 - The Training Materials Review workgroup is continuing to review current TNI courses that may need updates. Will meet later this week to review the process and possibly add more members to assist in the effort.
 - The Training Opportunities Workgroup is continuing to look at longer term efforts needed to continue to develop courses for future RFPs.
 - The Credentialing Workgroup has started meeting and is making great progress. They are looking at the concept of digital badges for different people that do certain jobs. Could be the QA Manager or Customer Service. Then the badges could be rolled into a credential for something like an Environmental Laboratory Professional for Quality Management Systems. They took the TNI Standard and looked for requirements to see what types of badges might be needed.
 - The Committee is continuing work on social media. They are looking at the possibility of an Organization/Company page and will be working on a proposal for the TNI Board. This should be finished in August.
 - The Committee is working on marketing ideas.
- Upcoming Classes:
 - Electronic Records Management – July 16th (4 hours). Thirty-one registrations as of 7/12.
 - Technical Writing for Environmental Laboratory Method SOPs – July 20 and 27th (6 hours). Nineteen registrations as of 7/12.
 - Basic Statistics for Environmental Laboratories – September 3, 10 and 17th (8 hours). Ten registrations as of 7/12.
 - How to Properly and Scientifically Calibrate an Analytical System – September 16th and 23rd (6 hours). Thirteen registrations as of 7/12.
 - Introduction to Proper and Scientific Integration Techniques for Chromatographic Systems – December 7 and 9th (4 hours). Seven registrations as of 7/12.

- Potential New Classes
 - Good Laboratory Practice – Internal Audits – Part II (ANAB) – They will be making the requested updates to this class and then it will be available as a self-paced course.
 - ANAB's new course: Risk Based Thinking in the Environmental Laboratory. This will be a 10-hour class. People are asking about this type of class. They want to handle this class a little different. TNI will essentially be marketing the class on the website, but ANAB will be handling all the registrations.
 - Marlene and Ilona are still discussing evaluator training for the NEFAP/PTP Evaluations. It looks like this training will need to be completed during the summer.
 - A training was submitted by the WET Expert Committee: Whole Effluent Toxicity (WET) Testing – Data Interpretation Training. They are now planning to do the class in Fall 2021.
 - The NEFAP Training Subcommittee is looking at developing an Internal Audit course for this Fall.
- Recently Completed Classes
 - Understanding Data, Data Review and Data Management for Chemical Testing – Silky Labie July 12-14th. There were 23 students.
 - Contracts and Tenders & Service to Client Requirements and Implementation Ideas – June 28 and 29th. There were 9 students. This was Mei Beth's first class with TNI and she is working on more proposals to send.
 - The 2021 Method Update Rule course was a success. There were likely 600 participants in this class between the individual registrations and group registrations. There were numerous new TNI memberships that came out of this class and the listing of upcoming classes included in the Thank-You note increased the number of people registering for TNI classes.

9.4 2022 Forum on Environmental Accreditation

- No action until August.

9.5 2021 Environmental Measurement Symposium

- As of July 12, we have 423 attendees (189 in-person and 235 virtual). This does not include 58 NEMC session chairs or presenters.
- Governor Jan Inslee announced Washington is fully open.

9.6 NGAB

- No action.

9.7 Information Technology

- William has provided the new electronic system for managing committee memberships to Jerry and all Program Administrators to evaluate.

10. TASK FORCES AND OTHER EFFORTS

10.1 Competency Task Force

- The Task Force presented to all expert committees that met in June as well as CSDEC its proposed paradigm of Technical Manager (Technical Director) selection to allow laboratories to define for themselves the personnel requirements needed to meet the requirements in the Quality Systems module, V1M2. Feedback from all of the expert committees was positive and is being incorporated into an updated white paper that was presented to the NELAP Accreditation Council at its July 6 meeting.
- Based on the feedback from all these meetings, Aaren plans to present this information to the broader community on August 4 in Bellevue and then revise the proposal based on those comments. The Task Force will then draft a new proposal which should be provided to the Board for review in September or October.

10.2 Consumables Task Force

- The Task Force is continuing in the process of listing and classifying critical products, supplies and services. Meetings have resulted in further defining elements of the first area of concern, general products and supplies required for all laboratories. The Task Force nears completion on the topic of "General Laboratory Supplies and Services" and is developing the means by which laboratories can effectively utilize this data.
- The recent work of the Task Force has focused on how laboratories can ensure compliance with the TNI requirements. The Task Force in response to this question, has and continues to investigate ISO Guide 31 and the necessary informational requirements of product "certificates".
- The Task Force will require an extended effort prior to the production of any "product" whether in the form of Guidance and/or a recommendation for a standing Expert Committee. The sheer volume of items to be properly classified and for which purchasing guidelines need to be developed is extensive. The Task Force currently anticipates continuing meetings with TNI Stakeholders during public meetings and the sharing of information as the segments of the specific area of critical supplies and services are developed.

10.3 Environmental Monitoring Coalition

- The letter from EMC to EPA was revised based on comments from the June Board call. Comments from ACIL, APHL, and WEF are being reviewed. As suggested by the Board, the attachment to the letter was removed and this topic tabled until a dialog with EPA is underway.
- A data collection effort to evaluate holding times for acrolein and acrylonitrile has been completed and the EMC is reviewing the data. David Friedman will have a presentation on this topic at the Symposium in August. The data support a pH 2 preservation with a holding time of 14 days.
- The EMC has received feedback from the drinking water program on Initial Demonstration of Capability, but more work remains to be done. Once this effort is complete, EMC will reach out to every state accreditation/certification program manager to share this information as the issue appears to be inconsistent interpretations between states.
- A subcommittee is actively working on language for Method 200.8 to allow the use of collision cell technology.

11. MEMBERSHIP

- Out of 29 expired memberships in May, 7 renewed after receiving an email from Suzanne and 7 were removed from the TNI database as they are no longer associated with the contact information on file.
- Active Members: 1122
- 45 New and Renewed Members: (20 from Method Update Rule Webinar)
- 27 Expired Memberships