**SUMMARY OF THE**
**ENVIRONMENTAL LABORATORY ADVISORY BOARD MEETING**
**Face-to-Face Meeting/Teleconference: 866-299-3188/9195415544#**
**Hyatt Regency Savannah, Savannah, Georgia**
**January 31, 2011; 1:30 – 5:00 p.m. EST**

The Environmental Laboratory Advisory Board (ELAB or Board) face-to-face meeting was held on January 31, 2011, from 1:30 p.m. to 5:00 p.m. EST. The meeting was held as a session at the Forum on Laboratory Accreditation. The agenda for this meeting is provided as Attachment A, a list of meeting participants is provided as Attachment B, and action items are included as Attachment C. The official signature of the Chair or Vice-Chair is included as Attachment D.

## AGENDA ITEMS:

## 1. OPENING REMARKS/MISSION STATEMENT

Ms. Lara Autry, Designated Federal Officer (DFO) for the Board, and Mr. Dave Speis, Chair of the Board, welcomed the members and guests to the meeting and explained that the Board is a Federal Advisory Committee to the U.S. Environmental Protection Agency (EPA or Agency). This is an official meeting of the Board and will include ELAB business as well as report outs of ELAB activities. All Board meetings are open to the public; anyone wishing to attend the monthly teleconferences can contact Ms. Autry for information.

ELAB has two key objectives to: (1) solicit consensus advice from the environmental laboratory community on the NELAC process and standards; and (2) provide advice, information, and recommendations to the EPA Administrator, Office of Research and Development, and the Forum on Environmental Measurements (FEM). The Board currently contains 16 members who represent trade associations for the environmental laboratory industry and from EPA's regulated community; environmental public interest groups; academia; federal, local, and tribal governments; and laboratory assessment bodies. The members serve 3-year terms.

## 2. INTRODUCTION OF ELAB MEMBERS AND TELECONFERENCE GUEST IDENTIFICATION

Mr. Speis asked the Board members who were present to introduce themselves and callers to identify themselves.

## 3. REVIEW/APPROVAL OF DECEMBER MINUTES

Mr. Speis asked whether there were any changes to or comments on the December 2010 meeting minutes; there were none. Dr. Reza Karimi made a motion to approve the December 2010 minutes, which Ms. Judy Morgan seconded. The meeting minutes for December 2010 were approved unanimously with no discussion.

## 4. SUFFICIENTLY SENSITIVE TEST METHODS

Mr. John Phillips provided an update for the Sufficiently Sensitive Test Methods Rule Task Group's work on the sufficiently sensitive tests methods rulemaking (*40 CFR Parts 122 and 136. National Pollutant Discharge Elimination System [NPDES]: Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting*) in the absence of the Task Group Chair, Dr. Jim Pletl. The rulemaking would codify existing EPA guidance on the use of "sufficiently sensitive" analytical methods with respect to measurement of mercury and extend the approach outlined in that guidance to the NPDES program more generally. The rule was proposed on June 23, 2010, in the *Federal Register* with a 45-day comment period that ended on August 9, 2010. During its prior face-to-face meeting in August 2010, ELAB submitted a letter of concern on the last day of the comment period as a placeholder for later comments. The Board submitted a comprehensive set of comments on October 18, 2010, based on the Task Group's recommendations. The 31 comments generally were negative and reflected environmental laboratories' concerns that the rulemaking was premature because issues surrounding Method Detection Limits (MDL) have not been resolved, and the methods rely heavily on this work being completed. ELAB has requested a face-to-face meeting with EPA Office of Water (OW) representatives to discuss these comments.

Under the proposed rules, EPA would specify that a method is sufficiently sensitive if it meets one of three tests: (1) The method minimum level (ML) is "at or below the level of the applicable water quality criterion or permit limitation." (2) The ML is above the applicable criterion or permit limit, "but the amount of the pollutant or pollutant parameter in a facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge." (3) The method has the lowest ML of the methods approved by EPA under 40 CFR 136 for the pollutant or pollutant parameter. In regard to the third test, the technology has not kept up with water quality standards. ELAB voiced concerns about NPDES data quality objectives (DQOs); method validation; method accuracy, precision, and sensitivity; method selectivity; MDL and ML definitions; and the rule's impact on data cost. In terms of DQOs, ELAB recommended that EPA provide a definition and a set for each analyte, including in NPDES permits or applicable regulations. EPA should retain exclusive discretion over methods validation. The rule is confusing in the area of method accuracy, precision, and sensitivity; sensitivity is an important parameter, but accuracy and precision also are critical, particularly in terms of method compliance. Selectivity is at least as important as sensitivity when choosing method thresholds. The rule also is confusing in regard to the definitions for MDL and ML; for example, the rule defines ML in three different ways. Also, the work of OW's Federal Advisory Committee on MDLs should be completed and included in the rulemaking. ELAB also did not agree with the assessment or conclusions regarding laboratory data cost. Finally, ELAB does not recommend the implementation of the Sufficiently Sensitive Test Methods Rule as written because of the specified concerns.

## 5. METHODS UPDATE RULE

Dr. Jeff Flowers provided a report out for the Laboratory Management Workgroup and explained that the Workgroup was assigned to review and make draft comments for the Board's use concerning *40 CFR Parts 136, 260, 423, et al. Guidelines Establishing Test Procedures for the*

*Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures; Proposed Rule* (Methods Update Rule or MUR). Because of the short notice, the time to complete the assignment was brief. The Task Force scheduled two work sessions in November to form and review the draft comments for consideration by the full ELAB. The Workgroup invited technical assistance from several affected interest groups, and comments were accepted and incorporated into the draft response from the commercial laboratory industry, The NELAC Institute (TNI), laboratory accreditation bodies, standard methods publishers, laboratory product developers, and wastewater laboratories.

The Workgroup and ELAB generally agreed with most elements of the MUR but prepared comments on Tables IB, IC, ID, and II and their footnotes and on Section I (quality assurance [QA]). In terms of Table IB, the Board recommended that EPA clarify distillation requirements and what QA would apply to the standard methods; clean up of referenced elements, including method referenced materials, also was recommended. The use of limits was identified as a key topic for Table IC, and ELAB recommended an update of Series 600 methods within Table ID. In terms of Table II, ELAB recommended that EPA add methods to the holding times for microbiology tests for sludge. The holding times should be a function of the sample and not of the method. Section I provides the full weight of the TNI Standards. The recommendations regarding Section I are that the Agency: (1) use TNI references to replace the 2003 NELAC references; and (2) adopt the QA and quality control requirements listed in the appropriate sections of the consensus body compendium.

All meetings of the Workgroup were open to the public, and minutes were prepared and submitted to the ELAB for review and consideration. The draft submittal was prepared within the original time frame and provided to the full ELAB for its review and discussion. Subsequently, the time frame was extended by EPA, and the Board completed its review and submitted consensus comments to the Agency.

Mr. Scott Hoatson (Oregon Department of Environmental Quality) agreed with the Board's assessment but was curious as to why more metals needed to be included in the CFR with the regulated analytes. Dr. Flowers responded that the CFR was lacking some of the metals that were referenced in the method. Mr. Hoatson noted that not all of the organics are referenced. Mr. Speis explained that ELAB wants to ensure that if a method references an element that is part of the rule, that method should be allowed as well.

## 6. SW-846 POLICY UPDATE

Mr. Speis explained that the SW-846 policy efforts began 2.5 years ago in response to stakeholder concerns regarding SW-846 Update IV. Based on these concerns, ELAB devised recommendations for the Office of Resource Conservation and Recovery (ORCR) to consider. By clarifying how the SW-846 is to be used, states would have information for accreditation updates. The Board made 15 recommendations in the summer of 2008, and there have been many discussions regarding these recommendations between ORCR and ELAB. ELAB is looking for a clear policy on how the updates are released and numbered. The Board's consensus has been obtained on the latest document. Key features of the ORCR draft policy are:
(1) methods availability through the *Federal Register* Notice of Data Availability (NODA);

(2) ORCR commitment to performance-based methods; (3) ORCR's strong recommendation of the use of the SW-846 method, particularly in new monitoring situations; (4) the fact that methods are added following a rigorous technical evaluation and internal and external reviews; and (5) a specific naming convention designed to minimize user confusion. The key to the specific naming convention is in how each of the methods (final, draft, revised, superseded, or withdrawn) are defined. The next step in releasing the SW-846 method policy is final management review before it is posted for comment as part of Update V in the *Federal Register* using NODA.

Dr. Flowers added that the team originally was formed because the states were not uniform in their interpretation and wanted clarity regarding EPA's meaning so that the regulatory community could adopt a unified approach. The goal was to agree on a definition by the methods writer and then take that knowledge and expand it to accreditation bodies so that they could deal with the laboratories in a unified manner.

A participant said that these changes are welcomed and noted that there was a category for "new" methods. He asked whether these definitions are final. Ms. Kim Kirkland (EPA/ORCR) explained that this was part of the new naming convention and all of the method definitions will be revised. "New" means that the method has been updated with the latest changes. She also wanted to clarify that the regulatory process for required methods was not eliminated; under the methods innovation rule, the requirements were removed for those that were not required. Those under 40 CFR 260.11 still must undergo the regulatory process. The draft method is available on the Web site but has not been finalized.

Mr. Ed Askew (Askew Scientific Consulting) explained that he had examined 40 CFR 503, and there may be confusion regarding whether the correct method is used. Mr. Speis replied that there is no restriction on use of the older version of a method, but laboratories are encouraged to update to the most recent method. Mr. Askew noted that although the letter designation may be eliminated or considered insignificant in other areas, it is considered significant for 40 CFR 503. He wondered whether those letter changes that are considered insignificant will impact the ability of wastewater facilities to meet state regulations. Ms. Morgan did not think so, but it may be necessary for ELAB to discuss this with Mr. Lemuel Walker of EPA. The purpose is to communicate more broadly that the latest revision is the most recommended revision and encourage laboratories to move forward with the new method. A possible update of Section 503 may be a new task for ELAB to consider.

## 7. RECREATIONAL WATER QUALITY CRITERIA DEVELOPMENT

Mr. Speis explained that the Board is considering a new topic about which Ms. Patsy Root had made the members aware. Ms. Root explained that EPA is revising the Federal Water Quality Standards (40 CFR 131) and developing new or revised Recreational Water Quality Criteria recommendations per the Beaches Environmental Assessment and Coastal Health (BEACH) Act. Under 40 CFR 131, states create and adopt their own water quality standards, which are reviewed and approved by EPA, or water quality standards are put in place by EPA in those states that have not adopted EPA-approved standards. The BEACH Act was signed by Congress on October 10, 2000, amending the Clean Water Act (CWA) and requiring EPA to conduct

studies associated with pathogens and human health by October 2003. In addition, EPA was required to publish new or revised recreational water quality criteria based on these studies by October 2005. EPA currently is under a consent decree because the Agency did not meet these deadlines. The epidemiological studies were completed in December 2010, and the new criteria will be published by October 2012 with new and/or revised analytical methods.

The environmental laboratory community should be interested in the new criteria because they play a critical role in the CWA and are used in water quality assessments, total maximum daily load determinations, NPDES permitting, and nonpoint source programs. Additionally, new water quality standards and criteria will be accompanied by new or revised analytical methods, and the criteria likely will include *Escherichia coli*, *Enterococci*, and/or Bacteroidales. The new criteria must include at least one rapid (4–6 hour) method (e.g., real-time [RT] PCR for *Enterococci* and/or Bacteroidales). These rapid methods most likely will be used at some but not all beaches, depending on how states designate their use, which probably will focus on high-impact beaches.

Prior to criteria publication, ELAB should consider the following questions: Which beaches will require rapid methods rather than traditional testing (i.e., designated use)? When and where must samples be taken? What time-to-results is expected from a laboratory that uses RT-PCR, particularly with a 6-hour hold time already in place? How will RT-PCR methods be adopted in laboratories? Who will assess the laboratories? When will EPA have assessment criteria? When and how will assessor training occur? Has there been discussion with proficiency testing (PT) providers? How will they be assessed for RT-PCR samples?

In summary, new water quality standards and criteria will be in place by October 2012 for adoption in 2015. Laboratories will need guidance regarding how to adopt the new rapid methods, and assessing bodies will need guidance regarding how to assess PT providers and laboratories that are using RT-PCR methods. Ms. Root is hoping to obtain the answers to at least some of these questions during the BEACH meeting in March 2011.

Dr. Flowers noted that when laboratories analyze for bacteria, they test for living organisms. RT-PCR tests for DNA, so the organisms might not be viable and result in false positives. The connection to human health and disease from a DNA approach is not clear from past studies. Cost is another serious consideration. Closing beaches is a serious topic, and such actions need to be based on strong evidence. There are many questions that have arisen as a result of this issue. Some concerns include the expense of the equipment, long training time, PT concerns during training, sample transport time, budgets, and the ability to provide meaningful public health decisions. Ms. Root agreed that the training was extremely intense.

Mr. Askew noted that RT-PCR machines are being set up in three laboratories in Iowa to monitor combined sewer overflow into rivers. Several different biomarkers (e.g., swine, bovine, poultry) are needed, and some may be regionally specific. He wondered what biomarkers would be used to determine whether a beach should be closed; clarification is needed. If biomarkers are not used, then only positive or negative results can be provided. It is $375 per sample for this type of result, and $575 for a quantitative result. Ms. Root thought that the National Beach Conference sponsored by EPA, which is being held in Miami, Florida, from March 14–17, 2011, would be a good place to obtain clarification.

Ms. Nan Thomey (Environmental Chemistry, Inc.) agreed that Dr. Flowers' point about live versus dead organisms is a perfect example of the importance of selectivity.

Ms. Sharon Mertens (Milwaukee Metropolitan Sewer District) asked whether there had been or would be any opportunities to provide comments to EPA. Ms. Root replied that this has been an ongoing effort, and the Agency had not yet asked for public comment. She was unsure what opportunities would be forthcoming, but per the consent decree, the criteria must be published by October 2012.

Mr. Gil Dichter (IDEXX Laboratories, Inc.) commented that there are many problems with the proposal to use PCR. EPA is compelling states to determine which beaches will use this method, and the 6-hour hold time is critical because of the distribution of some beaches. The cost of the method is phenomenal and considerable expertise is required, which limits the personnel that can perform the test. Additionally, there are problems with the *Enterococci* test. Answers are needed for many of the concerns raised, so it is important that EPA provide the opportunity for public comment when the criteria are published in the *Federal Register*.

Dr. Flowers reiterated that there must be a connection to human health, and previous studies showed that the connection is tenuous. If this connection is not present, then the wrong test has been chosen. Dr. Karimi commented that this has the potential to become emergency response rather than standard laboratory work.

Mr. Speis asked Dr. Michael Wichman if the Association of Public Health Laboratories (APHL) had any comments. Dr. Wichman responded that he would determine whether any comments had been developed yet.

Mr. Jack Farrell made a motion to keep this issue on the ELAB agenda. Dr. Flowers seconded the motion, which passed unanimously. Mr. Speis said that the Board would continue to monitor this issue.

## 8. WORKGROUP REPORTS

Dr. Karimi, in the absence of Mr. Jeff Lowry, explained that the Measurement and Technology Workgroup has been working on the PT frequency issue and recently received new TNI data to review. The Workgroup received the regional responses to the questions that they were asked regarding whether PT was useful to the Drinking Water Program. The Workgroup reviewed the answers during its last meeting and is preparing a report for the full Board for discussion during the February meeting.

Ms. Morgan provided an update regarding the Monitoring Workgroup's activities. The workgroup had been working with EPA's Design for the Environment (DfE) Program on green initiatives and hazardous waste in the laboratory. The goal now is to provide resources on the ELAB Web Site for the environmental laboratory community regarding green initiatives for laboratory hazardous waste. One of the most important initiatives is to reduce hazardous waste, and the waste must be identified before it can be reduced. There will be educational materials, guides, and tools for the laboratory community to help with the effort to reduce hazardous waste. Tools will be designed to identify the hazardous waste streams, provide guidance and options to

manage the streams, and use green alternatives when available via new technologies or chemical substitution. The Workgroup has a basic outline of the activities it will pursue, including: classifying of hazardous chemicals and waste; identifying chemical hazardous substances in the laboratory; identifying techniques, substitutions, and technologies that reduce or eliminate hazardous chemicals; developing guidance for good waste management; and identifying miscellaneous sources of hazardous wastes. The goal is to provide education and assistance to laboratories that may not have good resources to pursue green initiatives.

Dr. Anand Mudambi (EPA/Office of the Science Advisor [OSA]) said that regional laboratories have been working on green initiatives and asked whether collaborating on these efforts would be beneficial to ELAB's efforts. Ms. Morgan expressed interest in collaborating. Ms. Autry added that the lead region right now for similar efforts under the Regional Science and Technology Liaisons is Region 7, so it would be beneficial to utilize this region to coordinate with all 10 regions. Many of the regional laboratories (e.g., Chelmsford, Massachusetts) have noted their green initiative efforts on their Web sites.

Mr. Speis, in following up on the SW-846 issue in response to a question from Mr. Farrell, asked whether the responsibilities would be on ORCR once ELAB provided its approval. Ms. Kirkland responded that this was the case. Ms. Autry recommended that Mr. Speis write a formal letter to ORCR to formally finalize the issue as required by the Federal Advisory Committee Act (FACA). Ms. Kirkland added that the draft must be submitted to the Agency's process, including review by the Office of General Counsel (OGC) and the Assistant Administrator, before it is part of Update V. The goal is to have the process completed by December 2011.

Mr. Farrell thought that the Board was in agreement that it was time to finalize this issue. Dr. Flowers moved to finalize the issue via a formal letter composed by Mr. Speis; Ms. Morgan seconded the motion. The motion passed unanimously.

Mr. Farrell made a motion to accept the SW-846 response, which Dr. Flowers seconded. Mr. Phillips noted that defining DQOs could continue to be discussed as a separate action. Dr. Flowers stated that a table of program needs would solve many of the perennial questions. Problems would be decreased by defining the three parameters. Ms. Autry added that this was the topic of many cross-Agency discussions. Uncertainty and how to calculate it is not well-defined. This is a common conversation within the Agency, and there are many different methods in the literature. Another topic under discussion is how to continue to advance the performance approach and performance-based measurements. DQOs and data quality assessments are important. She recommended that the Board begin discussions to revisit this type of issue. A much broader topic is prompting the current questions. Mr. Farrell explained that this was the reason behind his motion; the SW-846 issue must be finalized because the DQO issue is a much larger topic. The Board voted unanimously to finalize the SW-846 topic while continuing to address the DQO issue.

## 9. OFFICE OF WATER QUALITY SYSTEM RECOMMENDATION UPDATE

Mr. Speis explained that in August 2010, ELAB recommended that OW use the TNI Standards as its quality superstructure for its Drinking Water Certification Program. Mr. Jerry Parr of TNI

completed a comparison of TNI Standards and ISO 17025. OW currently is discussing the recommendation and comparisons. Mr. Speis invited Mr. Greg Carroll (EPA/OW) to provide more details. Mr. Carroll said that there has been additional discussion within the Office of Ground Water and Drinking Water (OGWDW). The next step is to involve OGC to examine the legal aspects and policy implications of this recommendation; this is expected to be completed within the next month. Implementing this recommendation within other EPA offices also is being discussed. The recommendation is scheduled to be discussed during the April 2011 FEM face-to-face meeting. More information will be forthcoming following discussions with OGC and FEM. In response to a question from Mr. Speis, Mr. Carroll said that this issue should be placed on the ELAB's agenda for its August 2011 face-to-face meeting. Ms. Autry added that there will be two FEM face-to-face meetings before ELAB's August 2011 face-to-face meeting.

Mr. Speis explained that this recommendation evolved from a comparison that the Board performed between the TNI Standards and the Drinking Water Certification Manual. The Board recommended that OW use the TNI quality systems structure for drinking water quality systems and retain technical specifications as outlined in the Drinking Water Certification Manual. Mr. Carroll added that OGWDW differs from the CWA Program. He noted that there have been many personnel changes to the CWA Program. Dr. Dick Redding retired, and Dr. Brian Englert no longer is with the program. Ms. Jan Matsuzko has been hired as the new Branch Chief, and Dr. Maria Gomez-Taylor has returned.

Mr. Askew stated that if the TNI Standards as currently written are applied to drinking water quality systems, a subset must be included. Small drinking water plants are concerned because they will not be able to meet these standards as written, and it would double the amount of certification requirements. The Small Lab Advisory Group and the American Water Works Association are following this issue closely.

## 10. OPEN DISCUSSION—NEW OR OLD TOPICS

Mr. Speis called for continued discussion of new or old business. He explained that during the break that preceded the open discussion period, Ms. Morgan was asked to provide an update regarding the U.S. Department of Transportation (USDOT) petition. Ms. Morgan explained that 49 CFR 173.4 deals with shipment of hazardous materials. A new regulation requires drop tests, which affect larger volume samples. The American Council of Independent Laboratories (ACIL) petitioned USDOT to change the regulation. USDOT subsequently determined that the issues raised in the petition warranted a rulemaking change, in either the form of a provision for domestic-only shipments or laboratory exemption. Mr. Speis asked whether USDOT provided interim guidelines while the new rule was being developed. Ms. Morgan explained that laboratories are supposed to be in compliance with the current rule.

Mr. Speis reiterated that stakeholders who have issues that they would like the Board to consider should contact Ms. Autry. She presents such issues to the ELAB members, who evaluate them for action. Many issues that the Board addresses are initiated by the stakeholders. Ms. Autry's contact information is available on the ELAB Web Site.

Ms. Carol Barrick (Mosaic Fertilizer) noted that the numeric nutrient criteria require a significant amount of testing. The U.S. Geological Survey has a persulfate method for total nitrogen that would reduce the 3-hour digestion time to 30 minutes. She asked why this method was not an approved method and how it could receive approval. The method reduces man-hours and waste and allows real-time responses. Dr. Richard Burrows thought that it could be that the method has not been brought to the Agency's attention. Mr. Carroll thought that the best manner for this method to be approved would be to work with Mr. Walker; a program was created to provide increased flexibility within 40 CFR 136 and avoid the alternate test procedure when possible. Ms. Autry added that Mr. Carroll's session the following morning would be an appropriate forum in which to introduce this issue.

Ms. Thomey brought up her concerns about unintended consequences. An unintended consequence occurred under TNI that impedes laboratories that wish to expand their current accreditation. The time for accreditation can be lengthy, during which time the newly purchased, expensive equipment cannot be used, and the laboratories are "in limbo." Additionally, some laboratories may not be aware of this issue before buying the equipment, which can be detrimental to their bottom line. Some laboratories may choose not to upgrade because of the cost of purchasing equipment that will take some time to generate revenue. Clarification may improve the process, and she wondered whether this is an issue appropriate for ELAB.
Mr. Farrell commented that a number of issues are beginning to arise, and he thought that it would be appropriate for the Board to examine this. The Accreditation Body Task Force meeting the following day and the NELAP Accreditation Council meeting on Wednesday would be appropriate venues to discuss this as well. TNI is aware of the issue and is grappling with it. Many people have expressed concerns, and often it depends on accreditation bodies. Ms. Silky Labie noted that the State of Florida has an exception for these types of situations; she will provide the language from the State of Florida to the Board.

Mr. Doug Leonard (Laboratory Accreditation Bureau) stated that ACIL has developed a 5-page white paper to introduce to the National Governors Association regarding solutions for the financial problems of state accreditation bodies. He wondered whether it was appropriate for ELAB to review the paper. The paper discusses methods that will increase quality and speed while reducing costs. Mr. Speis noted that the paper has not been released yet, but the items in the paper are timely and would eliminate many of the issues that the accreditation bodies are experiencing. Ms. Autry stated that if ACIL can approve the paper's release to the Board, it does not have to make the paper public if it is requested not to. Mr. Lowry asked to whom the paper was addressed. Mr. Leonard responded that it was addressed to the National Governors Association. Ms. Autry added that if ACIL is using the paper as a tool to lobby Congress, it would not be appropriate for ELAB to endorse it because of FACA rules. Mr. Farrell made a motion that, if ACIL is able to release the paper to ELAB, the Board members read it and decide at a later meeting whether it is appropriate to address it and determine whether it falls under the Board's charter. Ms. Labie seconded the motion, which passed unanimously.

Mr. Robert Dean (MWH Laboratories) said that in terms of Section 524.3, various accreditation bodies have different lists of methods that vary in length. Laboratories must be accredited by their state for some methods and other states for other methods. It is important for accreditation bodies to be unified.

Mr. George Detsis (U.S. Department of Energy [DOE]) commented on the issue of greenhouse gases and the various methods for analysis. DOE is examining approved or equivalent methods and potential substitutes that do not impair the environment. He asked Ms. Morgan whether her Workgroup was planning to examine methods and procedures that reduce greenhouse gases. Ms. Morgan said that she was interested in receiving information to determine whether it would fit in with the current effort.

Ms. Morgan said that, in regard to the Section 524.3 methods issue, states do not recognize a number of compounds. She thought that ELAB should discuss these issues with OW and determine the intent of the method. Mr. Carroll said that in the case when additional analytes are included in the method beyond those that are regulated, the certification would not preclude or recommend beyond the regulatory realm, so states manage this as they see fit. In terms of the analytes being included in the method, from a technical perspective, they are compatible with the method, but from a regulatory or certification perspective, OW does not speak to the states regarding their inclusion. Ms. Morgan noted that some accreditation bodies only will certify regulated analytes, whereas others will certify regulated and unregulated analytes. Those states that certify only regulated analytes cannot offer reciprocal accreditation.
Mr. Carroll said that because the states will carry an extra burden, OW likely will not require this, although it could encourage this via the regions. Ms. Morgan thought that this would be very helpful because states' accreditation bodies consider EPA's encouragement.

## 11. NEWS/UPDATES FROM DFO

Ms. Autry explained that the FEM held a face-to-face meeting in January 2011. EPA is fostering the development of innovative technology and creative problem-solving. The Agency accepted proposals related to this goal; 21 proposals were submitted that foster research and move innovative technology forward. Three of the proposals were funded for 1 year. One grantee reported to FEM at the face-to-face meeting its work on field nitrogen sensors and their applicability and benefits and reported that it hopes to expand its efforts to phosphorous in the future. This was an excellent opportunity for FEM to learn how the funding was beneficial. Two other topics that FEM discussed were the uncertainty issue and monitoring assessment. FEM has examined monitoring programs across the Agency, created a monitoring inventory, assessed needs and gaps, and identified methods by which to fill the needs and collaborate. The efforts will be presented to the Science and Technology Policy Council on March 16, 2011. This is a significant step forward in engaging senior EPA leaders. Ms. Autry thought that it would be beneficial for ELAB to consider innovative environmental technologies. Many barriers, internal and external to the Agency, exist to truly foster innovative technology and its use. It is necessary to ensure that EPA's programs are not barriers to this effort. FEM is trying to ensure that the proper systems are in place to foster innovation. She asked ELAB to consider whether it can pursue efforts parallel to those of FEM.

## 12. REVIEW ACTION ITEMS

Mr. Speis and Ms. Kristen LeBaron (The Scientific Consulting Group, Inc.) reviewed the action items identified during the meeting, as detailed in Appendix C.

## 13. CLOSING REMARKS/ADJOURN

Citing no additional comments or issues, Mr. Speis adjourned the meeting at 4:26 p.m.

Attachment A

AGENDA
ENVIRONMENTAL LABORATORY ADVISORY BOARD
Face-to-Face Meeting/Teleconference: 866-299-3188/9195415544#
Hyatt Regency Savannah, Savannah, Georgia
January 31, 2011; 1:30 – 5:00 p.m. EST

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|---|---|---|
| 1:30 p.m. | Opening Remarks | Autry/Speis |
| 1:35 p.m. | ELAB Members & Guest Introduction | All |
| 1:40 p.m. | Review/Approval of November Minutes | All |
| 1:45 p.m. | Sufficiently Sensitive Methods | Phillips |
| 1:55 p.m. | Methods Update Rule | Flowers |
| 2:05 p.m. | SW-846 Policy Update | Speis |
| 2:15 p.m. | Recreational Water Quality Criteria Development | Root |
| 2:25 p.m. | Workgroup Reports<br>- Monitoring Workgroup<br>- Measurement Technology Workgroup | <br>Morgan<br>Karimi |
| 2:45 p.m. | Office of Water Quality System Update | Speis |
| 3:00 p.m. | Break | |
| 3:30 p.m. | Open Discussion—New or Old Topics | All |
| 4:30 p.m. | News/Updates from the DFO | Autry |
| 4:45 p.m. | Review Action Items | Speis/Autry |
| 5:00 p.m. | Adjourn | Speis |

Attachment B

## MEMBERSHIP LISTING AND GUESTS

ELAB MEETING
**January 31, 2011; 1:30 – 5:00 p.m. EST**

| Attendance (Y/N) | Name | Affiliation |
|---|---|---|
| Y | Mr. David (Dave) N. Speis (Chair) | Accutest Laboratories<br>Representing: American Council of Independent Laboratories (ACIL) |
| Y | Ms. Judith (Judy) R. Morgan (Vice-Chair) | Environmental Science Corp.<br>Representing: Commercial Environmental Laboratories |
| Y | Ms. Lara P. Autry, DFO | U.S. Environmental Protection Agency<br>Representing: EPA |
| Y | Dr. Richard Burrows | Test America Inc.<br>Representing: Commercial Laboratory Industry |
| N | Mr. Eddie Clemons, II | Practical Quality Consulting Services<br>Representing: Clients of QS Services |
| Y | Mr. John (Jack) E. Farrell, III | Analytical Excellence, Inc.<br>Representing: The NELAC Institute (TNI) |
| Y | Dr. Jeff Flowers | City of Maitland, Florida<br>Representing: Elected Officials of Local Government |
| Y | Dr. Reza Karimi | Battelle Memorial Institute<br>Representing: Nonprofit Research and Development Organizations |
| N | Dr. H. M. (Skip) Kingston | Duquesne University<br>Representing: Government Consortiums, Native Americans, and Academia |
| Y | Ms. Sylvia (Silky) S. Labie | Environmental Laboratory Consulting & Technology, LLC<br>Representing: Third Party Assessors |
| Y (via teleconference) | Mr. Jeffrey (Jeff) C. Lowry | Environmental Resource Associates<br>Representing: Proficiency Testing Providers |
| Y | Mr. John H. Phillips | Ford Motor Company<br>Representing: Alliance of Auto Manufacturers |
| N | Dr. James (Jim) Pletl | Hampton Roads Sanitation District<br>Representing: Municipal Environmental Laboratories |
| Y | Ms. Patsy Root | IDEXX Laboratories, Inc.<br>Representing: Laboratory Product Developers |
| Y | Ms. Aurora Shields | City of Lawrence, Kansas<br>Representing: Wastewater Laboratories |
| Y (via teleconference) | Ms. Michelle L. Wade | Kansas Department of Health and the Environment<br>Representing: Laboratory Accreditation Bodies |
| Y | Dr. Michael D. Wichman | University of Iowa Hygienic Laboratory<br>Representing: Association of Public Health Laboratories (APHL) |

| Attendance (Y/N) | Name | Affiliation |
|---|---|---|
| Y | Ms. Kristen LeBaron (Contractor) | The Scientific Consulting Group, Inc. (SCG) |
| Y | Dr. Edward Askew (Guest) | Askew Scientific Consulting |
| Y | Ms. Carol Barrick (Guest) | Mosaic Fertilizer |
| Y | Mr. Greg Carroll (Guest) | EPA/OW |
| Y | Mr. Robert Dean (Guest) | MWH Laboratories |
| Y | Mr. George Detsis (Guest) | DOE |
| Y | Mr. Gil Dichter (Guest) | IDEXX Laboratories, Inc. |
| Y | Mr. Scott Hoatson (Guest) | Oregon Department of Environmental Quality |
| Y | Ms. Kim Kirkland (Guest) | EPA/ORCR |
| Y | Mr. Doug Leonard (Guest) | Laboratory Accreditation Bureau |
| Y | Ms. Sharon Mertens (Guest) | Milwaukee Metropolitan Sewer District |
| Y | Dr. Anand Mudambi (Guest) | EPA/OSA |
| Y | Mr. Glenn (Joe) Pardue, Jr. (Guest) | Pro2Serve |
| Y | Ms. Nan Thomey (Guest) | Environmental Chemistry, Inc. |

Attachment C

## ACTION ITEMS

1. The Board will:

    a. Follow up with Mr. Walker to ascertain whether the SW-846 policy updates will affect 40 CFR 503.

    b. Separate the DQO issues from the SW-846 policy update and continue to address them.

    c. Continue to follow the development of the Recreational Water Quality Criteria.

    d. Approach ACIL regarding its white paper and determine whether it is an appropriate issue for ELAB to address.

    e. Publish the PowerPoint presentation from the face-to-face meeting on its Web site.

2. Mr. Speis will:

    a. Write a letter to ORCR finalizing the SW-846 policy update issue.

    b. Send Ms. LeBaron the meeting PowerPoint presentation via e-mail.

3. Ms. Morgan will:

    a. Connect with Dr. Mudambi regarding EPA regions and their laboratory greening initiatives.

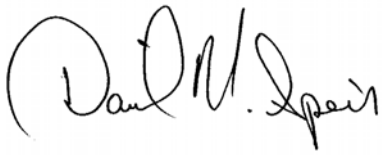
    b. Collaborate with Mr. Detsis regarding greenhouse gas technologies and greening initiatives.

4. Dr. Wichman will obtain input from APHL regarding the Recreational Water Quality Criteria.

5. Ms. Labie will provide the Board with the language regarding Florida's exception for accreditation.

Attachment D

I hereby certify that these are the final version of minutes for the Environmental Laboratory Advisory Board Meeting held on January 31, 2011.



Signature Chair

Mr. David N. Speis

Print Name Chair