

Summary of the Laboratory Accreditation Body Expert Committee Meeting
Tuesday, December 21, 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. After agreement on changes suggested by two members, the summary of the November 16 meeting was approved unanimously after a motion by Bill, seconded by Catherine.

2. Election

Vote(s) on New Member Applications (to be effective immediately)

There were two applications for voting membership, submitted by Yumi Creason and Sviatlana Haubner, both current associate members. Mei Beth moved and Nilda seconded that both applicants be approved, and the vote was unanimously in favor. NOTE: Since the meeting, the Chair of CSDEC has approved both individuals as new members, affirming that the balance in the LAB committee is maintained.

Nominations/Votes for Chair and Vice Chair (effective at the end of conference in San Antonio, 1/21/2022)

Prior to the meeting, Aaren Alger notified both Carl and Lynn that she would be willing to serve as Chair if there were no other names offered for nomination. With no one else offering, Catherine nominated Aaren and Zaneta seconded the nomination. Aaren's email prior to the meeting was considered as acceptance of the nomination. After Carl's request for a motion to vote on the Chair-elect, Mei Beth moved and Bill seconded that Aaren be elected; all present voted in favor.

Carl asked for nominations for Vice Chair. Mei Beth was asked to run again, but declined. Yumi then nominated herself. After Carl's request for a motion to vote on the Vice Chair-elect, Catherine moved and Nilda seconded that Yumi be elected; all present voted in favor.

Affirmation of Second Terms – Additional Email Vote After Meeting

Lynn had neglected to include affirmation of Nilda's and Zaneta's second terms in the agenda. Both previously agreed to continue if re-elected. Several hours after the meeting, Lynn sent email asking for a motion and second, then a vote, on this item. Catherine moved and Bill seconded that both members' terms be extended and within 24 hours, there were eight votes in favor (a majority). Both Nilda and Zaneta are approved for second terms.

3. Votes on Comments and Replacement Language

Before resuming consideration of comments, Carl asked whether there would be a quorum for the LAB session in San Antonio (the next meeting). A poll of members present and those known to be planning to attend showed that only five voting members would be present. This means that LAB will not be able to rule on whether comments are persuasive or not, during that meeting. Carl will, instead, review the agreed-upon changes to the Draft Standard Rev. 0 thus far.

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>
52	7.6.12	Persuasive	Mei Beth	Bill	Unanimous
88	7.6.13	Persuasive	Catherine	Yumi	Unanimous
80	7.6.4.1	Persuasive	Mei Beth	Catherine	Unanimous
19	7.6.6.b.2	Persuasive	Yumi	Bill	Unanimous
38	7.6.6.b.2	Non-persuasive	Bill	Mei Beth	Unanimous
64 & 85	7.6.6.d.2	Non-persuasive	Bill	Mei Beth	Unanimous
20	7.6.6.d	Discussed but not decided			
65	7.6.6.d	Discussed but not decided			

3. New Business

All individuals whose terms end after conference agreed to remain as associate members. Carl thanked them all for their time on the committee

Catherine moved and Nilda seconded that the meeting be adjourned at 2:31 pm.

4. Next Meeting

The next meeting of LAB will be at conference in San Antonio, Wednesday, January 19, 8 am Central. Teleconference capability will not be available.

The next teleconference meeting will be **Tuesday, February 15, 2022, 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	No
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	Yes
Yumi Creason ycreason@pa.gov	1/30/2025 (1 st term)	AB – Pennsylvania	Yes
Sviatlana Haubner Sviatlana.Haubner@cincinnati-oh.gov	1/30/2025 (1 st term)	LAB – Cincinnati Metropolitan Sewer District	Yes
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	No
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	Yes
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:			
Scott Haas shaas@etilab.com		Lab – Environmental Testing, Inc., and Chair, FAC	No
Paul Junio paulj@nlslab.com		LAB – Northern Lake Services	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, December 21, 2021

- Welcome and Roll Call
- Approval of Agenda
- Approval of Minutes (November minutes attached)
- Election (see attached new member applications for Yumi and Sviatlana)
 - Vote(s) on New Member Applications (to be effective immediately)
 - Nominations for Chair and Vice Chair
 - Vote(s) on Chair and Vice Chair (if more than one nominee for each position, separate votes will be needed (to be effective at the end of conference in San Antonio))
- Resume Review of Comments (spreadsheet of comments and latest draft of Draft Standard attached, plus draft submitted language from Aaren.)
- Discussion of Conference Session Plans, if desired by Chair
- New Business
- Adjourn

Attachment 3 – Details of Comments Discussed during this Meeting

Comment Number	Vote & Justification (Persuasive/non-persuasive)	Editorial (Y/N)	Section/Clause	Comment	Committee Action	Date Addressed	Committee Comment
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>New language: If any part of the amended corrective action report is considered insufficient or inappropriate to resolve the nonconformity(ies), the accreditation body shall implement its procedures to deny, suspend, withdraw, or reduce accreditation for the Scope of Accreditation that is affected (clause 7.7).</p>	12/21/2021	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 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>New language: When the last day of a thirty calendar day timeframe specified within this section occurs on a non-business day, such as a holiday or weekend, the due date for completion of the action is extended to the next business day. Any other extensions to the timeframe requirements shall be justified by prevailing statutory regulations or by documented, exceptionally permitted reasons for the delay. The accreditation body shall communicate such extensions to the conformity assessment body with information on the expected date of completion.</p>	12/21/2021
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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>	<p>language was revised in response to comment #80: In the event the assessment team observes possible improper and/or potentially illegal activities, the team shall present such information to the accreditation body for appropriate action(s) as defined by the accreditation body's procedure. The information must be carefully documented by the team. The assessment team shall continue to gather the information necessary to complete the accreditation assessment and present the information as defined by the accreditation body's procedures.</p>	12/21/2021	<p>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".</p>
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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 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</p>	<p><u>New language:</u> In the event the assessment team observes possible improper and/or potentially illegal activities, the team shall present such information to the accreditation body for appropriate action(s) as defined by the accreditation body's procedure. The information must be carefully documented by the team. The assessment team shall continue to gather the information necessary to complete the accreditation assessment and present the information as defined by the accreditation body's procedures.</p>	12/21/2021	<p>this is a variation of comment #37. the language will be revised.</p>
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				<p>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>			
19	P		7.6.6.b	<p>7.6.6 b) 2 includes a bullet 'Key Laboratory Personnel (e.g., technical manager, QA officer, etc.). I suggest changing this to 'Key Laboratory Personnel as named in the AB's application for accreditation' or some such language since 'Key Laboratory Personnel' hasn't been otherwise defined.</p>	<p>rephrase to "key lab personnel as defined by the AB"</p>	12/21/2021	<p>clause 4.2.i mentions key personnel in a note, but does not define them.</p>

38	NP		<p>V2M1 7.6.6.b)(2) -- ORELAP is concerned the list of contents for assessment reports is too prescriptive. ORELAP recommends striking the following elements from 7.6.6.b.2: - Physical Address; - Scope of Accreditation Matrices that were assessed; - Test Methods that were assessed, including preparation methods when separate or different from the analytical method; - Key Laboratory Personnel; and - Laboratory personnel interviewed at the time of the assessment. What is the perceived benefit of including this information in the report? Accreditation bodies maintain this information in other ways, so there is no improvement in record keeping or traceability. ORELAP believes this will make reports longer without adding any value and increases the risk of transcription errors in accreditation records. Without the above elements, the report will still be traceable to the laboratory and indicate the degree of compliance or non-compliance to The Standard, which is the sole purpose of the assessment report.</p>		12/21/2021	
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64	NP		7.6.6.b.2	7.6.6.b.2 Minimum contents of assessment report: This AB disagrees with <u>requirement</u> to include names of key lab staff and names of personnel interviewed in all reports. (Additional time constraint; opportunity for error; time better spent on other details.) This AB does not believe the absence of this information on reports detracts from the laboratory's responsibility to respond with corrective actions.		12/21/2021	EPA wants interviewee names in the report
85	NP		7.6.6.b.2	7.6.6 b) (2) What is the benefit of including the entire list of the test methods assessed at a laboratory. The AB maintains information in their records like schedules and onsite notes and checklists that could provide this information, but there is not added value to provide this list in the final report.		12/21/2021	NELAP ABs previously agreed to this so that ABs that require accreditation for prep methods could tell from the report whether or not the preparation part of the method was assessed, when the lab applies for secondary accreditation for the prep method
20			7.6.6.d	7.6.6 d) Since 7.6.6 a) already requires that nonconformities be delivered in writing, it appears that 7.6.6 d) is redundant.	(this deals with time after the assessment is concluded)	12/21/2021	discussed but no solution agreed upon, no decision about persuasiveness either

65			<p>7.6.6.d Recommend omitting or clarifying intent. Justification: If “after assessment is concluded” means after the closing meeting, paragraph is not adding information not already communicated in 7.6.6.c. If the phrase means after the report is issued, it is unclear and needs to be made clearer.</p>	<p>(should clarify what "after the assessment is concluded" actually means)</p>	12/21/2021	<p>discussed but no solution agreed upon, no decision about persuasiveness either</p>
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