



SOP TITLE	Dispute Resolution Process
SOP NO.	3-104
REVISION NO	0.2
PROGRAM	NELAP

SOP Approval Dates

	Initial Approval	Revision Date	Review Date
Committee: NELAP Accreditation Council	1/25/2008	6/3/19	
Program	NA	NA	
Policy Committee Review	3/17/2008	7/19/2019	
TNI Board of Directors Endorsement	5/20/2008	NA (9/11/19)	
SOP Effective Date	1/25/2008	6/3/2019	

Dispute Resolution

1.0 Purpose and Applicability

- 1.1 This Standard Operating Procedure (SOP) describes the process for resolving disputes among Accreditation Bodies, the NELAP Evaluation Teams, and the NELAP Accreditation Council (AC).
- 1.2 This SOP applies to disputes raised by Accreditation Bodies or the NELAP Evaluation Teams.
- 1.3 This SOP does not apply to disputes between a laboratory and its Accreditation Body (AB) regarding accreditation. Such disputes are to be handled through the appropriate process established by applicable state laws and regulations.

2.0 Summary

This SOP provides an avenue for resolution of disputes raised by Accreditation Bodies (ABs) and the Evaluation Teams involved in the accreditation body recognition process. The disputing party is to first seek resolution with the NELAP AC. If mutual resolution is not achieved, then a Review Panel shall be convened to study the matter and recommend the resolution to be imposed by the NELAP AC.

3.0 Related Documents

SOP 1-104 Control of TNI Documents

SOP 3-102 Evaluation of Accreditation Bodies

4.0 Definitions

- 4.1 NELAP: The NELAC Institute National Environmental Laboratory Accreditation Program. The NELAP Accreditation Council consists of one individual and one alternate from each recognized Accreditation Body, appointed by the state.
- 4.2 NELAP Recognition: the determination by the TNI NELAP AC that an AB meets the requirements of NELAP and is authorized to grant NELAP accreditation to laboratories.
- 4.3 Deny: to refuse to grant recognition to a body that has applied to become a recognized TNI NELAP AB.
- 4.4 Revoke: to remove an AB's TNI NELAP recognition.
- 4.5 Review Panel: a temporary body appointed for the express purpose of resolving disputes as described by this SOP.
- 4.6 Disputing Party: Accreditation Bodies (ABs) and the Evaluation Team involved in the accreditation body recognition process.

5.0 Procedure

5.1 Reconsideration Requests

5.1.1 The AB or the evaluation team may request reconsideration, in writing, within 20 days of notification of the NELAP Board's decision. The requestor makes its case and may

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present additional information when submitting its request to the NELAP AC Chair or designee.

5.1.2 The Chair or designee will respond, in writing, to the request within 20 days.

5.2 Request for Review of Denial of Reconsideration

5.2.1 If the reconsideration request is denied, and the disputing party does not accept the decision, it then becomes a dispute.

5.2.2 The disputing party may then appeal to the NELAP AC for resolution of the dispute.

5.3 Resolving Disputes

5.3.1 Within 30 calendar days of official notification of the NELAP AC's action on a reconsideration request for NELAP recognition, the disputing party shall notify the NELAP AC of its decision to dispute the decision on the reconsideration request. The NELAP AC shall inform the Executive Committee of the TNI Board of Directors for the need to name a Review Panel.

5.3.2 A Review Panel shall be composed to represent the TNI membership, consisting of three members chosen from each of the three stakeholder groups of TNI: ABs and other governmental agencies that operate environmental accreditation programs, Accredited Laboratories, and All Others. The three members will be a TNI Board member who shall serve as the chairperson, a NELAP AC member and a TNI member. The Executive Committee of the TNI Board will name the membership for each task. If any Review Panel member is not free of any relationship that would bias their review of the case, that Review Panel member shall be replaced by an alternate, named by the Executive Committee of the TNI Board, for the Panel's deliberations.

5.3.3 The Review Panel shall carry out an independent review of all relevant parts of the record.

5.3.4 The Review Panel shall conduct interviews with the disputing party and the NELAP AC. The Review Panel also may conduct interviews with the AB the NELAP Evaluation Team member(s) or other individuals deemed appropriate by the Review Panel.

5.3.5 If the disputing body so desires, an opportunity shall be granted for both the NELAP AC and the AB or the Evaluation Team or lead evaluator to meet jointly with the Review Panel.

5.3.6 The Review Panel shall complete its review and render a final recommendation to the NELAP AC and all involved parties within 90 calendar days following receipt of the notice of Request for Review. This time frame may be extended by mutual agreement of all parties up to a maximum of 60 additional calendar days.

5.3.7 The ultimate decision to grant, maintain, deny or revoke NELAP recognition remains with the NELAP AC. Within 30 calendar days of receiving the Review Panel's recommendation, the NELAP AC shall notify the disputing body of its decision regarding NELAP recognition

5.3.8 Disputing bodies shall be limited to one exercise of this procedure for each

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application cycle.

5.3.9 The status existing prior to the decision shall remain in effect pending resolution of the dispute.

6.0 Records Management

6.1 The Chair of the NELAP AC and the Review Panel chairperson shall maintain all correspondence for future reference. Upon completion of the Review Panel's effort, its Chair and the NELAP AC shall turn over their records to the TNI Program Administrator assigned to the NELAP AC for future reference.

6.2 Records of the original dispute as well as the final resolution must be retained in accordance with the requirements of the Management of TNI Documents SOP 1-104.

7.0 References

2003 NELAC Standard approved June 5, 2003, EPA/600/R-04/003.
2009 TNI Standard
2016 TNI Standard
Management of TNI Documents SOP 1-104
NELAP Evaluation SOP 3-102

8.0 SOP Approved Changes

Revision No.	Effective Date	Description of Change
0.1	3/12/2010	Change to new SOP format.
0.2	6/3/2019	Change NELAP Board to NELAP Accreditation Council (5-year review) and eliminate requirement to post dispute on the website (§6.2)