

**Summary of the NELAP Accreditation Council Meeting
Monday, September 7, 2021 1:30 pm Eastern**

1. Welcome and Introductions

Kristin welcomed everyone to the meeting. The minutes of August 9 and August 16 were approved unanimously. Attendance is noted in Attachment 1.

2. Time with the Executive Director

Jerry Parr requested to meet with the Council to discuss plans for the winter conference in San Antonio, and since an issue from the Environmental Monitoring Coalition (EMC) was also on the agenda, he was invited to remain for this discussion, in his role as Chair of the EMC. Before either of those two discussions, he mentioned that he was contacted by Deidre White, Program Manager for the Association of State Drinking Water Administrators (ASDWA), inquiring whether NELAP ABs accredit for PFAS, and asked for responses from attendees. From LAMS, he could tell that some PFAS methods are accredited by some ABs, but an oral response would be far easier than method-by-method, state-by-state search. TX and VA stated that they do not accredit PFAS, and IL indicated that it is under consideration in the legislature but not yet approved. Other states do accredit for at least one PFAS method.

Forum on Laboratory Accreditation, January 2022 in San Antonio

Prior to the meeting, Jerry shared a presentation used with all committees that describes the proposed plans for conference at the Hyatt Regency on the Riverwalk in San Antonio. He was clear that another hybrid conference is not feasible, as that turned out to be far too labor-intensive for staff, and brought too much uncertainty in the “head counts” for hotel room block and food service (people deciding to attend virtually at the last minute meant that contract minimums were not met). For now, an in-person only conference is the preferred option, with individual sessions being recorded (but not live-streamed) for later viewing by any registered individual (whether or not present in San Antonio). Should COVID-19 rates remain elevated in San Antonio (substantial or high risk, in accordance with CDC definitions), the hotel contract can be terminated and the conference would change to virtual only. Because the conference week contains the Martin Luther King, Jr., Day holiday on Monday, that day will be for training, focusing on non-government interests (i.e., not for assessors) with conference sessions starting on Tuesday and the Annual Meeting planned for Tuesday afternoon. Five ABs said they expected to attend in person, some with several staff, and another three will request travel authorization but were uncertain about approval. Others have state travel restrictions and will definitely not be able to travel.

The summer 2022 conference is set for Crystal City in Arlington, VA, and the 2023 NEMC will be in Minneapolis, MN. Planning for that will soon get underway.

Demonstrations of Competency for Accredited Drinking Water Methods

The correspondence behind this conversation can be found in Attachment 2, below. The underlying issue is long-standing from the ELAB days, and the EMC felt it worthy of continued efforts at resolution. Promulgated drinking water analytical methods have

different requirements for initial demonstration of competency (DOC) than the TNI standard, and use an average value rather than requiring that all four analyses be successful, and are silent about the need for corrective action(s). For multi-analyte methods, it's highly likely that at least one analyte will "fail" in repeated analyses, and thus the DOC would need to be repeated. EPA takes the position that the DOC should focus strongly on "regulated contaminants" rather than all analytes detected by the method for which the lab may be accredited. The five NELAP ABs that spoke up during the conversation look at all accredited analytes, not just those having regulatory limits. The EMC issued its guidance, per Attachment 2, and now considers the issue to be closed. As neither TNI nor the EMC have authority over the ABs, this is a recommendation only, not a mandate.

There were no questions for Jerry. Kristin thanked him for joining the call, and he departed.

3. Recommendation for Renewal of Recognition for Oklahoma

The Evaluation Team's recommendation was distributed to NELAP ABs on August 25. There were no questions or discussion, so Millie moved and Cathy seconded that the Council accept the Team's recommendation. During the meeting, all ten present (Carl had already left at this point) cast their votes, with nine in favor and OK abstaining. The remaining four ABs have been asked to vote by email. As of September 11, two additional votes in favor have been cast with two more outstanding; the voting closes on September 21.

4. Revisions to the NELAP Evaluation SOP 3-102

The version of this SOP to allow remote site visits for AB evaluations was returned from Policy Committee with a request to have the language in several places reflect the wording used in the Non-governmental AB Evaluation SOP 7-100, but no substantive changes were sought. The revised SOP was first presented to the Council in June, but several members requested additional time for review, and this was the next meeting that would have time to consider the document. There was no discussion, but the Chair and Program Administrator agreed that this SOP, as the foundation of the entire program, should be treated as a matter of accreditation, with a roll call vote to ensure that a two-thirds majority approve its changes. Cathy moved that the revised SOP 3-102 be approved and Millie seconded. All ten ABs present voted in favor (a 2/3 majority) and the remaining four have been asked to vote by email, but the necessary majority has been met and no veto vote is anticipated, so this version has been returned to Policy Committee for its approval of the requested changes.

5. New Business

Travis stated that he has incorporated comments from ABs into the PTRL white paper and will be sending that to the PTPEC soon.

6. Next Meeting

The next meeting of the NELAP AC will be on Monday, October 4, 2021, at 1:30 pm Eastern. The agenda and documents will be provided in advance.

Attachment 1

STATE	REPRESENTATIVE	PRESENT
FL	Carl Kircher E: carl.kircher@flhealth.gov	Yes (departed prior to voting)
	Alternate: Vanessa Soto E: Vanessa.sotocontreras@flhealth.gov	No
IL	Millie Rose T: 217-557-0220 E: mildred.rose@illinois.gov	Yes
	For information purposes: Dave Reed E: Dave.Reed@Illinois.gov	No
	For information purposes: John South E: john.south@illinois.gov	Yes
	For information purposes: Shirlene South E: shirlene.south@illinois.gov	No
KS	Carissa Robertson Carissa.Robertson@ks.gov (785) 291-3162	Yes
	Alternate: Paul Harrison paul.harrison@ks.gov (785) 296-1656	No
	For information purposes: N. Myron Gunsalus T: 785-291-3162 E: myron.gunsalus@ks.gov	No
	For information purposes: Amy Suggitt Amy.Suggitt@ks.gov	No
	For information purposes: Daniel Vang Daniel.Vang@ks.gov	No
LA DEQ	Kimberly Hamilton-Wims T: 225-219-3247 E: Kimberly.Hamilton-Wims@la.gov	No
	Altérnate: Elizabeth West E: elizabeth.west@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	No
	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	No
	Alternate: Lynn McNaughton E: lynn.mcnaughton@health.ny.gov	No
OK	David Caldwell (405) 702-1000 E: David.Caldwell@deq.ok.gov	Yes
	Alternate: Ryan Lerch Ryan.Lerch@deq.ok.gov (405) 702-1020	Yes
OR	Travis Bartholomew T: 503-693-4122 E: travis.j.bartholomew@dhsosha.state.or.us	Yes
	Alternate: Lizbeth Garcia 971 865 0443 E: Lizbeth.garcia@dhsosha.state.or.us	No
	Included for information purposes: Ryan Pangelinan E: Ryan.pangelinan@dhsosha.state.or.us	No
	Included for information purposes: Sara Krepps Oregon Department of Environmental Quality (503) 693-5704 E: sara.krepps@state.or.us	No
PA	Annmarie Beach E: anbeach@pa.gov T: 717-346-8212	No

	Alternate: Amber Ross ambross@pa.gov	Yes
	Included for information purposes: Dana Marshall dmarshall@pa.gov	No
TX	Steve Gibson (512) 239-1316 Steve.Gibson@tceq.texas.gov	Yes
	Jody Koehler (512) 239-1990 Jody.Koehler@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	No
	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	No
California	Christine Sotelo Christine.Sotelo@waterboards.ca.gov	No
Guest	Jerry Parr, TNI Executive Director Jerry.Parr@nelac-institute.org	

Attachment 2

Message from Jerry Parr, Chair, Environmental Monitoring Coalition, sent to NELAP ABs and NGABs, on August 18, 2021, titled "Drinking Water clarification on initial demonstration of capability"

I am writing you today wearing a different hat, and that is as Chair of the Environmental Monitoring Coalition (envmoncoalition.org), a group formed in 2020 to replace EPA's Environmental Laboratory Advisory Board.

One of the issues we have been working on relates to the initial demonstration of capability required for most drinking water methods, specifically the requirement to confirm the upper and lower limits for the prediction interval of results (PIR) meet limits specified in the method. The concern brought to EMC was that for a method with a long list of analytes it would be statistically probable that some analytes would not achieve these limits and the drinking water methods are silent as to what to do. Note that in the wastewater methods, a laboratory can do a retest just for the failed analytes.

We reached out to the drinking water program and received this response from Dan Hautman.

I discussed this topic both internally with our TSC Lab Cert team and also brought it up with all our EPA Regional DW Certification Officers during a conference call this afternoon. We are not aware of any issued guidance or correspondence that specifically addresses or advises drinking water laboratory Certification Officers to exclusively focus on regulated parameters when conducting drinking water laboratory audits and/or reviewing IDC data. As you know, there are several approved analytical methods that include an extensive list of target analytes that fall within the scope of the procedure, but most often only a subset of these analytes are federally regulated in drinking water. During yesterday's EMC call, I made the point that I suspect nothing was ever issued because this position could be inferred since we codify within 40 CFR Part 141: the regulated analytes, the approved analytical methods specific to monitor those regulated analytes, and the lab certification requirement that applies to conducting compliance monitoring for these regulated analytes with those approved methods. EPA allows drinking water primacy states to be more stringent than federal requirements and some may establish state codified monitoring requirements for these additional non-federally regulated analytes, which then would warrant a state auditor's cited finding. States also have the authority to be more stringent than federal regulations in how they implement their laboratory certification/accreditation programs and could require labs to generate IDC data for all analytes included in the method scope. Included within our CO training program are ways for COs to be efficient and prioritize data review during a lab audit. We suggest the auditor not include in their lab audit these non-regulatory analytes that fall within the scope of the method, but rather they specifically focus on the drinking water federally regulated analytes and associated QC.

During our call with the Regional COs, it was mentioned that auditors review a significant amount of information and if during a lab audit the regional CO would

happen to notice poor performance for a non-regulated analyte with failing QC data or poor recoveries in the IDC, they may identify that observation in their report. In this case, the Region mentioned the observation would include a recommendation that the lab maintain awareness and consider looking into why the method may be performing poorly for that non-regulated analyte, but they would not make it a finding requiring any corrective action. The observation would be shared with the lab for broad awareness and recognition that the failed IDC for the non-regulatory analyte may represent an early warning of potential future lab performance problems. Often times specific target analytes can be more sensitive and may serve as early indicators/sentinels that the analytical system (extraction and/or analysis) may be teetering and soon may fall out of control for regulated analytes.

As Dan indicated, States have the authority to be more stringent than what EPA recommends, but EMC requests you consider the approach described above. I will be sending a separate letter to key contacts in the non-NELAP states.

Regards

Jerry Parr
Chair, Environmental Monitoring Coalition