

**SUMMARY OF THE  
ENVIRONMENTAL LABORATORY ADVISORY BOARD MEETING  
Teleconference: 866-299-3188/9195415544#  
February 17, 2010; 1:00 – 3:00 PM EST**

The U.S. Environmental Protection Agency's (EPA) Environmental Laboratory Advisory Board (ELAB or Board) teleconference was held on February 17, 2010, from 1:00 to 3:00 p.m. EST. 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 certification of the minutes by the Chair or Vice-Chair is included as Attachment D.

**AGENDA ITEMS:**

**1. OPENING REMARKS/ROLL CALL OF ELAB MEMBERS AND IDENTIFICATION OF GUESTS**

Ms. Lara Autry, Designated Federal Officer (DFO) for the Board, welcomed the members and guests to the teleconference, and Mr. Dave Speis, Chair of the ELAB, called an official roll of the ELAB members and guests. Mr. Speis commented that he was pleased with the open ELAB meeting during the January Forum on Laboratory Accreditation sponsored by The NELAC Institute (TNI) in Chicago, Illinois, which was well attended and included lively, valuable discussion.

**2. REVIEW/APPROVAL OF JANUARY MINUTES**

Mr. Speis asked whether there were any changes or comments to the December 2009 meeting minutes. The following changes were recommended:

- On Page 2, Paragraph 2, "Another critical issue is that the policies..." should be changed to "Another critical issue is that the accreditation policies..."
- On Page 6, Paragraph 2, Ms. Morgan's title should be changed from "Mr." to "Ms."
- On Page 6, Paragraph 2, "Ms. Morgan stated that some states utilize the Methods Updates Rule..." should be changed to "Ms. Morgan stated that for the National Pollutant Discharge Elimination System, some states utilize the Methods Updates Rule..."

A motion to approve the January minutes with these changes was made, which Ms. Judy Morgan seconded. The meeting minutes for January were approved unanimously with the above changes and no additional discussion.

**3. MEASUREMENT/TECHNOLOGY WORKGROUP ACTIVITY**

Mr. Jeff Lowry stated that the presentation made at the January meeting in Chicago went well. The presentation included facts from the workgroup's minutes, and the feedback received was positive. Mr. Speis asked what the next steps were in terms of the performance testing (PT)

issue. Mr. Lowry responded that the ELAB December meeting minutes contain questions and answers regarding the issue, and several questions will be forwarded to the regions. The next step is to compile the questions and forward them to Mr. Greg Carroll of EPA's Office of Water (OW). Mr. Carroll also was going to provide information to the workgroup regarding the individuals responsible for the 6-year review of the data; Mr. Lowry will follow up with him regarding this information.

#### **4. LABORATORY MANAGEMENT WORKGROUP ACTIVITY**

Mr. Gary Dechant reported that he had spoken to Mr. Carroll at the meeting in Chicago, and he is expecting a summary report from ELAB that addresses the issues in the Drinking Water Manual that are not covered in the TNI Standards and vice versa. A conference call is scheduled for the following week for the Small Laboratories Workgroup to discuss some of the events of the Chicago meeting and learn about some recent discussions within the TNI Small Lab Advocacy Group. Mr. Speis asked Mr. Dechant whether, given his employment situation, he would be able to continue to lead the comparison effort; Mr. Dechant was unsure. Mr. Speis will contact Mr. Dechant to discuss a strategy.

#### **5. MONITORING WORKGROUP ACTIVITY**

Ms. Morgan reported that the workgroup met via conference call on the previous day and had a productive discussion about laboratory hazardous waste and green chemistry. Currently, she is waiting for approval from EPA's Design for the Environment (DfE) Program regarding space on its Web site. Although the DfE Program does not have the resources to invest a good deal of time into this effort, it offered the environmental laboratory community Web site space; it will be the workgroup's and ELAB's responsibility to gather the materials and format them appropriately for inclusion on the Web site. During the conference call, the workgroup discussed what types of information should be included and determined that the product should be educational. The members were assigned to gather information regarding hazardous waste streams. The goal is to develop a plan for what the program will be comprised of before the Board's March conference call.

One item that the workgroup did not discuss during the conference call was the U.S Department of Transportation (USDOT) sample shipment regulations. ELAB planned to write a letter of support for the petition that the American Council of Independent Laboratories (ACIL) sent to USDOT at the end of January. Based on the most recent conversation that Ms. Morgan had with USDOT, the petition has "no status"; the individual responsible for processing petitions has been out of the office, and the recent weather in Washington, DC, may have slowed the process. Until the petition has been processed, a letter cannot be written and submitted. Ms. Morgan will continue to follow up with USDOT to determine the status of the petition.

#### **6. SPECIAL WORKGROUP ACTIVITY**

Mr. Speis reported that the Office of Resource Conservation and Recovery (ORCR) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846) policy issue had remained relatively unchanged since the Chicago meeting. There is some confusion regarding

how the revised methods will be lettered. Ms. Kim Kirkland of ORCR provided information that conflicted with the policy that ELAB received; it will be necessary to follow up within the next 1 or 2 months to determine what progress has been made in finalizing the policy.

Mr. Lowry asked whether ELAB's efforts have helped. Mr. Speis thought that they had. Once the policy is in place, the states, particularly NELAC states, will be able to utilize the more definitive policy and encourage the NELAC board to implement a consistent accreditation policy. The wording that includes "strongly advises" was a success.

## **7. NEW ISSUES/UPDATES/ASSIGNMENTS FROM FACE-TO-FACE MEETING**

Mr. Speis reviewed the action items from the face-to-face meeting in Chicago.

1. When ELAB sends its recommendations to EPA regarding ORCR SW-846 method identification, it will ask EPA to forward them to the states, encouraging the states to adopt a policy that allows laboratories accredited to the current version of a method to be accredited to all versions of that method.

Mr. Speis agreed that this suggestion from Mr. David Friedman would be beneficial; the ELAB can recommend this to EPA. Mr. Dechant added that when EPA defines the policy regarding the renumbering versus relettering versus reissuing SW-846 procedures, it will be much easier for this concept to be accepted. Mr. Speis agreed and said that the states should understand that revisions that do not affect data comparability should not require reaccreditation.

Mr. Lowry asked whether the workgroup would draft the letter. Mr. Speis was unsure; there will be more discussions with ORCR, and this issue could be raised during these discussions. He noted that this is not an immediate action item, but it needs to stay in the semi-foreground so it can be moved forward at the appropriate time.

2. Mr. Gary Dechant and Dr. Ed Askew will discuss the OW/TNI Standard comparisons to ensure that the proper groups within the American Water Works Association (AWWA) can contribute to the comparison discussions.

Mr. Speis thought that AWWA had been involved, and Mr. Dechant explained that a representative of AWWA from California had attended most of the conference calls and helped with the review. Mr. Steve Via of AWWA attended several conference calls as well. AWWA was aware of the review and was invited to attend all conference calls. Several individuals from AWWA indicated to Mr. Dechant that there is a paper available with AWWA's own comparisons, but Mr. Dechant has been unable to locate this paper. He mentioned that communication is a problem within AWWA because it is such a large organization.

Noting that numerous, different organizations participated in the comparison, Mr. Jack Farrell asked Mr. Dechant if he thought there was good stakeholder participation; Mr. Dechant confirmed that there was good participation. Mr. Farrell thought this indicated that the group should move forward. Mr. Dechant agreed and explained that part of the previous concern was that the comparison would be used to promote the TNI standards to replace the certification manual; because this was not the purpose of the review, these concerns have been allayed. Mr. Speis added that from his point of view, AWWA was involved. Mr. Dechant will contact

Dr. Askew and explain AWWA's involvement and connect him to the representative from California.

3. The Monitoring Workgroup will write a letter of support to USDOT regarding the rulemaking petition for 49 CFR 173 initiated by ACIL.

Ms. Morgan provided an update on this issue during the workgroup updates.

4. In terms of follow-up on the PT issue, the workgroup will:
  - a. Research the impact of PTs on small laboratories.
  - b. Focus on whether PTs are useful to demonstrate laboratory performance.

Mr. Speis noted that this issue could fall under either Mr. Dechant's or Mr. Lowry's workgroup. The general concern of the Board is whether PTs are useful to demonstrate laboratory performance, and more work is needed before conclusions and recommendations can be developed. It is possible that Mr. Carroll's group can provide information that will help answer this question. Mr. Lowry agreed that the information could be used to address this issue. Mr. Dechant noted this is too large of an issue to be dealt with in the comparison document and should be addressed on its own. Mr. Speis stated that addressing this action item will be an evolving process as more information is obtained from the Small Laboratories Workgroup and as the Board works through some of its questions on the utility of PTs.

Mr. Speis asked whether the Board members had seen the Association of Public Health Laboratories (APHL) letter that he thought had been sent to the White House; the letter was in fact sent to Ms. Lisa Heinzerling, Associate Administrator of the Office of Policy, Economics, and Innovation (OPEI). It may be appropriate for ELAB to examine the letter. Dr. Michael Wichman provided a brief summary of the letter, which came about because APHL staff participated in the White House Stakeholder Briefing: The Public Health Benefits of Clean Energy Reform. The letter asks EPA to establish a new office of laboratory science and practice, with leadership across EPA and federal agency laboratory initiatives. The goal is the coordination of laboratory issues. Mr. Farrell's impression was that the goal was to establish an office to manage laboratory accreditations across programs; other Board members agreed. Ms. Autry explained that this was a common inference, whether that was the intent of the letter or not. In some respects, EPA's reaction is that a central group across the Agency already is in place that addresses issues relating to accreditation. Because not all ELAB members had seen the letter, Mr. Lowry recommended that it be made available to the entire Board and a discussion of whether it is appropriate for ELAB to respond be added to the agenda for the March conference call. Mr. Speis agreed; he will distribute the letter to the Board members so that it can be discussed during the next conference call. Ms. Morgan asked Ms. Autry for clarification regarding the office within EPA that has oversight for accreditation. Ms. Autry responded that there is a program within the Office of the Science Advisor that addresses cross-Agency accreditation issues. Whether it performs to the scale that APHL intended in its letter and whether that is reasonable, given the statutory authority of the Agency, need further discussion. EPA will respond to the letter within the next few weeks. Although the letter was written to OPEI, OPEI may not be the most appropriate office to respond, but it most likely will coordinate the response. A group of 10 to 12 people within EPA are addressing the letter. She explained that if the Board wanted to provide comment to EPA regarding the letter, that would be appropriate, but she cautioned that EPA's response already would be moving forward before the

Board's next conference call. Another option is for the Board to wait and include EPA's response in its discussion, which Dr. Wichman will be receiving and can share with the Board.

Ms. Autry explained that the Office of Cooperative Environmental Management, which manages EPA's federal advisory committees, has been asked by EPA's Administrator to compile a list of all of the current work, tasks, and charges that exist within the Agency's federal advisory committees and link them to the Administrator's seven priorities, which are to take action on climate change, improve air quality, assure safety of chemicals, clean up communities, protect America's waters, expand the conversation on environmentalism and working for environmental justice, and build strong state and tribal partnerships. Ms. Autry will report any ELAB tasks that address any of these seven priorities. Mr. Speis asked what Ms. Autry would be including in her report. She responded that ELAB is different than many other federal advisory committees, which generally are given a specific charge to address by the Agency and then are dissolved when the task is completed. ELAB does not receive specific charges from EPA; instead, the Board develops them from a variety of outlets and stakeholders. In terms of how the Board supports the seven priorities, ELAB's work on the SW-846 policy helps states interpret EPA's document more clearly, which in turn helps build strong state partnerships. The comparison document between TNI standards and the Drinking Water Manual falls under protecting America's waters. The PT issue can be placed under various priorities. The green chemistry issue addresses the safety of chemicals and can be added as an emerging issue on which the Board is beginning to focus.

Finally, ELAB's members and Ms. Lynn Bradley and Ms. Patsy Root discussed the requirements for submitting an application to join EPA's newly launched Water Laboratory Alliance (WLA), which is part of the Environmental Response Laboratory Network, and the various invitations that the member organizations had received. Ms. Morgan thought that the solicitation had changed substantially since its original release in September 2009. Applications from state, federal, and commercial laboratories are due on March 30, 2010. Ms. Root explained that a WLA representative would be attending the August face-to-face meeting.

## **8. REVIEW ACTION ITEMS/ASSIGNMENTS**

Mr. Speis and Ms. Kristen LeBaron of The Scientific Consulting Group, Inc., summarized the action items identified during the meeting.

A detailed list of ELAB action items can be found in Attachment C.

## **9. CLOSING REMARKS/ADJOURN**

Citing no additional comments or issues, Mr. Speis adjourned the meeting at 2:04 p.m.

## **Attachment A**

AGENDA  
ENVIRONMENTAL LABORATORY ADVISORY BOARD  
Monthly Teleconference: 866-299-3188/9195415544#  
February 17, 2010; 1:00 - 3:00 p.m. (EST)

Opening Remarks	Autry/Speis
Roll Call of ELAB Members and Identification of Guests	Speis
Review/Approval of January Minutes	Speis
Measurement/Technology Workgroup Activity Proficiency Testing Issue	Lowry
Laboratory Management Workgroup Activity TNI Standard Comparison With Drinking Water Program Small Laboratory Workgroup	Dechant
Monitoring Workgroup Activity Green Chemistry Sample Shipment Regulations	Morgan
Special Workgroup Activity Follow-Up on SW-846 Issue	Speis
New Issues/Updates/Assignments From Face-to-Face Meeting	All
Review Action Items/Assignments	Speis
Closing Remarks/Adjourn	Autry/Speis

**Attachment B****MEMBERSHIP LISTING AND GUESTS**

ELAB TELECONFERENCE  
February 17, 2010; 1:00 p.m. – 3:00 p.m. EST

<b>Attendance (Y/N)</b>	<b>Name</b>	<b>Affiliation</b>
Y	Mr. David (Dave) N. Speis (Chair)	Accutest Laboratories Representing: American Council of Independent Laboratories (ACIL)
Y	Ms. Judith (Judy) R. Morgan (Vice-Chair)	Environmental Science Corp. Representing: Commercial Environmental Laboratories
Y	Ms. Lara P. Autry, DFO	U.S. Environmental Protection Agency Representing: EPA
N	Dr. Richard Burrows	Test America Inc. Representing: Commercial Laboratory Industry
Y	Mr. Gerald (Gary) Dechant	Analytical Quality Associates, Inc. Representing: Data Users
Y	Mr. John (Jack) E. Farrell, III	Analytical Excellence, Inc. Representing: The NELAC Institute (TNI)
N	Dr. Jeff Flowers	City of Maitland, Florida Representing: Elected Officials of Local Government
N	Dr. Reza Karimi	Battelle Memorial Institute Representing: Nonprofit Research and Development Organizations
N	Dr. H. M. (Skip) Kingston	Duquesne University Representing: Government Consortiums, Native Americans, and Academia
Y	Mr. Jeffrey (Jeff) C. Lowry	Environmental Resource Associates Representing: Proficiency Testing Providers
N	Mr. Orval Osborne	Creek Environmental Laboratories, Inc. Representing: Small Laboratories/Native Americans
N	Mr. Glenn (Joe) J. Pardue, Jr.	Pro2Serve Representing: Clients of QS Services
Y	Dr. Jim Pletl	Hampton Roads Sanitation District Representing: Municipal Environmental Laboratories
N	Ms. Nan Thomey	Environmental Chemistry, Inc. Representing: Owners of Full Service Laboratories
Y	Mr. Rock Vitale	Environmental Standards, Inc. Representing: Third Party Assessors
Y	Dr. Michael D. Wichman	University of Iowa Hygienic Laboratory Representing: Association of Public Health Laboratories (APHL)

<b>Attendance (Y/N)</b>	<b>Name</b>	<b>Affiliation</b>
Y	Ms. Kristen LeBaron (Contractor)	The Scientific Consulting Group, Inc. (SCG)
Y	Ms. Lynn Bradley (Guest)	EPA/OEI
Y	Ms. Patsy Root (Guest)	IDEXX Laboratories



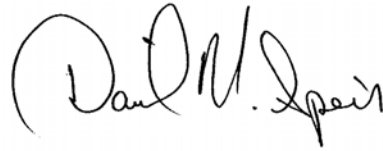
## **Attachment C**

### **ACTION ITEMS**

1. Mr. Lowry will follow up with Mr. Carroll of EPA regarding the information that he will be providing to the Measurement/Technology Workgroup.
2. Mr. Dechant will contact Dr. Askew regarding the AWWA's past involvement in the Drinking Water Manual and TNI standards comparison discussions and connect him with the representative from California who attended the conference calls.
3. Mr. Speis will contact Mr. Dechant and discuss the next steps regarding the Drinking Water Manual and TNI standards comparison.
4. Ms. Morgan will follow up with the USDOT regarding the status of the 49 CFR 173 rulemaking petition and initiate the letter of support when appropriate.
5. Mr. Speis will follow up with ORCR regarding the SW-846 policy.
6. Mr. Speis will send the APHL letter to the Board members so that it can be discussed during the March teleconference.
7. Ms. Kristen LeBaron of The Scientific Consulting Group, Inc. will make the changes to the January face-to-face meeting minutes and forward them to Ms. Autry.

## Attachment D

I hereby certify that this is the final version of the minutes for the Environmental Laboratory Advisory Board Meeting held on February 17, 2010.

A handwritten signature in black ink, appearing to read "David N. Speis", is written over a light blue rectangular background. The signature is fluid and cursive.

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Signature Chair

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Mr. David N. Speis

Print Name Chair