

**SUMMARY OF THE
ENVIRONMENTAL LABORATORY ADVISORY BOARD MEETING**

Teleconference: 866-299-3188/9195415544#

February 18, 2009; 1:00 – 3:00 PM

The Environmental Laboratory Advisory Board (ELAB or Board) regular teleconference was held on February 18, 2009 from 1:00 to 3:00 PM EDT. The agenda and attachments for this meeting are provided as Attachment A, a list of meeting participants is provided as Attachment B, and action items are included as Attachment C. Attachment D, was deleted based on the Board's decision at the March 18, 2009 meeting that it was premature to include this white paper prior to developing a policy for such publication. The official signature of the Chair or Vice-Chair is included as Attachment E.

AGENDA ITEMS:

1. OPENING REMARKS/ROLL CALL

Ms. Lara Autry led the roll call of members and guests in attendance. Guests included Ms. Paula Hogg from HRC, Mr. Stuart Nagourney from the New Jersey Department of Environmental Protection (NJDEP), as well as Dr. Ray Merrill, Ms. Jennifer Colby, and Ms. Donna Tedder from Eastern Research Group, Inc. (ERG).

2. REVIEW AND APPROVAL OF JANUARY MEETING MINUTES

Dr. Jeff Flowers began the meeting with the approval of the minutes from December and January's ELAB meetings. Dr. Flowers had submitted comments via email for changes to the minutes, which have been addressed. Mr. Jack Farrell led the motion to approve the two sets of minutes as amended. Dr. Reza Karimi seconded the motion, which was unanimously accepted.

3. FOLLOW-UP FROM THE MIAMI MEETING (KEY TOPICS)

A. TNI Standard Comparison with Drinking Water Program

Mr. Gary Dechant led the conversation on the current progress of the comparison document currently under review. The first meeting to review the document will be held on Friday, February 20, 2009 at 11:30 a.m. Fifteen ELAB members and stakeholders are involved in the meeting; Ms. Nan Thomey has requested to be removed from the list because of a prior commitment, but Mr. Jack Farrell has volunteered to take her position in the meetings.

Mr. Dechant described the approach he expects the workgroup will take for the review process. The comparison document was converted to a spreadsheet and each row was given a unique line number. ERG will maintain the table and its revisions. Table updates will be distributed with cells locked and protected from change. Comment columns will be unlocked to allow workgroup members to make notes on their copies between

revisions. The workgroup's ultimate task is to make sure the table fully represents both laboratory certification documents being reviewed. The Board will be given the final document, as well as any additional comments and white papers, for review.

Mr. Farrell reported that the NELAC Institute (TNI), at their last Board meeting, established a workgroup to review the two standards. The workgroup includes TNI members from the TNI Board, Policy Committee, Consensus Standard Development Body, and some TNI staff. TNI has taken the request from ELAB seriously and will provide comment, cooperation, and assistance as needed. Mr. Dechant was told that Paul Junio and Kristen McCracken from TNI that will join the call. Mr. Dechant added that Mr. Bob Wyeth has been added to the list of invitees as well. Mr. Dechant reiterated that the workgroup will not be making any decisions. They will be providing a clear representation of the TNI and Office of Water (OW) Drinking Water Standard.

Dr. Flowers asked Mr. Dechant if the American Water Works Association (AWWA) would also be involved in the call on Friday. Mr. Dechant replied that two members will be joining the call, Mr. Steve Via and another member in California. AWWA, as well as TNI and ELAB will be present. OW will also have three representatives present on the call. These three representatives are on the OW laboratory certification team. Dr. Michael Wichman, representing State issues, added that there is a subcommittee looking into State issues that will also be examining the document to provide comment. Mr. Dechant replied that if any of the members of Dr. Wichman's subcommittee would like notification of the calls, Dr. Wichman should let him know so they can be included.

Dr. Flowers stated his belief that the workgroup will benefit from all the different ideas and perspectives that will be provided by the variety of groups involved. He asked if Mr. Dechant has considered holding more than one meeting per month. Mr. Dechant replied that he would evaluate the group's progress after the first few meetings and decide then if more frequent calls are necessary. His goal is to have a completed comparison document to submit to ELAB for the face-to-face meeting in August. If more than one meeting per month is required to accomplish this, then that's what the workgroup will do. His initial approach is to go through the document in two passes: the first to identify the issues or items that are easy to fix or do not need to be fixed and the second to have members deal with the more difficult topics.

Dr. Ray Merrill added that he has been working with Mr. Dechant to create the spreadsheet for use during the workgroup meetings. He recommended including an archive of individual workgroup member comments in the final comparison prepared for ELAB review. ELAB will have the benefit of workgroup member comments and opinions. Mr. Dechant agreed that this will be a good way to manage the columns and that he hopes the members would all be willing to share their comments.

B. Method Identification Issue with SW-846

Ms. Autry asked if the Board members had received and read the email she sent regarding her conversation with Ms. Kim Kirkland from the Office of Solid Waste

(OSW) and the department's effort to address the issues discussed at the January meeting. OSW has been restructured into an entirely new division and is in the process of physically moving their offices, so Ms. Kirkland will not be available to join the conference calls until the office is in its new location. With the restructuring, Mr. Matt Hale and Ms. Maria Vickers, senior managers in OSW, will remain senior leaders within the division, so the support from senior level management in OSW has not diminished. Ms. Lee Hoffman is no longer involved and OSW is currently working to bring the person filling her role up to speed on the issue.

Dr. Flowers stated that he had not arranged any new activity with the Tiger Team on this topic since OSW was reorganizing. He will restart the Tiger Team efforts during the month of February to prepare for the next conference call. OSW will be invited to the subsequent Tiger Team conference call. The Board had a plan at the Miami meeting and Dr. Flower's goal is to stick to that plan. Mr. Farrell asked Ms. Autry when would be an appropriate time to plan a meeting in Washington, D.C. to meet with members of OSW. She replied a month should be sufficient time for OSW folks to settle into the new division and anytime after the next ELAB call would be appropriate for the team to have its call with Ms. Kirkland. She recommended arranging a call in mid-April. Mr. Farrell suggested to Dr. Flowers that the Tiger Team work backwards from the mid-April call with OSW to develop a timeline and accomplish Tiger Team tasks before the OSW call.

Ms. Autry added that the restructuring has delayed the group's efforts for a couple of months, but the dynamic and the goal have not changed. Dr. Flowers replied that his impression from the January meeting was very positive and a great deal was accomplished. Ms. Autry added that she needs to forward the minutes from the January meeting to OSW now that they have been approved.

C. ELAB Web site Update

Ms. Autry added that the ELAB Web site is up-to-date as far as the charter, member contact list, and the meeting minutes. She will be requesting the minutes approved at this meeting be posted at the Web master's earliest opportunity. The Web site is missing is a list of hot topics and workgroup issues that ELAB is currently pursuing. Topic summaries can be posted when she sends the message to add the January meeting minutes. Ms. Autry needs these items from ELAB members to submit as Web site updates once a month, typically the last week of the month. For example, if the OSW issue is a hot topic, items such as white papers, presentations at the face to face meeting, and other materials relevant or related to ELAB activity on this subject can be posted on the Web site to give access to the most recent ELAB activities.

Dr. Flowers requested that it be a standing order to summarize columns from the standard comparison paper in an update for the Web site so those members not in attendance can review the comments ELAB is developing. Ms. Autry added that there is a section of the Web site for reader comments. If any comments are sent to the Board through the Web site, she will forward them to the entire Board. Mr. Dechant stated that the table summary could be updated, however an update from a Friday call may not be completed by the

following Monday. Ms. Autry replied that she could delay sending the updates to the Web site by a week to accommodate Mr. Dechant's schedule. She offered to make the update to the Web site approximately one and a half weeks after the ELAB monthly meeting. Mr. Dechant agreed this would be a better schedule.

Dr. Flowers asked also if presentations from the January meeting would be posted. Ms. Autry replied that these presentations are posted on the TNI Web site, but they can be added to ELAB's as well. Dr. Flowers suggested that Mr. Dave Speis's presentation was especially good and would like it posted on the ELAB Web site.

D. Proficiency Test Frequency Update/Discussion

Dr. Flowers cited the white paper he wrote that Ms. Autry sent to the Board, acknowledging that members may not have had the opportunity to read it. He summarized the paper as a collection his thoughts reviewing topic. Dr. Flowers asked Mr. Lowry if there were any new data available, especially regarding the Maine study. Mr. Lowry replied that it does not appear that the Maine study will yield enough data because of the number of participating laboratories. Another potential study mentioned at the Miami meeting is being considered. Dr. Wichman expressed appreciation for the summary and asked about the next step for the Board on these issues. Would the Board recommend revisions to the TNI standard based on these findings?

Dr. Flowers replied that this effort and the OW/TNI Standards for certification or accreditation and proficiency test frequency are intertwined. The Board will be making its recommendation to EPA on consistency with the TNI standard or promotion of a single proficiency test frequency for certified drinking water laboratories. He wanted to get his paper into the Board's hand as soon as possible so that members will be thinking about the topic, and possibly encourage other thoughts or white papers from Board members. The Board's ability to reach a consensus will be greatly benefited by the diverse thoughts from the Board. Examples of information available to aid ELAB's formulation of recommendations to EPA include the information provided by Ms. Judy Morgan's survey, as well as the statistical information that the TNI subcommittee created.

Dr. Flowers asked if it would be appropriate to post his white paper on the ELAB Web site as a hot topic. Dr. Jim Pletl stated that the paper is valuable in reaching a resolution; however, the appropriate disclaimers will need to be added, stating that the paper is not ELAB's recommendation but just one source that the Board is using to reach its decision. Mr. Dechant expressed his concern that posting documents to the Web site will prematurely indicate an ELAB consensus. Ms. Autry stated that in addition to the appropriate disclaimers, there will need to be Board consensus to post the document in the public domain on the Web site. Ms. Thomey suggested labeling the document as a draft working document for discussion. Mr. Farrell added that since he has not had a chance to review the document, more discussion is needed before it can be posted.

Mr. Dechant stated that he does not have a problem posting the document as long as the document is clearly identified as a white paper from Dr. Flowers and not from ELAB. Mr. Orval Osborne supports posting the document with the appropriate disclaimers to let people know what ELAB is working on. Ms. Thomey supported posting Dr. Flowers' white paper now and added that if posted, interested parties can provide input before the Board makes its final decision and recommendation. Based on the Board's discussion, Dr. Flowers asked Ms. Autry to post his white paper under hot topics on the Web site and include the cover page with the posting to identify the source and authorship. He asked about the appropriate disclaimer for the paper. Mr. Farrell stated that this and any other white paper disclaimer should:

- clearly define the author
- indicate the document is the opinion of the author
- indicate information is intended to assist ELAB in discussion on the topic
- indicate the information is not an ELAB opinion or recommendation
- public posting of the information is provided to give stakeholders an opportunity to comment on the white paper or the topic to help ELAB's review and recommendation process.

Ms. Autry stated that the Board can work out the language to be added to the white paper over the next week so it can be posted to the Web site by March 2.

Dr. Flowers added that any white paper that is posted should be accompanied by a similar disclaimer. Mr. Lowry agreed to the posting because it provides an opportunity to get feedback from a variety of stakeholders with the stipulation that it carries the appropriate disclaimer. Ms. Thomey suggested that future white papers could be attached to the meeting minutes as a discussion document; this will clearly show that no vote was made to approve the document. Dr. Flowers replied that he was hoping to utilize the structure of the ELAB Web site by posting it separately where it is more publicly available. Ms. Autry replied that the paper can be posted both ways. Including the white paper in the minutes as an attachment connects it to the minutes and covers the Board by indicating that the white paper is not final documentation on the subject.

4. WORKGROUP UPDATES/ASSIGNMENTS (OLD AND NEW)

Ms. Morgan stated that there was no update regarding her workgroup; the workgroup has not met since December. She does have a draft of the current workgroup responsibilities being reviewed by the workgroup prior to posting on the ELAB Web site. She intends to start workgroup calls again beginning in March.

Mr. Lowry stated that his Workgroup missed last week's call due to lack of participation; he hopes to fit another workgroup meeting in by the end of the month. The workgroup did not meet in January. The workgroup began to look at the proficiency test frequency subcommittee data for New Jersey at its meeting in December.

Dr. Flowers reminded the Board that the workgroups can use the ELAB Web site as a communication tool to encourage more interest in the workgroup topics. Mr. Dechant's workgroup update is included in the above discussion on the OW/TNI Standard Comparison Document.

5. NEW TOPICS

A. EPA Membership on the TNI Board

Dr. Flowers stated that the Accreditation Body TNI Committee is developing associate/affiliate membership criteria for NELAP. During the Miami committee meeting, Mr. Joe Aiello gave a presentation of these criteria. Mr. Joe Slaten was present at the meeting and asked if it were possible to create a seat on the Board for EPA; this was well-received by State officials who are looking for the leadership from the agency to justify State-level involvement in the TNI program. The accreditation body committee is considering this recommendation. Mr. Slaten thought ELAB should be aware of this issue and possibly make a recommendation to EPA about becoming a member in this new membership category. Dr. Flowers asked members to consider the issue and be prepared to make recommendations on how the Board should proceed. A position of this type will demonstrate that the Agency is supportive of the national accreditation program. He recommended ELAB should wait until the associate membership position is fully defined before making a recommendation to EPA.

Mr. Lowry asked what the NELAP Board's authority was. Dr. Flowers replied that his impression was that it was like a "confederacy of States" that come together to judge whether or not TNI is fulfilling the tasks set out for them to do. Mr. Farrell added that the NELAP Board's charge is to operate the accreditation program. TNI has a group that established a consensus standards body and a number of programs. The NELAP Board comprises the thirteen accrediting bodies and the NELAP Board's job is to administer the accreditation program. Mr. Lowry asked if the Agency would provide the 14th member. Dr. Flowers replied that a lot of the details are left to be determined. Ms. Autry added that Mr. Slaten works in the laboratory in the Region 3 program and has been an assessor for EPA to recognize accreditation bodies in the State programs. Dr. Flowers indicated Mr. Slaten would not necessarily be the person to accept a potential NELAP membership position.

Dr. Flowers stated that there is currently no plan in place; however, he wanted to get the idea out and solicit input from the Board. Ms. Autry added that there is still a lot to be determined and decided about the alternative membership criteria because there are rules for government officials participating on boards of organizations. The decision on EPA membership will involve how the Board is defined or structured and how the Agency's legal advocates on ethical rules interpret the role of EPA on such a Board. Ms. Autry indicated Mr. Slaten has been pursuing a recommendation for EPA membership on the NELAP Board since late last year. Dr. Flowers reiterated that folks in the room at the meeting where the question was raised were supportive. The idea gained credence with

the State regulatory groups because an EPA position on the NELAP Board would demonstrate the Agency's involvement in accreditation.

B. Chromium

Dr. Flowers asked Ms. Autry to introduce the topic for consideration for the Board. Ms. Autry indicated that Mr. Nagourney from the NJDEP was on the call by invitation from Dr. Flowers to assist the Board with exploring involvement in the hexavalent chromium reference standards issue. This issue is an excellent example of the opportunities presented to the Board by the stakeholder community. Stakeholders can provide the Board with a lot of initial information for the Board to consider. In exploring any new issue, it is important for ELAB members to keep in mind their charter and if it covers the issue in discussion. Anytime that Ms. Autry is presented with a topic, she will forward it to the Board because she is only the Board's conduit for information. The first question the Board should ask before investing a lot of time and effort is if the topic is appropriate to ELAB. If the information provided by stakeholders is sufficient for this determination then ELAB can make the decision to continue, or if the information is not sufficient, then additional questions may need to be asked and information may need to be gathered.

Ms. Autry also stressed that if any ELAB member feels awkward about participating in any portion of the Board meetings that may come up from time to time, please let her know that you want to recuse yourself so it can be noted in the meeting minutes that you did not participate in any discussion of the subject. For example, it's clear from our minutes that Mr. Rock Vitale was not on the call. Because Mr. Rock Vitale felt strongly that this was a topic he should not participate in, he indicated during a prior discussion with Ms. Autry that he would have signed off at this point in the discussion. Ms. Autry stated that whenever a Board member was uncomfortable participating in a discussion for whatever reason, they should let the Board know so the minutes can clearly indicate they were not involved in discussion.

Dr. Flowers referenced the voluminous text that was shared with the Board via email that describes the chromium issue. It is his understanding that there are three methods for analysis of hexavalent chromium. The National Institute of Standards and Technology (NIST) creates standard reference materials, which they validated through their own procedures. NIST is not in any way associated with EPA and it is not ELAB's role to advise NIST. The EPA methods available for analysis of hexavalent chrome include Method 6800 and two OSW methods. There was a lot of discussion about how the three methods compare. Mr. Nagourney was referenced in many of the emails surrounding the issue, so Dr. Flowers felt it would be beneficial for the Board to hear from him about his knowledge and perspective on the topic before the Board makes a decision to take on the issue.

Mr. Nagourney introduced himself as a research scientist from the New Jersey Department of Environmental Protection/Office of Quality Assurance. He started discussion on the topic by describing the history of hexavalent chromium in New Jersey's soil that originated from a time when companies were dumping large amounts of

chromite ore onto northern parts of the State during the 1940s and 50s. A large part of the issue has been determining how the soil should be analyzed. For years there was one preparatory method for the extraction of hexavalent chromium in soil, 3060A, with two options for analysis: Method 7196A and Method 7199. These methods have been employed by New Jersey for years. The issue with these methods has been that over half of the soil samples collected and analyzed by those methods fail method QA/QC, which makes the results difficult to interpret. Mr. Nagourney felt that there needed to be a QA tool to help evaluate this issue. Thus, in 2001, NJDEP began work with NIST to develop such a hexavalent chromium soil standard reference material.

NJDEP selected a candidate site in New Jersey that was contaminated with chromium. NIST recently released NIST SRM 2701, "Hexavalent Chromium in Contaminated Soil." The United States Geological Survey (USGS) prepared the samples. Two round robin analysis projects were conducted after USGS processed the soil. The methods used for analysis were Method 3060A followed by the laboratories' determinative method of choice. The resulting data from this study shows that while the data resulting from determinate Methods 7196A and 7199 are close, the dataset from the Method 6800 determinate method were 35% higher.

Mr. Nagourney described how the current NIST certificate, which was recently made available for sale, certified a value on a certificate only by Method 6800 as the determinative step. However, the appendix to the certificate, which lists all the data generated by the other methods, lists that data as reference values. The certificate serves as a QA tool for future hexavalent chromium analysis.

Dr. Flowers stated that Mr. Nagourney has reported what has happened thus far in regards to the topic of discussion. It is his understanding that NIST went through its process and made the determinate value based on Method 6800, but lists in its appendix reference values from the other two methods. Dr. Flowers asked for clarification on the issue with the NIST certificate and appendix.

Mr. Nagourney referred to communication between Mr. Matt Pamuku and NIST. Mr. Nagourney stated that neither Mr. Pamuku nor Dr. Skip Kingston were part of the project team that designed the study. Mr. Pamuku runs a company that sells isotopically labeled standards that are used for Method 6800. Dr. Kingston is a co-author of the paper that was published in the paper on the round robin analysis of the soil samples published in the Journal of Atomic Spectroscopy in 2008. Mr. Nagourney stated that neither Mr. Pamuku nor Kingston had any role in the organization of the study or in the conclusions other than contributing to the drafted paper. He stated that concerning the NIST certificate, the organization of the certificate, and any conclusions that can be drawn from the certificate should be addressed to NIST. Dr. Flowers stated that was his understanding of the issue.

Mr. Lowry may have misunderstood, but he thought Mr. Pamuku was upset because the values were not set by Method 6800. Mr. Nagourney replied that he was not privy to all of the communications from Mr. Pamuku, but he does know that the NIST certificate

states in Table 4 that the certified value for the reference material was determined by Method 6800. It is clear to him that the only certified value for this reference material originates from the determinative step, in this case Method 6800 analysis. Dr. Flowers added that he was also confused because he thought the same thing as Mr. Lowry. Mr. Lowry asked if the other tables gave certified values by the other methods. Mr. Nagourney then referred the Board to the last paragraph of Appendix A, which he quoted. The only certified values on the certificate are by Method 6800 for hexavalent chromium.

Dr. Richard Burroughs stated that one would think that proponents of Method 6800 would want this information to be included in the certificate—its inclusion would show that the other methods have a low bias as well as bad precision and it would be important for this information to be publicized. Mr. Nagourney replied that he agrees with Dr. Burroughs, but he feels it is disingenuous for NIST to produce a certificate with only Method 6800 data without including the context that the other data provides. This is a certificate based on one product; there are other soils where QA/QC and good recovery is accomplished because the soil chemistry does not produce a reducing environment. The soil type in question for this standard was selected because it caused analysis problems. Dr. Burroughs stated that in that case, the certificate provided shows the other chromium determinative methods in worse light than is really warranted. Mr. Nagourney agreed and stated in his opinion that Methods 7196A and 7199 work in the vast majority of soil types in this country if not in the world.

Given the totality of information, Dr. Flowers is not sure that there is a problem here. For example, the soil in Florida would not present the same problems. An organization would not go to the more costly Method 6800 if it were not really needed. Mr. Nagourney added another bit of the context: the NJDEP did a comparative review of methods two or three years ago. The conclusions are published on the departmental Web site. Chapter 4 is the analytical chemistry section in the publication. The department proposed that with a given soil, the analyst should start with the 7000 methods. If those methods do not provide suitable QA/QC as measured by the spike recovery outside the acceptance limits, then Method 6800 should be used. The conclusion of the internal NJDEP work group was that Method 6800 would provide valuable information when and if the other methods do not provide acceptable data.

Dr. Flowers stated that the objection seemed to be underestimation of the hexavalent chromium content in reducing soils using 7000 series methods, thus leading to data that could jeopardize human health. Mr. Nagourney stated if it is accepted that Method 6800 is going to produce data that is approximately 40% higher, and the health limit is 100, then hexavalent chromium concentrations of 500 would be identified as important by any of these methods since the relative magnitude of the concentration is well above the bias. If the results from the 7000 methods are 70, then it's clear to him what needs to be done.

Dr. Flowers asked if many laboratories were using Method 6800. Mr. Nagourney replied that academic laboratories use this method. NJDEP has certified three laboratories for Method 6800. The method is expensive to run due to the isotopic standards required for the analysis. The method requires a learning curve as well as training, and expensive

instrumentation is required to perform the method. If there were a general need for the method, then the laboratory community would prepare for its use. Both New Jersey and Pennsylvania offer certification for Method 6800. Dr. Burroughs stated that his laboratory does have the method available, but there's not much demand. He suggested that perhaps this is an issue for the regulators to discuss. Commercial laboratories will not use the method unless they are forced to by regulation or project plans. Dr. Flowers added that an agency would know if this method were needed because it appears that their spikes would fail. Several Board members replied that this would depend on how the samples are spiked and the project's data quality objectives.

Mr. Nagourney added that sites in New Jersey have been thoroughly examined for years. People who are actively involved in the remediation of these sites are familiar with the soil chemistry and there is historical test data; therefore, these people would know if the soil was reducing or not. There are tests that can be done, as well, that can determine what is going on with geology of the soil. It is also important to note that if the soil is so reducing that if the equilibrated isotopic spike is added and it quenches 80% or more of the interconversion, then Method 6800 would fail. Method 6800 is a good addition to the toolbox of analytical methods for this type of application, but it is not invulnerable. Also, if soil treatment is being performed that effectively converts hexavalent chromium to trivalent chromium, then Method 6800 will fail in samples with this treatment if there is more than 80% conversion to trivalent chromium.

Mr. Lowry commented that after listening to Mr. Nagourney and having dealt with NIST on several other occasions, he stated the certificate is fine on a technical basis and he cannot see where this issue fits into the charter. Dr. Flowers added that even if the certificate were bad, ELAB does not advise NIST.

Mr. Farrell replied that he thought the issue is being offered as part of the discussion of the identification of OSW and how methods should be retired or replaced by new methods. Mr. Farrell believes Mr. Nagourney is offering information so the Board can continue working with OSW on how it characterizes methods. The method is being offered in the same venue as other new OSW methods. That issue is whether newer methods should be used because of SW-846 update 4 and the other methods should be retired. That is not an ELAB issue since the methods being discussed are applicable in different circumstances and media. The topic of advising NIST is not part of the Board's charter to advise EPA and should not be taken up as a separate issue. The issue may provide information for further discussion with OSW on clarifying uses of SW-846 methods.

Dr. Flowers cited previous emails, in which ELAB was asked to advise OSW to remove the 7000 series methods for analyzing hexavalent chromium. He does not agree with that recommendation given the information that was presented since there are appropriate and proper uses of these methods throughout the country.

Mr. Nagourney stated that he has emailed to Dr. Flowers a copy of the certificate as well as the journal paper so they may be included in the meeting minutes. He added that if the Board needs anything from him in the future, to contact him again.

Dr. Flowers stated that he does not believe that this is an issue that the Board needs to take action on and is only useful as additional information for the SW-846 method identification discussion. He asked the Board members if there was any action they needed to take on the issue. The Board members were in agreement not to take this topic up as a separate issue.

C. Chemistry Limits in Drinking Water

Mr. Lowry introduced a new topic for ELAB discussion: chemistry limits in drinking water. Mr. Lowry is a part of the TNI FoPT subcommittee, which is taking a look at the chemistry limits of drinking water for posting tables. The subcommittee asked Mr. Lowry to discuss the Federal Register Acceptance Limits for Drinking Water Analytes with ELAB. The subcommittee is asking if TNI can share the technical data that it has collected through proficiency tests through ELAB to determine if the current Federal Register limits are truly what should be used. TNI will be working on the data through spring and summer, at which point the subcommittee will be able to provide the data to ELAB, who can provide it to EPA.

Almost all of the limits on the drinking water table are provided by EPA. Part of the issue is that TNI cannot update the limits that the Agency has set by law. For example, regulated volatiles are set at $\pm 20\%$. These analytes have large failure rates at these criteria. The TNI would like ELAB to present the data to EPA to show the performance on proficiency tests samples does not meet current limits and indicates the statutory limits are either too tight or too wide. Dr. Flowers asked if the issue has ever been reviewed by EPA. Mr. Lowry replied that the last group looked into this in the 1990s. If the Board members concur that this is an issue the Board can investigate, he will go back to the TNI subcommittee and let them know. The Board agreed that this is a good idea.

6. REVIEW ACTION ITEMS/ASSIGNMENTS

- Dr. Flowers will work on getting the Tiger Team together again in the next month.
- Ms. Morgan will complete the new tracking table and provide it to the other workgroup chair people for review before she submits it to Ms. Autry to be posted on the Web site.
- Mr. Lowry will report back to TNI on ELAB's concurrence to use PT data to demonstrate laboratory performance related to FoPT and statutory limits
- The Board will work out the language to be added as a disclaimer to white papers put onto the ELAB Web site so Dr. Flowers' white paper can be posted by March 2.

- Ms. Autry will update to the Web site approximately one and a half weeks after the ELAB monthly meeting.

Dr. Flowers emphasized to all of the Board members that they should use this Web site more liberally as a communication tool. It is okay to post a mistake on the Internet. He suggested that Ms. Morgan try to complete the new tracking table for Ms. Autry to post to the Web site as soon as she can.

7. CLOSING REMARKS/ADJOURN

Mr. Matt Pamuku from Advanced Isotope Technologies spoke up and thanked the ELAB members for taking the time to review and discuss the hexavalent chromium issue that was presented earlier. He acknowledged that it is a complex issue with many sides and what he heard of the conversation was very balanced.

Dr. Flowers stated that the Board has a good handle on where it's headed and can accomplish a great deal as it moves forward. The Drinking Water Standard comparison document will be a great tool for the community and he hopes the Tiger Team is able to move ahead with the States and OSW to address the method identification issues.

Attachment A

AGENDA
ENVIRONMENTAL LABORATORY ADVISORY BOARD
Monthly Teleconference: 866-299-3188/9195415544#
February 18, 2009; 1:00 - 3:00 pm (ET)

Opening Remarks	DFO/Chair
Roll Call of ELAB Members and Identification of Guests	Chair
Review/Approval of December and January Minutes	Chair
Follow-up from the Miami Meeting (Key Topics)	All
- Method Identification Issue with SW-846	All
- TNI Standard Comparison with Drinking Water Pgm	ERG/All
- Proficiency Test Frequency Update/Discussion	All
Workgroup Updates/Assignments (Old and New)	All
New Issue – Chromium	All
Review Action Items/Assignments	Chair
Closing Remarks/Adjourn	DFO/Chair

MEMBERSHIP LISTING AND GUESTS**ELAB MEETING****February 18, 2009; 1:00 – 3:00 PM EDT**

Attendance (Y/N)	Name	Affiliation
Y	Dr. Jeff Flowers (Chair)	City of Maitland Florida Representing: Elected Officials of Local Government
Y	Mr. David (Dave) N. Speis (Vice Chair)	Accutest Laboratories Representing: American Council of Independent Laboratories (ACIL)
Y	Ms. Lara P. Autry, DFO	US Environmental Protection Agency Representing: EPA
Y	Dr. Richard Burrows	Test America Inc. Representing: Commercial Lab 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)
Y	Dr. Reza Karimi	Battelle Memorial Institute Representing: Non-profit 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
Y	Ms. Judith (Judy) R. Morgan	Environmental Science Corp. Representing: Commercial Env. Lab.
Y	Mr. Orval Osborne	Creek Environmental Laboratories, Inc. Representing: Small Laboratories/Native Americans
Y	Mr. Glenn (Joe) J. Pardue, Jr.	Pro2Serve Representing: Clients of QS Services
Y	Dr. Jim Pletl	Hampton Roads Sanitation District Representing: Municipal Env. Lab.
Y	Ms. Nan Thomey	Environmental Chemistry, Inc. Representing: Owners Full Service Labs
N	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)
Y (Guest)	Dr. Ray Merrill	Eastern Research Group (ERG)

Attendance (Y/N)	Name	Affiliation
Y (Guest)	Ms. Jennifer Colby	Eastern Research Group
Y (Guest)	Ms. Donna Tedder	Eastern Research Group
Y (Guest)	Ms. Paula Hogg	HRC
Y (Guest)	Mr. Stuart Nagourney	NJ Dept. of Environmental Protection
Y (Guest)	Mr. Matt Pamuku	Applied Isotope Technologies

Attachment C

ACTION ITEMS

1. Dr. Flowers will work on getting the Tiger Team together again in the next month.
2. Ms. Morgan will complete the new tracking table and provide it to the other workgroup chair people to validate it before she submits it to Ms. Autry to be posted on the Web site in the next week.
3. Mr. Dechant will provide a summary to Ms. Autry to be posted on the ELAB Web site of the OW/TNI Drinking Water Standard comparison meeting within a week and a half of the meeting.
4. Mr. Lowry will return to the TNI FOPT subcommittee and inform them that ELAB will help share their PT data for drinking water analytes with EPA when that data are ready.
5. The Board will develop the language to be added as a disclaimer to white papers put onto the ELAB Web site so Dr. Flowers' white paper can be posted by March 2.

Attachment D

This attachment was deleted from the minutes of this meeting at the direction of the Board during the March 18, 2009 meeting.

Attachment E

I hereby certify that these are the final version of minutes for the Environmental Laboratory Advisory Board Meeting held on February 18, 2009.

A handwritten signature in black ink, appearing to read 'J. Flowers', written over a horizontal line.

Signature Chairman

Print Name Chairman

Dr. Jeff S. Flowers