

**SUMMARY OF THE
ENVIRONMENTAL LABORATORY ADVISORY BOARD MEETING
Teleconference: 866-299-3188/9195415544#
May 19, 2010; 1:00 – 3:00 p.m. EDT**

The U.S. Environmental Protection Agency's (EPA) Environmental Laboratory Advisory Board (ELAB or Board) teleconference was held on May 19, 2010, from 1:00 to 3:00 p.m. EDT. The agenda for this meeting is provided as Attachment A, a list of the participants is provided as Attachment B, and action items from the teleconference 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 ELAB, welcomed participants to the teleconference, and Mr. Dave Speis, Chair of the ELAB, called an official roll of the Board members and guests.

2. REVIEW/APPROVAL OF APRIL MINUTES

Mr. Speis asked whether there were any changes to or comments on the April 2010 teleconference minutes. Dr. Michael Wichman asked that instead of stating that the Association of Public Health Laboratories (APHL) would not allow him to share the letter from EPA, the minutes should state that he had not received permission to share the letter.

Mr. Jack Farrell made a motion to approve the April minutes with the requested change; Dr. Reza Karimi seconded the motion. The meeting minutes for April were approved unanimously with the above change and no additional discussion.

3. SW-846 PROGRESS REPORT

Mr. Speis explained that Ms. Kim Kirkland was present in Mr. Jim Michael's place to provide an update on the SW-846 policy statement that Ms. Autry previously forwarded to the Board members. He opened the floor to immediate discussion of the policy statement, noting that his general concern is that the most recent iteration of the policy statement reemphasizes the status quo. It describes the process, but the most significant issue is that it still does not distinguish between minor and major changes, and an editorial modification will result in a letter change to the method number, which would trigger reaccreditation requirements by certain accreditation bodies (ABs). Although EPA does not have control over ABs, the Agency should be somewhat sensitive to community needs regarding this policy and be able to design a statement that takes these needs into consideration and minimizes confusion. The ELAB members agreed with this assessment of the revised policy statement. Mr. Farrell added that although the revised policy statement has been improved and is close to meeting community needs, this particular issue is preventing states from giving the policy genuine consideration. Mr. Speis stated that there is a

considerable amount of excellent language in the revised policy, but the difficulty is that editorial changes should not be treated the same as modifications that change the method precision and accuracy. The Board members agreed that editorial modifications should not change the letter designation of a method.

Ms. Kirkland stated that EPA management reviewed the policy statement and revised it. The inclusion of minor and major examples was rejected because these examples increased confusion. The Agency presented the policy statement to various laboratories and four groups, including the Inorganics and Organics Methods Workgroups. The majority of comments that the Agency received were regarding accreditation issues. EPA is preparing to issue Update V for the methods, with a new link on the Web site. Some editorial changes were made prior to the update's publication on the Web site; because these editorial changes could cause questions, the Agency ultimately decided to change the letter designation. The policy statement states that major changes that could alter the intended outcome and quality control (QC) require issuance of a new method number. Mr. Speis noted that, regardless, the current iteration of the policy statement classifies QC changes in the same category as editorial changes. Ms. Kirkland responded that this was not necessarily the case. She added that it is difficult to outline all of the gray areas in the policy statement with examples, and it is impossible to encompass all major and minor changes. An ELAB member asked whether the laboratories that were consulted are accredited for all of the methods and letter designations. Ms. Kirkland replied that, in addition to EPA laboratories, laboratories in industry, academia, and those that helped the Agency develop the methods were consulted. Mr. Farrell asked whether the laboratories were actual users of the methods; do the laboratories use the methods to generate data? Ms. Kirkland was unsure and promised to find out. She noted that the consensus of these laboratories was that the issue was an accreditation problem; it was not an SW-846 or laboratory problem. Mr. Farrell stated that ABs think that it is an SW-846 problem. Ms. Kirkland answered that the laboratories EPA consulted supported the performance measurement approach and the approach of choosing the best methods that meet the needs.

Mr. Speis read the portion of the policy statement about which the ELAB members had concerns. Mr. Speis noted that bias and precision changes are significant and reiterated that the policy statement classifies editorial changes in the same category as major QC changes. He thought that laboratories that have been through this process would not draw the same conclusions that were described by Ms. Kirkland. He agreed that accreditation and policy issues are different. The Boards' initial request was to make policy changes that would help the laboratory community. The current manner in which the policy is written proliferates the prior confusion, is costly, and creates disorder. Ms. Kirkland recommended that ELAB confer with states that do not have this issue. She does not have the meeting minutes accessible to determine those specific states, but she will research this. An ELAB member stated that a large number of states have this issue, which is the reason it was brought to the attention of the Board. ELAB only chooses topics that are supported by the community and address the community's concerns. The response to this particular issue was greater than any issue investigated by the Board because the cost to the laboratories of complying with the policy is enormous.

Ms. Kirkland stated that during the meetings that she had attended, only three states presented this issue. In her 22 years with the Agency, this is the first time this problem has been presented to her office. EPA has made progress and will issue two versions of updates, one of which will

include redline strikeouts from the previous version so that laboratories can determine specific changes between updates.

An ELAB member noted that the American Council of Independent Laboratories (ACIL) represents the majority of the laboratories that have these concerns and asked why EPA did not consult with the organization on this issue. Ms. Kirkland explained that the policy statement was sent to groups that participate in the annual meeting, but she was willing to allow other groups to evaluate the policy statement.

Mr. Joe Pardue stated that this is a common and real problem among laboratories, which deal with the issue weekly; the topic was brought to EPA because it is a significant issue. Ms. Kirkland did not think that anyone is exploring why it works in the states that do not have this problem. Ms. Nan Thomey explained that it works in those states because they do not accredit to the method letter; however, this applies to a minority of states. Mr. Speis agreed. Ms. Kirkland indicated that EPA is trying to work with ELAB, but there is more than one side to the issue. She maintained that other laboratories understand the approach, which methods to use and when to use them, and produce great results. There are some outliers (e.g., 8000 series methods), but these are the minority.

Mr. Speis proposed ending the discussion and thought that the most appropriate approach is for ELAB to draft a letter to the Office of Resource Conservation and Recovery (ORCR), perhaps to Ms. Maria Vickers. If the policy as currently written moves forward, the same problems will exist. Ms. Kirkland stated that ORCR made several changes to the policy statement based on the ELAB comments. She maintained that many laboratories understand the policy, and the Board is not taking these laboratories into account. Mr. Speis reiterated his initial comment that there are many positive changes in the policy statement; however, classifying QC requirements the same as editorial changes is a critical issue. This issue is outlined in the memo in the second paragraph on page 3 and the first paragraph under the heading “Revised Methods” on the same page. Ms. Kirkland said that the memo specifies “that do not impact data” under Revised Methods. Mr. Speis read the paragraph, which states that the method number changes even if the method is not impacted.

Dr. Karimi explained to Ms. Kirkland that ELAB does not have any personal stake in this issue; it is performing its duties by reflecting the views of the laboratory community and trying to resolve the issue for that community. Ms. Thomey assessed the situation and thought that the underlying problem was that the intent of the memo is being interpreted differently by different entities. The problem that must be addressed is how to clarify the policy statement so that it is interpreted uniformly. Ms. Kirkland agreed. Ms. Thomey added that if all of the laboratories uniformly understand the policy, ORCR’s burden will be reduced.

Ms. Lynn Bradley noted that at least one of the states that accredit to the method letter will require a regulatory process to change its requirements. This type of situation must be taken into account.

Dr. Richard Burrows asked Ms. Kirkland whether ORCR would object to ELAB forwarding the memo to ACIL for its perspective and comments, but Ms. Kirkland had left the call. Dr. Burrows made a motion to send a letter to Ms. Kirkland requesting permission to release the memo to

ACIL; Dr. Jeff Flowers seconded the motion. The motion was unanimously approved. Dr. Burrows volunteered to draft the letter.

Mr. Speis explained that the latest draft of the policy statement was the impetus for today's discussion. Many positive changes were made to the SW-846 policy statement, but the letter designation issue is critical and has not been resolved. Ms. Autry stated that one approach would be for the Board to draft another letter to Ms. Vickers explaining that the ELAB members appreciate ORCR's work and efforts in changing the policy and are encouraged about the progress that has been made, but there is one critical issue that must be resolved: when different groups can interpret the policy differently, it must be clarified before it moves forward. Mr. Farrell made a motion that the Board draft and issue a letter to Ms. Vickers regarding the status of ELAB's questions and concerns about clarifying and simplifying SW-846; the letter will identify the progress made and the agreement points and specifically recommend further changes to resolve how major and minor changes to method development are handled. Dr. Flowers seconded the motion, which was unanimously approved. Mr. Farrell volunteered to draft the letter.

4. MEASUREMENT/TECHNOLOGY WORKGROUP ACTIVITY

The workgroup activities will be reported by Mr. Lowry during the next ELAB meeting.

5. LABORATORY MANAGEMENT WORKGROUP ACTIVITY

Dr. Speis explained that the workgroup had been working on recommendations for the Office of Water (OW); these were sent to the ELAB members the previous day for their review. The recommendations discuss process, findings, and conclusions of the comparison of The NELAC Institute (TNI) Standards and the OW Drinking Water Certification Manual. One recommendation is that OW allow TNI to establish the quality systems standards and superstructure for laboratories performing water analysis. The second recommendation is that OW remove references to quality systems in the Drinking Water Certification Manual so that it becomes a technical specifications manual; this is similar to the manner in which other programs are administered. The recommendations document includes several benefits and conclusions that would be achieved, which are outlined on the final page. These recommendations will be forwarded to Mr. Greg Carroll to facilitate discussions between OW and ELAB.

Dr. Flowers said that he had located the letter referenced in the recommendations document; the letter speaks to reciprocity. Current TNI standards ignore reciprocity, although TNI will work on this aspect. The Board's effort must work with both affected groups, as TNI and OW each should make changes. ELAB should work with both organizations to develop a product that is acceptable to each while meeting national requirements and international standards. The current recommendations are one-sided. TNI has not been able to address this issue because it still is working under the NELAC standards, which will be in effect for 18 more months. The recommendations project reasonable goals, but it should involve TNI as well as OW. Mr. Speis stated that the next step could be to emphasize this fact to OW, and that if both sides do their part, a system that achieves the benefits outlined in the recommendations document can be established. Dr. Flowers made a motion to draft a joint letter to OW and the TNI Board detailing what each organization must do. Both organizations support such an effort; therefore, ELAB's

role should be to facilitate this. Ms. Autry cautioned that ELAB can provide advice only to EPA. It would be appropriate for the Board to send a letter to Mr. Carroll and explain how OW can collaborate with TNI on this issue, copying the TNI Board members, who are welcome to participate in the process. Mr. Farrell stated, as the TNI representative, that TNI would appreciate such a letter and strongly consider a working relationship with OW, with ELAB facilitating.

Dr. Flowers suggested involving Mr. Carroll to determine which issues are important to him before the letter is sent. Mr. Speis explained that he has been invited to contribute to the process in the letter. Recommending that OW take a collaborative approach will add more balance to the letter and the recommendations document. Ms. Autry agreed that this approach was appropriate, particularly given Mr. Carroll's senior management level. Inviting Mr. Carroll to participate in the letter provides the same foundation as inviting him to discuss the letter before it is sent. It also would be beneficial to invite Mr. Carroll to discuss other related issues that OW finds important. Additionally, all of the stakeholders in this issue could be brought together at the Environmental Measurements Symposium in August. Mr. Flowers added that he has spoken to Mr. Carroll, and he is receptive to this effort. Mr. Farrell thought that the crux of the recommendations was that the quality provisions of the TNI Standards could strengthen OW's program. This is a decision that OW will need to make in the future, regarding whether they want to become a program element of TNI.

Mr. Speis thought that the best method to invite Mr. Carroll to participate would be to modify the cover letter to state that "it would be beneficial" to have OW and Mr. Carroll's participation; more balanced recommendations then can be developed. A Board member asked whether TNI Board members also should be invited. Mr. Farrell stated that TNI Board members would be interested in being involved. Dr. Flowers modified his motion to include points made in the above discussion. Mr. Speis restated the motion, which is to modify the draft letter by removing references to "recommendations" and inviting Mr. Carroll to participate in the discussion. Mr. Pardue seconded the motion, which passed unanimously. Mr. Speis will make the modifications to the letter and send it to the ELAB members for their review and approval and then send it to Mr. Carroll. Mr. Farrell volunteered to arrange a meeting, when it is appropriate, between ELAB members and TNI representatives regarding areas of focus for TNI to consider.

6. MONITORING WORKGROUP ACTIVITY

Ms. Judy Morgan reported that the workgroup had not held a conference call since the last ELAB meeting. The workgroup members will discuss what information should be placed on the Design for the Environment Web Site during the next conference call.

7. NEW ISSUES/UPDATES/ASSIGNMENTS

Dr. Karimi asked about the Web site address that EPA established regarding the recent BP oil spill in the Gulf of Mexico. Ms. Autry responded that the address is <http://www.epa.gov/bpspill>.

8. NEWS/UPDATES FROM DFO

Ms. Autry reported that the Forum on Environmental Measurements MDL/MQL/Calibration Workgroup participated in a progressive call the previous week and discussed the glossary that is being developed to accompany the toolbox. The workgroup is examining possible long-term repositories for the glossary and engaged in a positive conversation with a terminology group within the Office of Environmental Information that is not well-known but creates glossaries for internal and external use. The workgroup is exploring the development of its glossary into a format that will work well with the terminology group's system. The ultimate goal is to reduce potential problems that stem from terminology.

Ms. Autry explained that the workgroup responsible for exploring the APHL letter met for the first time earlier that day and is well on its way to addressing each point in the letter. It was a thought-provoking discussion. The workgroup is developing a detailed report about what currently exists within the Agency and what EPA can and cannot do in response to the recommendations in the letter. Regions 1, 2, and 3 and OW currently are involved, but more organizations will be invited, such as the Office of Emergency Management. Dr. Wichman appreciated EPA recognizing and taking action on the letter.

9. REVIEW ACTION ITEMS/ASSIGNMENTS

Mr. Speis summarized the action items identified during the meeting. A detailed list of ELAB action items can be found in Attachment C.

10. CLOSING REMARKS/ADJOURN

Mr. Speis thanked everyone for their attendance and participation and adjourned the meeting at 2:33 p.m.

Attachment A

AGENDA
ENVIRONMENTAL LABORATORY ADVISORY BOARD
Monthly Teleconference: 866-299-3188/9195415544#
May 19, 2010; 1:00 - 3:00 pm (ET)

Opening Remarks	Autry/Speis
Roll Call of ELAB Members and Identification of Guests	Speis
Review/Approval of April Minutes	Speis
Measurement/Technology Workgroup Activity	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
Workgroup Minutes	All
New Issues/Updates/Assignments	All
News/Updates from DFO	Autry
Review Action Items/Assignments	Speis
Closing Remarks/Adjourn	Autry/Speis

Attachment B**MEMBERSHIP LISTING AND GUESTS**

ELAB TELECONFERENCE
May 19, 2010; 1:00 p.m. – 3:00 p.m. ET

Attendance (Y/N)	Name	Affiliation
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
Y	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)
Y	Dr. Jeff Flowers	City of Maitland, Florida Representing: Elected Officials of Local Government
Y	Dr. Reza Karimi	Battelle Memorial Institute Representing: Nonprofit Research and Development Organizations
Y	Dr. H. M. (Skip) Kingston	Duquesne University Representing: Government Consortiums, Native Americans, and Academia
N	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
Y	Mr. Glenn (Joe) J. Pardue, Jr.	Pro2Serve Representing: Clients of QS Services
N	Dr. Jim Pletl	Hampton Roads Sanitation District Representing: Municipal Environmental Laboratories
Y	Ms. Nan Thomey	Environmental Chemistry, Inc. Representing: Owners of Full Service Laboratories
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)

Attendance (Y/N)	Name	Affiliation
Y	Ms. Kristen LeBaron (Contractor)	The Scientific Consulting Group, Inc. (SCG)
Y	Ms. Lynn Bradley (Guest)	EPA/OEI
Y	Ms. Paula Hogg (Guest)	Hampton Roads Sanitation District
Y	Ms. Kim Kirkland (Guest)	EPA/ORCR

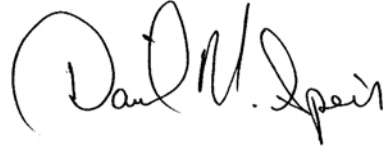
Attachment C

ACTION ITEMS

1. Dr. Burrows will draft the letter to Ms. Kirkland regarding receiving permission to forward the SW-846 policy memo to ACIL.
2. Mr. Speis will modify the cover letter for the OW recommendations, inviting Mr. Carroll to be involved in the discussion. He will forward the modified letter to the ELAB members for their approval before sending it to Mr. Carroll.
3. Mr. Farrell will draft the letter to Ms. Vickers, emphasizing the progress made on the SW-846 policy while highlighting the need for the letter designation issue to be addressed.
4. Ms. Kristen LeBaron of The Scientific Consulting Group, Inc. will incorporate into the April conference call minutes the change concerning APHL's permission to share the letter with EPA and forward the revised minutes 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 May 19, 2010.

A handwritten signature in black ink, appearing to read "David N. Speis", written over a horizontal line.

Signature Chair

Mr. David N. Speis

Print Name Chair