

Summary of the NELAP Accreditation Council Meeting June 1, 2020

1. Welcome and Introductions

Kristin welcomed everyone to the call. Attendance is noted in Attachment 1 and Annmarie Beach was welcomed as the new Program Manager for PA. The minutes of May 4 were approved.

2. Update from California ELAP

Christine Sotelo asked for an opportunity to update the Council now that CA's regulation is final as of May 5. She explained that all of the recommendations of their advisory committee were adopted, and CA's new accreditation program will be effected on October 1, 2020. The 2016 TNI Standard will be required as of October 1, 2023, with two exceptions – modified Technical Director requirements and only one (1) PT sample per year. CA will review all PT results in-house. She expressed her intention to move forward with implementing the full TNI Standard (with no modifications) in the coming years, and to reapply to become a NELAP AB.

Because there are too few state employee assessors for the workload, labs using “sophisticated technology equipment (as defined in regulation) will be assessed using TNI-recognized Non-governmental Accreditation Bodies (NGABs). The assessment reports with approved corrective actions will be provided to CA ELAP for review and issuance of the actual accreditation. Assessor organizations not recognized by TNI to accredit to the 2016 Standard are not included in the list of approved assessors.

CA has about 650 labs, half of which were not required to use a quality system previously, so CA has contracted with A2LA's Workplace Training to ease that transition. Until this regulation was finalized, small municipal labs were allowed to operate with just the plant operator's certification in place of accreditation, and even though the TNI Standard recognizes such certification, a quality system is also required. Some labs, particularly municipal labs, seem to be uncomfortable with the use of NGABs (paid directly by the labs), and those labs are encouraged to seek NELAP accreditation, which will be fully recognized by CA.

A brief sidebar discussion highlighted the existence of confusion among some labs that seem to believe that only third-party assessors can be used and thus are declining to apply to NELAP ABs that use state employees only. Christine declared her intention to address this misunderstanding at the earliest opportunity.

Christine pointed out that EPA Region 9 will not allow remote assessments for drinking water lab accreditations, but expressed hope that, once CA works through its long-standing backlog of accreditations and renewals, and thus establishes its reliability, that situation will change, as all of the NGABs are now using remote assessments (a transition that was facilitated by the pandemic emergency). She noted that CA is presently doing monitoring for PFAS, and that those applications for accreditation are typically being processed within a few weeks.

Christine then thanked the Council members, noting that all of the NELAP ABs have been highly supportive of CA's efforts. Speaking for the Council, Cathy offered praise to Christine (and her team) for their efforts and their success, and Kristin seconded that praise, noting the hard work that was required to upgrade the CA program.

3. Review of Justification for Veto Votes for SIRs 297 and 339

At the May meeting, both of these SIRs were marked as needing discussion, but with the comment that the requesting AB could not implement the response, as written. Although time had run out for the meeting, Lynn noted that “cannot implement” means that a veto vote would be appropriate, particularly as every other voting AB had approved the responses for both SIRs. Since the last meeting, the “needs discussion” was changed to “veto” and Florida was asked to provide justification for its veto, specifically the specific language of its regulations that would prevent implementation of the response as offered.

That justification was provided and distributed to the Council, and Carl and Vanessa were invited to explain the circumstances. As discussion progressed, the underlying reason for the veto emerged as language from the 2003 NELAC Standard that is incorporated into FL’s regulation, and that the 2009 TNI Standard conflicts with the old NELAC language. Further discussion led to the conclusion that addition of a caveat to the language of SIR 297 would allow FL to approve it – adding a sentence that “Individual NELAP ABs may have more stringent requirements.”

After further discussion, including explanation of how NJ addresses its NJ-reporting-only PT requirements and how a state would require any secondary AB to meet certain state-only requirements, participants agreed that such a caveat would be acceptable and would not violate the Mutual Recognition Policy POL 3-100.

With that background, discussion moved on to SIR 339, where the same circumstances exist. Carl offered to craft language that would make this SIR acceptable to FL, and provide it for review and comment by the Council. With that agreement, the decision on whether or not both veto votes were persuasive was tabled until the following meeting. If the modified language is acceptable, it will be returned to the LASEC SIR Subcommittee for information and possible review, and then the relevant expert committee will be asked to determine whether the additional language is acceptable for inclusion in the SIR response.

NOTE: the following email discussion led to a recommendation to add the following additional sentence to SIR 297 – “V1M4 Section 1.2 states that additional QC requirements that are either specified by method, regulation or project shall be met by laboratories.” – and this language to SIR 339 – “It should also be noted that Section 1.2 specifies that: “Additional QC requirements that are either specified by method, regulation or project shall be met by laboratories,” and these specifications could require the performance of Initial Demonstration of Capability despite what Section 1.6.1(c) allows.”

4. Discussion of Possible Remote Observation for New NGAB Applicant

Ilona Taunton is the designated Lead Evaluator for NGABs, and the most recent applicant has requested that its observation be conducted remotely – a remote observation of a remote assessment. Kristin is the Team Member for this AB evaluation. The conditions for NGABs (SOP 7-100) are identical to those of the NELAP Evaluation SOP 3-102, that a new AB must undergo an observation within a year after issuance of its interim recognition. Ilona’s purpose in addressing the Council was to find out whether any of the NELAP ABs have objections to such a remote observation for a new NGAB.

This particular AB is an International Laboratory Accreditation Cooperation (ILAC) signatory and is also a signatory on a Mutual Recognition Agreement with the Asia Pacific Accreditation Cooperation (APAC) and a Multilateral Recognition Agreement with

International Accreditation Forum (IAF), and has existing programs accrediting testing and calibration laboratories to ISO/IEC 17025. Thus, its managers already have experience with similar programs to the TNI NGAB effort, and like most ILAC signatories, is already performing remote assessments routinely, per the 2017 revision to ISO/IEC 17025.

There was general agreement that a brand-new AB would not be a candidate for remote observation (or a remote site visit) but there were no objections offered to the proposed remote observation for this existing AB. Comments were offered about the current “unusual times” where remote assessments and remote evaluations are being discussed within NELAP, and Ilona did note that the lab proposed for this observation is in Region 9 but is not a drinking water lab.

The observation must be completed and approved by January 2021. Upon learning that the Council had no objections, Ilona stated that she will begin preparing an appendix to the NGAB Evaluation SOP 7-100 to address the procedure to be followed and offered to provide an update to the next NELAP AC meeting on July 6.

5. Method Questions from FL and Request for Clarity about WET Accreditations from OR

Both of these topics were on the agenda but the meeting had already run overtime. Carl indicated that he would take email comments on his question about the TO-15 method, or wait to discuss it in July, and Travis will also wait until July. Lynn and Michele noted that the WET Expert Committee has been tasked with sorting out the method and analyte code issues that ORELAP seeks clarity about, but that it is a yeoman’s task that will require interaction between the WET committee and the Council to resolve.

Ken noted in closing that the Basic Assessor Training previously scheduled for Texas in July is potentially changing to remote training.

6. Next Meeting

The next teleconference meeting will be Monday, July 6, 2020, at 1:30 pm Eastern. An agenda and documents will be provided in advance.

Attachment 1

STATE	REPRESENTATIVE	PRESENT
FL	Carl Kircher E: carl.kircher@flhealth.gov	Yes
	Alternate: Vanessa Soto E: Vanessa.sotocontreras@flhealth.gov	Yes
IL	Celeste Crowley T: 217-557-0274 F: 217-524-6169 E: celeste.crowley@illinois.gov	Yes with Jewel Brandt
	Alternate: Dave Reed E: Dave.Reed@Illinois.gov	No
	For information purposes: John South E: john.South@illinois.gov	No
KS	Paul Harrison E: paul.harrison@ks.gov	Yes
	Alternate: N. Myron Gunsalus T: 785-291-3162 E: ngunsalus@ks.gov	No
LA DEQ	Kimberly Hamilton-Wims T: 225-219-3247 E: Kimberly.Hamilton-Wims@la.gov	No
	Alternate: Elizabeth West E: elizabeth.west@la.gov	Yes, with Paul Bergeron
LA DOH	Grant Aucoin E: Grant.aucoin@la.gov	No
	Alternate: Scott Miles E: Scott.Miles@la.gov	No
MN	Lynn Boysen E: lynn.boysen@state.mn.us	Yes
	Alternate: Stephanie Drier T: 651-201-5326 E: stephanie.drier@state.mn.us	No
NH	Bill Hall T: (603) 271-2998 F: (603) 271-5171 E: george.hall@des.nh.gov	Yes

	Alternate: Brian Lamarsh Brian.Lamarsh@des.nh.gov	No
NJ	Michele Potter T: (609) 984-3870 F: (609) 777-1774 E: michele.potter@dep.nj.gov	Yes
	Alternate : Rachel Ellis E: rachel.ellis@dep.nj.gov	No
NY	Victoria Pretti 518-485-5570 E: victoria.pretti@health.ny.gov	Yes
	Alternate: Lynn McNaughton E: lynn.mcnaughton@health.ny.gov	No
OK	David Caldwell (405) 702-1000 E: David.Caldwell@deq.ok.gov	Yes
	Alternate: Chris Armstrong (405) 702-1000 E: chris.armstrong@deq.ok.gov	No
OR	Travis Bartholomew T: 503-693-4122 E: travis.j.bartholomew@dhsoha.state.or.us	Yes
	Alternate: Lizbeth Garcia 971 865 0443 E: LIZBETH.GARCIA@dhsoha.state.or.us	No
	Included for information purposes: Ryan Pangelinan E: Ryan.pangelinan@dhsoha.state.or.us	No
	Included for information purposes: Sara Krepps Oregon Department of Environmental Quality (503) 693-5704 E: sara.krepps@state.or.us	Yes
PA	Annmarie Beach E: anbeach@pa.gov T: 717-346-8212	Yes
TX	Ken Lancaster T: (512) 239-1990 E: Ken.Lancaster@tceq.texas.gov	Yes
	Alternate: Kristy Deaver T: (512) 239-6816 Kristy.deaver@tceq.texas.gov	No

UT	Kristin Brown T: (801) 965-2540 F: (801) 965-2544 E: kristinbrown@utah.gov	Yes
	Alternate: Alia Rauf T: 801-965-2511 E: arauf@utah.gov	No
VA	Cathy Westerman T: 804-648-4480 ext.391 E: cathy.westerman@dgs.virginia.gov	Yes
	Alternate: Ed Shaw T: 804-648-4480 ext.152 E: ed.shaw@dgs.virginia.gov	No
NELAP AC PA and EC	Lynn Bradley T: 540-885-5736 E: lynn.bradley@nelac-institute.org	Yes
EPA Liaison	Eric Graybill Graybill.eric@epa.gov	Yes
California	Christine Sotelo Christine.Sotelo@waterboards.ca.gov	Yes, with Eric Yee
Guests:	Ilona Taunton, TNI Program Administrator Ilona.taunton@nelac-institute.org	