Summary of the TNI NELAP Board Meeting
September 8, 2009

1. Roll call

The NELAP Board met at 12:30 PM CDT on September 8, 2009. Dan Hickman chaired the meeting. Those members in attendance are listed in Attachment 1. In addition to those indicated, Cathy Westerman from Virginia DCLS, Lynn Boysen from MN DoH, and David Caldwell, OK DEQ, also joined the call.

2. Minutes

Minutes from the 8-24-09 meeting were reviewed and approved for posting.

3. Update on renewals and new applications

Lynn Bradley provided the following update on renewals:

IL – the onsite evaluation was conducted the week of August 25. The report is in preparation.

LADEQ – the evaluation team is reviewing the response to the onsite report.

OR – the response to the onsite report is in preparation and is due next week.

TX – will be voted on today.

VA – onsite scheduled for Oct. 20-22.

MN – awaiting executive approval to submit application.

OK – application in preparation. Estimated submission date summer 2010.

Paul Bergeron moved to accept the evaluation team's recommendation to renew recognition of Texas as an accreditation body. Steve Arms seconded. All present voted in favor. Illinois and New Jersey will be allowed to vote by email.

4. VA DCLS PT issue

Paul Ellingson, QAO, presented the following issue for discussion:

The Governor of Virginia signed legislation late last year and the Regulation has been in place since January. Labs were required to apply by July. VA does not feel that it is reasonable that 2 out of 3 successful PTs could be undertaken in that time frame if labs were only performing DMR-QAs in the past.

VA requests a waiver or exemption to allow **one** DMRQA for their commercial labs applying under 1VAC30-46 (our NELAC program), other wise they will have to grant the labs an extension to meet this requirement which they expect will be a delay of another 6 mos. or more.

In VA, they are up against a strong political atmosphere to implement this program. For its success and survival, they have to work with the labs to make the implementation requirements reasonable. If they cannot allow acceptance of one DMRQA as a PT for the initial process, they are concerned about the political reaction to this requirement.

VA understands the issues for not accepting the DMRQA (i.e. different acceptance criteria and studies that are opened for more than 45 days). VA's request for relief on this issue is only for the initial startup of this program, not for a continued policy or practice and would involve only one DMRQA study.

VA is in the middle of a tight timeline for processing applications and responding to labs regarding our completeness review. They need to make a decision soon to either accept one DMR-QA to count toward the initial PT requirement or extend the window for completeness. VA is in no way desiring to bypass the provisions of the NELAC Standard but is asking the board to consider a waiver in order to get these labs initially on board.

After discussion, there was consensus that successful completion of 2 out of 3 NELAC PTs was not a condition for administrative completeness. VA could accept an application as administratively complete without 2 successful NELAC PTs, but would need 2 of 3 in order to grant accreditation. VA DCLS staff did not think it would be a problem for their labs to get 2 successful PTs done before the onsite evaluation and granting of accreditation, which likely will not occur until sometime in early 2010.

5. Secondary recognition policy

The draft secondary recognition policy developed earlier this year was provided for discussion. At the last meeting, it was suggested that the transition to the new standards should be addressed in the policy. Also, Jerry Parr had provided the following language from an ILAC policy for consideration in the policy:

Each accreditation body signatory to the Arrangement agrees to abide by its terms and conditions and by the ILAC evaluation procedures and shall:

- Maintain conformance with the current version of ISO/IEC 17011, related ILAC guidance documents, and a few, but important, supplementary requirements, and
- Ensure that all accredited laboratories comply with ISO/IEC 17025 and related ILAC policy and guidance documents.

After discussion, it was determined that Steve Arms, Steve Stubbs, and Carol would work on a draft for the NELAP Board's consideration at the next call.

6. QAO report

As a follow up from the San Antonio meeting, Dan asked Paul Ellingson for some additional information on the deficiencies cited in the QAO report. Specifically, he asked

Paul if the deficiencies noted were from the same AB(s) over and over, or if the deficiencies were random among ABs. Paul will develop a summary table addressing that question for discussion at the next meeting.

7. MACT method modifications

Paul Bergeron presented the following issue for discussion by the Board:

V. Correlating the Accreditation NELAC as well as the State Accreditation Programs to the MACT Method Modification Regulations found in 40 CFR § 63.9.

A concern is whether each EPA regional office that falls under the overall NELAC program as well as the separate State accreditation programs (12 states) within specific regions that whether or not that both NELAC/State accreditation have familiarized themselves to the MACT method modification regulations (40 CFR Section 63.9) for minor, intermediate and major changes. The concern here would be that the approvals granted by the accreditation personnel from the different states would not be aware of the recent RTP/EPA Regional approvals on the different RCRA/MACT/Risk testing methods proposed by the different facilities and submitted to the agency for approval. (Possible solution is to have future conferences that overlap the ORCR and RTP generated regulations as well as NELAC updates and responsibilities related to all MACT regulations compared to other ORCR regulations as MIR and MDPs.

Paul expressed concern that EPA regions and RTP were allowing method modifications and that the ABs were not aware and had no way to be in the loop. These decisions need to be posted so everyone can be aware. Paul suggested there needs to be a clearinghouse for these decisions. Dan indicated that many were regional decisions and could often only be granted to one specific lab. Carol offered to review this issue with Jerry to determine an appropriate course of action.

8. NELAP Board work plan

Carol provided the board with a work plan of short term action items. Dan suggested adding an item for getting the NELAP Board decisions on the web page. The board also felt that a letter to state agency heads advising that the AB fees would be implemented next summer would be a good idea. Carol will have a draft letter for review at the next meeting.

9. Next meeting

Dan advised the Board that this was his last NELAP Board meeting and thanked everyone for their cooperation during his term as chair. Aaren will chair the next meeting as the new chair.

The NELAP Board will meet Monday, Sept. 21, 2009, at 12:30 CDT. Potential agenda items include:

Approval of minutes
Update on renewals
QAO report
Secondary recognition policy

SW 846
Draft fee letter

Attachment 1

STATE	REPRESENTATIVE	PRESENT
CA	George Kulasingam T: (510) 620-3155 F: (510) 620-3165 E: gkulasin@dhs.ca.gov	Yes
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FL	Stephen Arms T: (904) 791-1502 F: (904) 791-1591 E: steve_arms@doh.state.fl.us	Yes
	Alternate: Carl Kircher carl kircher@doh.state.fl.us	
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	Alternate: TBA	
KS	Dennis L. Dobson 785-291-3162 ddobson@kdhe.state.ks.us F: (785) 296-1638	Yes
	Alternate: Michelle Probasco mprobasco@kdheks.gov	
LA DEQ	Paul Bergeron T: 225-219-3247 F: 225-219-3310 E: Paul.Bergeron@la.gov	Yes
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LA DHH	Louis Wales T: (225) 342-8491 F: (225) 342-7494 E: lwales@dhh.la.gov	Yes

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	Alternate: TBD	
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	Alternate : TBD	
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	Alternate: Raeann Haynes haynes.raeann@deq.state.or.us	
PA	Aaren Alger T: (717) 346-8212 F: (717) 346-8590 E: aaalger@state.pa.us	Yes
	Alternate: Bethany Piper bpiper@state.pa.us	
TX	Stephen Stubbs T: (512) 239-3343 F: (512) 239-4760 E: sstubbs@tceq.state.tx.us	Yes

	Alternate: Steve Gibson jgibson@tceq.state.tx.us	
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	Program Administrator: Carol Batterton T: 830-990-1029 or 512-924-2102 E: carbat@beecreek.net	Yes
	Evaluation Coordinator: Lynn Bradley T: 202-565-2575 E: Bradley.lynn@epa.gov	Yes
	Quality Assurance Officer Paul Ellingson T: 801-201-8166 E: altasnow@gmail.com	Yes