Summary of the TNI NELAP Board Meeting
March 1, 2010

1. Roll call

The NELAP Board met at 12:30 PM CDT on March 1, 2010. Aaren Alger chaired the meeting. Those members in attendance are listed in Attachment 1.

2. Minutes

Minutes from January 20, January 27, and February 1 were reviewed and approved for posting.

3. Updates on renewals and new applications

Lynn Bradley reported the following:

- IL submitted their completed corrective action report last week and the evaluation team is currently reviewing.
- The MN evaluation team is doing the technical review of the MN application.

4. Database Updates

Aaren Alger stated that Dan Hickman had reported that IL, NY, NJ and OR were not submitting updates to the lab accreditation database as required by the standards. Aaren emphasized that updates every two weeks were important and required by the NELAC standards. If an AB does not have any changes to report, then the AB should send an email to Dan stating "no changes". NY, NJ, and OR were not on the call.

Scott Siders provided the following explanation of the IL update status by email:

As part of Illinois EPA's December 2009 internal audit of our laboratory accreditation program, a finding was made that laboratory biweekly reports (updates) were not being sent in every two weeks for the October-December 2009 time period. It was determined that reports were being sent in only when changes were made to our database and there was also some apparent confusion on our end regarding who to send them too (Dan or Aaren). We recognize that updates are required to Dan every two weeks even if no changes are made to our database. In 2010, a biweekly report was sent in on January 11, 2010. The 1/25/2010 and 2/8/2010 were missed for the above same reason. The most recent 2/22/2010 reporting date was also missed but that report will be sent to Dan today. We are presently taking corrective actions to address this internal audit finding so that biweekly reports (updates) will be sent every two weeks.

5. Comments from EPA liaison

Aaren Alger reported that she had asked Kevin Kubik, EPA Liaison to the EPA Board, to provide some additional explanation on the issues identified in EPA's letter to TNI dated January 25, 2010. Kevin indicated that the EPA letter was written following TNI's request to EPA to enter into a memorandum of agreement to work together on national laboratory accreditation. The letter indicated that there were several areas the agency believed that TNI needed to work on before they could enter into an MOU. Kevin indicated that the issues outlined in the letter had come from people within EPA that were involved in TNI's programs.

Kevin indicated that EPA was unhappy about the NELAP Board's interpretation of the standard regarding assessor training during an ongoing evaluation. This specifically happened during the NY evaluation.

Another issue which has concerned EPA is the imposition of additional requirements beyond the NELAC standards by some ABs. Specifically theses include: additional PT requirements imposed by KS, and a regional lab being told they have to achieve a higher standard than a commercial lab. Other concerns included ABs not meeting the two year requirement for assessments, no follow up on corrective actions, and the length of time it has taken to conclude the IL evaluation.

Kevin stated that in Chicago, Jerry Parr had mentioned that a quality system was needed for the NELAP Board. Kevin thought that would be well received by the EPA regional evaluators. Jerry has also cleared up a misunderstanding by the EPA that the TNI Board had authority over the NELAP Board. The process that is used is peer review and is part of the quality system. It was noted that at least one EPA region will never be a part of TNI no matter what happens or how the issues are addressed.

Since many of the issues in the letter were addressed after the Miami meeting, Kevin was asked about EPA's response to the previous paper that was done by the TNI Board addressing these issues. Kevin said he would go back and review and see if there was anything EPA disagreed with.

Some specific comments on the issues raised by EPA included:

- The evaluation teams should be included in all decisions about extension of evaluation timelines
- There should be steps in place to get everyone's input into the renewal decision
- Each AB already has a quality system. Why do we need another one?
- A better term might be a total management system, including overarching requirements and basic parameters. There can be an overarching system for operation of the NELAP Board and TNI that would not impinge on the ABs quality system.
- State ABs do not want to hear third hand that EPA is unhappy with them. Why

doesn't EPA communicate this directly to the state?

Aaren requested that a discussion about supplemental state requirements be placed on the next agenda in order to determine the extent of the problem.

6. PT issue

Jerry Parr had reported to Aaren the following issue related to PTs for WET:

A small workgroup of members from the PT expert committee, the consensus standards development board, and me have been looking at options for how to resolve a serious issue affecting the PT program that arose during the Chicago meeting. The issue relates to the reporting requirements contained in section 5.2.1 of Volume 1, Module 1. As written, the requirements are appropriate for chemical analyses, but not for microbiology, radiochemistry, or whole effluent toxicity. The editorial change would be to replace this section with the following:

5.2.1 The laboratory shall evaluate and report the analytical result for accreditation or experimental FoPT according to instructions provided by PT providers.

The current language that relates to chemical analyses would then be moved into Volume 3, along with reporting instructions for the other areas and this new language would then be processed as a Tentative Interim Amendment through the consensus standards development program and then adopted by the PT Board, with of course a review and endorsement from the NELAP Board. As part of this TIA process, other requirements related to microbiology, radiochemistry, and whole effluent toxicity (e.g., study dates, sample composition) will also be added to Volume 3.

The PT committee had originally planned to process this change as a Tentative Interim Amendment for Volume 1, but none of us fully understood the implications of that process on slowing down the implementation plan for the new standards. We believe this can be considered editorial as the current language is not changed, just moved to a different location.

There is one other issue that surfaced relating to frequency of PT sample analyses for whole effluent toxicity. The 2003 NELAC standard (Chapter 2, Appendix F) required participation in one study per year. This topic is not specifically addressed in volume 1; however, section 4.2.1 states:
analyze at least two TNI-compliant PT samples per calendar year for each accreditation FoPT for which the laboratory is accredited unless TNI-compliant PT samples are not
available from any PTPA approved PT provider at least twice per year, in which case the laboratory shall analyze the PT samples in the minimum time frame in which the PT samples are available.

The PT providers only provide these once per year, and this is not likely to change due to the small market size. Thus, the frequency for WET will likely continue at one per year
and no change to the standard is anticipated relative to PT frequency for whole effluent toxicology.

If the NELAP Board agrees with this proposal, then we would provide an edited version of the

standard that would have the same document number and date, as the date of acceptance of the previous TIAs and adoption by the NELAP Board for Volume 1 would not change. If the NELAP Board does not accept this proposal, then the Board will need to develop a solution for how the PT program can be implemented for these other areas.

Aaren. I would like you to make this issue a high priority for the NELAP Board to see if this is an acceptable approach. The PT committee is poised to move in whatever direction will work best to implement the program in 2011 as planned. Let me know if there is anything I can do to assist in this effort.

Jerry

Response from Steve Arms:

I never really understood why this section was written, but can't we just leave 5.2.1 as it is? Since it contains qualifying phrases ("For instrument technology..."), it will be applicable only in those cases. I believe that was how I read it and anticipated its implementation (maybe after an interpretation?). In other words, it should be ignored anyway for Micro and WET (no "instrument technology"). Would it still then be a problem for Rads (I don't know enough about the instruments)? Or are we worried about labs or ABs taking pieces of the section out of context (as we are apt to do) and inappropriately applying them? The section could be modified as suggested in the next iteration of the standard, although as I think about it, should we put the lab at the mercy of some future PT provider's instructions?

Other than what I said before about preserving the Standards Development process, I don't think anyone (other than PT providers) will be too concerned about changes to V3. Sorry if I am being overly cautious, but I strongly believe we need to be very careful and very limited in our use of the TIA.

Thanks,
Steve

Aaren asked the ABs for opinions on how best to resolve this issue. Is an SIR the appropriate way to deal with this? Or is a TIA needed to make it enforceable in state regs? CA stated they would have to have a TIA. Aaren asked the ABs to review this issue and respond by email as to whether a TIA to SIR would be needed to resolve this issue in their programs.

7. TNI realignment

Aaren shared the recent developments concerning the TNI realignment and reviewed the organization chart. It was suggested that the NELAP oval on the chart be smaller and moved down about ½ inch. Also, the NEFAP accreditation council should be in this oval as well. No major concerns were expressed, but the Board will wait on final approval until the text is complete.

8. VA lab transition

Cathy Westerman reported that she had sent out an email explaining VA's plans and timeframes for offering accreditation. No concerns were expressed by other ABs.

9. Dispute Resolution Policy

Susan Wyatt and Steve Stubbs explained that a draft of the Dispute Resolution Policy was presented to the Policy Committee for preliminary review. The Policy Committee found that this draft policy did not conflict with any other policies. They suggested that suggested some changes to streamline the policy and also suggested a name change. Steve and Susan will make these changes before presenting for vote.

10. SIRs

Carol reported that 10 SIRs had been sent out for vote by email. The NELAP Board has a backlog of about 50 SIRs waiting for approval. The deadline for voting is March 5. Any SIRs that are not approved by electronic vote will scheduled for the next agenda.

5. Next meeting

The next meeting of the NELAP Board is on Monday, March 15, 2010, at 12:30 CST. Carol Batterton will not be available to take minutes on that day, and Aaren indicated that she will find a sub.

Approval of minutes
Update on renewals
SIRs
Supplemental state requirements
Reports from NY, NJ and OR about status of database uploads
Dispute resolution policy
SW 846 (standing item)

Attachment 1

STATE	REPRESENTATIVE	PRESENT
CA	George Kulasingam T: (510) 620-3155 F: (510) 620-3165 E: gkulasin@cdph.ca.gov	Yes
	Alternate: Jane Jensen jjensen@cdph.ca.gov	

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	
IL	Scott Siders T: (217) 785-5163 F: (217) 524-6169 E: scott.siders@illinois.gov	Yes
	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
	Altérnate: Cindy Gagnon E: Cindy.Gagnon@la.gov	
LA DHH	Louis Wales T: (225) 342-8491 F: (225) 342-7494 E: lwales@dhh.la.gov	Yes
	Alternate: Ginger Hutto ghutto@dhh.la.gov	
NH	Bill Hall T: (603) 271-2998 F: (603) 271-5171 E: george.hall@des.nh.gov	Yes
	Alternate: TBD	

NJ	Joe Aiello T: (609) 633-3840 F: (609) 777-1774 joseph.aiello@dep.state.nj.us	No
	Alternate : TBD	
NY	Stephanie Ostrowski T: (518) 485-5570 F: (518) 485-5568	No
	Alternate: Dan Dickinson dmd15@health.state.ny.us	
OR	Brian Boling T: (503) 229-5823 F: (503) 229-6924 E: boling.brian@deq.state.or.us	No
	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	
UT	David Mendenhall T: (801) 584-8470 F: (801) 584-8501 E: davidmendenhall@utah.gov	Yes
	Alternate: Kristin Brown kristinbrown@utah.gov	

VA	Cathy Westerman T: 804-648-4480 ext.391 cathy.westerman@dgs.va.gov	Yes
	Alternate:	
	Program Administrator: Carol Batterton T: 830-990-1029 or 512-924-2102 E: carbat@beecreek.net	Yes
EPA Liaison	Kevin Kubik T: 732-321-4377 E: kubik.kevin@epa.gov	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
	Minnesota Susan Wyatt Lynn Boysen	Yes
	Oklahoma David Caldwell Judy Duncan	Yes