

Summary of the Laboratory Accreditation Body Expert Committee Meeting
Tuesday, November 16, 2021 1:00 pm Eastern

1. Welcome and Roll Call

The Chair, Carl Kircher, opened the meeting. Attendance is recorded in Attachment 1. The meeting agenda (Attachment 2) was approved by acclamation as presented. The summary of the October 19 meeting and the minutes of the October 26 meeting were approved with Aaren abstaining due to her absence.

2. Approval of Combined Response to SIR 413

This SIR was considered at the August meeting and a response approved. That response was shared with the PT Expert Committee (PTEC), which was asked to create its own response as there is a requirement in V2M2 that relates to the question. PTEC's response (as shortened by the LASEC SIR Subcommittee) was combined with LAB's response, and both committees were asked to approve the joint response so that it can be sent to the NELAP AC for its review to ensure that the response is implementable.

Marlene moved and Aaren seconded that the joint response be approved. There were six votes in favor, with Nilda having stepped away or been temporarily disconnected; the five absentees and Nilda were asked to vote by email, and as of November 22, there were a total of eleven votes in favor of the joint response, with one vote still outstanding.

3. Review of Membership Status

A significant portion of the LAB Expert Committee are subject to term limits and must rotate off of the committee after conference in January. Carl is at the end of a third term, as his membership was extended for managing the revision of V2M1, so that a new Chair will be needed. Mei Beth, Bill Batschelet, Catherine, Marlene, and Nick are also at the end of their terms; a new Vice Chair will thus also be needed. Nilda and Zaneta are eligible for second terms, and both have agreed to continue if re-elected. Aaren, Socorro, Michael and Alia will continue in their current terms of membership.

Membership application have been submitted by Yumi and Sviatlana, both current associate members. One more associate has been invited to apply for full membership, Bill Ray.

The committee will plan for an election at its December meeting. Carl asked continuing members to please consider who would be best to serve as Chair and Vice Chair. For the election, first, Nilda, Zaneta and Yumi (and any additional new applicants, provided balance is maintained) will be proposed for full membership (continuing or new). Once the new members are elected, then nominations for a new Chair and Vice Chair will be accepted and a vote for Chair and Vice Chair will be conducted.

It seems clear that one or two new members of any stakeholder category will not disrupt the balance of the committee, so that the new members can vote in this election, but the Chair and Vice Chair will not take over committee leadership until the end of conference in January.

4. Votes on Comments and Replacement Language

As the details of the vote on whether or not a comment is persuasive and how it should be addressed if persuasive are not needed for commenters or the public to consider the actual outcome of the discussion for each comment, those details are not included in the formal Response to Comments spreadsheet, but are noted here in the minutes for the meeting(s) where

comments are addressed. NOTE: the comment numbers in the table below refer back to the order of submission, so that when the spreadsheet is sorted by comment number, all comments from each submitter will be clustered, but for addressing the comments, it works best to follow the sequence of the standard itself.

<u>Comment Number</u>	<u>Section Number</u>	<u>Proposed Decision</u> (P/NP/editorial as determined)	<u>Motion Made</u>	<u>Motion Seconded</u>	<u>Vote</u>
51	7.6.11	Persuasive	Marlene	Aaren	Unanimous
52	7.6.12	Persuasive	Marlene	Aaren	6 votes in favor, 1 abstention
88	7.6.13	52 and 88 voted together, as they are different perspectives on same section			
60	7.6.2.1	Persuasive, editorial (Comments 60 and 62 were voted together, as they are both editorial and simple)	Aaren	Bill	Unanimous
62	7.6.4.1				
61	7.6.3.2	Persuasive	Marlene	Aaren	Unanimous
37	7.6.4.1	Non-persuasive	Aaren	Bill	Unanimous
80	7.6.4.1	Persuasive	Bill	Socorro	Unanimous
63	7.6.6.a.2	Persuasive, editorial	Bill	Zaneta	Unanimous

3. New Business

None.

Zaneta moved and Bill seconded that the meeting be adjourned at 2:30 pm.

4. Next Meeting

The next teleconference meeting will be **Tuesday, December 21, 2021, at 1:00 pm Eastern.** An agenda and documents will be distributed prior to the meeting.

Attachment 1

LAB Expert Committee Roster

Name/Email	Term ends	Affiliation	Present?
Aaren Alger Aaren.s.alger@gmail.com	1/30/2023	Other – Alger Consulting & Training	Yes
Socorro Baldonado sbaldonado@mwdh2o.com	1/30/2023 (1 st term)	Lab – Metropolitan Water District, La Verne, CA	Yes
William Batschelet wbatsche@aol.com	1/30/2022 (2 nd term)	Other – Retired from US EPA R8	Yes
Nilda Cox nilda.cox@eurofinset.com	1/30/2022 (1 st term)	Lab – Eurofins Eaton Analytical LLC	No
Catherine Katsikis catherinekatsikis@gmail.com	1/30/2022 (2 nd term)	Other – Laboratory Data Consultants	Yes
Carl Kircher, Chair carl_kircher@flhealth.gov	1/30/2022 (3 rd term, extended)	AB – Florida Department of Health	Yes
Marlene Moore mmoore@advancedsys.com	1/30/2022 (2 nd term)	Other – Advanced Systems, Inc., Newark, DE	Yes
Michael Perry michael.perry@lvvwd.com	1/30/2023 (1 st term)	Lab – Southern Nevada Water Authority	No
Zaneta Popovska zpopovska@anab.org	1/30/2022 (1st term)	AB – ANAB	Yes
Alia Rauf arauf@utah.gov	1/30/2024 (2nd term)	AB – Utah Department of Health	No
Mei Beth Shepherd, Vice Chair mbshep@sheptechserv.com	1/30/2022 (2 nd term)	Other – Shepherd Technical Services	No
Nicholas Slawson nslawson@a2la.org	1/30/2022 (1st term)	AB – A2LA	No
Program Administrator: Lynn Bradley Lynn.Bradley@nelac-institute.org	N/A		Yes
Associate Members:			
Yumi Creason ycreason@pa.gov		AB – Pennsylvania	Yes
Scott Haas shaas@etilab.com		Lab – Environmental Testing, Inc., and Chair, FAC	No
Sviatlana Haubner Sviatlana.Haubner@cincinnati-oh.gov		LAB – Cincinnati Metropolitan Sewer District	Yes
Paul Junio paulj@nslab.com		LAB – Northern Lake Services	No
Bill Ray bill_ray@williamrayllc.com		Other – William Ray Consulting, LLC	No
Aurora Shields Aurora.Shields@kcmo.org		Lab – KC Water	No
Ilona Taunton Ilona.taunton@nelac-institute.org		Other – TNI Program Administrator	No

Attachment 2 – LAB Expert Committee Meeting Agenda, November 16, 2021

- Welcome and Roll Call
- Approval of Agenda
- Approval of Minutes (October 19 and 26 minutes attached)
- Approval of Combined Response to SIR 413 (see attached, includes PTEC response)
- Review of Membership Status
 - Current term continues for Aaren, Socorro, Michael and Alia
 - Eligible for another term: Nilda and Zaneta
 - Rotating off after completing 2 terms: Carl (3 terms), Mei Beth, Bill Batschelet, Catherine, Marlene, and Nick
 - One pending membership application from Yumi; two more associates invited to apply for full membership (Bill Ray and Sviatlana).
 - Plan for Election at December Meeting
- Resume Review of Comments (begin at line 65, comment #51, §7.6.11; response-to-comments spreadsheet and latest draft V2M1 attached)
- New Business, if any
- Adjourn

Attachment 3 – Details of Comments Discussed during this Meeting

Comment Number	Vote & Justification (Persuasive/non- Editorial (Y/N))	Section/Clause	Comment	Committee Action	Date Addressed	Committee Comment
51	P	7.6.11	<p>7.6.11 Edit for clarity: Add the end of 1st sentence, add: “ ..., <u>providing thirty days to respond.</u>”</p> <p>Justification: This provision (for timeframe lab to respond 2nd time) has not been stated. (To be clear, this section needs to give BOTH the AB and the CAB 30 calendar days to respond in this second round. Only one of the 30 days provisions (that of the AB?) was stated, as currently written.)</p>	approved language "the AB shall advise the CAB that a response is required within 30 calendar days"	11/16/2021	should be rephrased to make this an AB requirement, instead of a lab requirement

52	P		7.6.12	<p>7.6.12 Edit for clarity: “ ... to resolve the nonconformity(ies) <u>after two attempts</u>, the accreditation body ...”.</p> <p>Justification: Paragraph has potential to be unclear or mis-interpreted: needs to be quotable in a regulatory letter with its full context, not relying on the previous paragraphs for context.</p>	<p>Aren will draft revised language to encompass both comments 52 & 88, for consideration at the December meeting. The approved language for comment #51 may be replaced at that time, also</p>	11/16/2021	similar to comment #51, but different perspective
----	---	--	--------	--	---	------------	---

88	P		7.6.13	<p>Suggest adding Section 7.6.8.1 to the list of clauses that Section 7.6.13 applies to. As written, an AB who grants an extension to a CABs corrective action beyond 30 days would not be conforming to the requirement in Section 7.6.8.1. ABs should have the flexibility to allow extensions to laboratories as needed. This includes when the 30th day falls on a weekend or non-business day. This a a fairly regular occurrence. Adding Section 7.6.8.1 to the list would allow ABs to grant extensions provided they meet the requirements in Section 7.6.13. If the list is not revised, it will have a detrimental effect on laboratories because they will have less time to submit their corrective action plans when the 30th day falls on a weekend and they will no longer be granted any extensions by ABs when requested.</p>	<p>Aaren will draft revised language to encompass both comments 52 & 88, for consideration at the December meeting. The approved language for comment #51 may be replaced at that time, also</p>	11/16/2021	
----	---	--	--------	--	--	------------	--

60	P	x	7.6.2.1	7.6.2.1 Edit: Change opening conference to opening meeting. Justification: consistency with ISO terminology.	Change made	11/16/2021	
61	P	x	7.6.3.2	7.6.3.2 Edit: Remove 2 nd reference to “on-site”; will read “before conclusion of the assessment”. Justification: Consistency with other omissions of specific reference to “on-site”	committee members believe that all references to "on-site" were already removed; that was our intent. A new search will be made to ensure this is complete	11/16/2021	

37	NP		7.6.4.1	<p>V2M1 7.6.4.1 -- ORELAP assessors are not investigators and should not be tasked with evidence gathering for environmental crimes. ORELAP believes this is outside the scope of TNI. We recommend striking section 7.6.4.1 entirely.</p>	Marlene will draft alternate language	11/16/2021	EPA insists that some version of this be included, going back to 2003 NELAC Standard. Committee members agreed to something like "the assessment team shall present the information to the AB for further action".
62	P	x	7.6.4.1	<p>7.6.4.1 Edit: Change closing conference to closing meeting. Justification: Consistency with ISO terminology.</p>	Change made	11/16/2021	

80	P		7.6.4.1	<p>TNI V1M2 7.6.4.1 “During the assessment, sufficient information may become available to suspect that a particular person has violated an environmental law or regulation, such as knowingly making a false statement on a report. This information must be carefully documented since further action may be necessary. In the event that evidence of improper and/or potentially illegal activities have or may have occurred, the assessment team shall present such information to the accreditation body for appropriate action(s). These issues, at the discretion of the accreditation body, may or may not be subjects or issues at the closing conference. However, the assessor shall continue to gather the information necessary to complete the accreditation assessment. [NOTE: from 2003-NELAC, section 3.6.2]”. <u>Comments:</u> The last sentence in this section requires the assessment teams to perform investigative evidence of</p>	Marlene will draft alternate language	11/16/2021	This is a variation of comment #37. The language will be revised.
----	---	--	---------	---	---------------------------------------	------------	---

				<p>improper or potential illegal activities. This is not the function of the assessment team to act as investigators in such legal activities. It is suggested to clarify this requirement with notation. The function of the assessment team is to evaluate the capabilities of the laboratory and if so instructed by the legal staff may continue to investigate.</p> <p><u>Suggestion to add note:</u> Note: At the discretion of the accrediting authority the assessment team may be directed to act as investigators at the direction of the legal staff.</p>			
63	P	x	7.6.6.a.2	<p>7.6.6.a.2 Edit: Change closing conference to closing meeting.</p> <p>Justification: Consistency with ISO terminology.</p>		11/16/2021	