

**SUMMARY OF THE
ENVIRONMENTAL LABORATORY ADVISORY BOARD MEETING
Teleconference: 866-299-3188/9195415544#
June 16, 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 June 16, 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 MAY MINUTES

Mr. Speis asked whether there were any changes to or comments on the May 2010 teleconference minutes; there were no changes. Ms. Judy Morgan made a motion to approve the May minutes with no changes; Dr. Reza Karimi seconded the motion. The meeting minutes for May were approved unanimously with no changes and no additional discussion.

3. SW-846 PROGRESS REPORT

Mr. Speis reported that he had contacted Mr. Jim Michael and discussed meeting in August, giving him the option of holding a session that would be open to the public separate from the Board's open meeting or holding a closed meeting with the same subgroup that originally worked on this issue in March and April 2009; Mr. Michael chose the latter option. Mr. Michael also explained that one reason the language in the policy statement had been changed because EPA attorneys thought it would be difficult to objectively determine and defend the difference between a "minor" and a "major" change. ELAB needs to clearly define these differences and demonstrate that they can be objectively determined and are defensible. This will be the focus of the discussion at the meeting in August. Because the group will meet with Mr. Michael and other members of the Office of Resource Conservation and Recovery (ORCR) to resolve this matter, the letter to Ms. Maria Vickers has been placed on hold. Although the Board had hoped to have this 2-year effort completed by now, the August meeting is an opportunity to develop language with which the attorneys are comfortable.

Dr. Jim Pletl asked when the small group would meet. Mr. Speis explained that it would be scheduled at a time that is amenable to everyone during the Environmental Measurement Symposium, which will be held August 9-13, 2010. Dr. Pletl asked whether this was the only

outstanding issue, and Mr. Speis confirmed that it was. The manner in which the policy statement was written indicated that methods numbering essentially remained unchanged and included minor editorial issues in the same category as substantive issues, such as changes to quality control. Unless the technology changes, the numbering method maintains the status quo. Dr. Pletl suggested obtaining feedback from Mr. Michael regarding the attorneys' specific objections, which would help ELAB determine the best solutions. Mr. Speis agreed that this was a good idea and stated that he would contact Mr. Michael to obtain specific details about this concern as well as information on any additional concerns. The Board members agreed to this approach.

Mr. Speis noted that bringing everyone to the table in August to discuss this issue will be beneficial and bring closure to this effort. Hopefully, the end product will be satisfactory to everyone, including the attorneys.

Dr. Pletl commented that the NELAC Board had developed solutions or accommodations in regard to this issue. Mr. Speis understood that the NELAC Board had formed a subcommittee to deal with this topic. Dr. Pletl thought that the subcommittee already had solved the issue by making accommodations between the groups to alleviate some of the concerns.

Mr. Speis reported that Dr. Richard Burrows had drafted and sent a letter to Ms. Kim Kirkland regarding permission to share the policy statement. Ms. Kirkland responded that Mr. Michael was out of the office, and she wanted to discuss the matter with him. Now that he is back in the office, Mr. Speis will follow up with Ms. Kirkland.

4. LETTER TO THE OFFICE OF WATER

Mr. Speis explained that the letter to the Office of Water (OW) was an action item from the prior month's conference call. The letter has been completed and sent to Mr. Greg Carroll. A meeting between the ELAB members and Mr. Carroll will be arranged for sometime during the symposium in August. Mr. Speis discussed the issue with Mr. Jack Farrell, The NELAC Institute (TNI) representative on ELAB, and Mr. Farrell has briefed TNI personnel about the issue; they are anxious to participate in the process and contribute their efforts to bring about this change. The letter that Mr. Speis sent to Mr. Carroll was basically the same as the version sent to the Board members with the exception of an editorial word change suggested by Ms. Morgan.

5. MEASUREMENT/TECHNOLOGY WORKGROUP ACTIVITY

Mr. Jeff Lowry reported that, regarding the performance testing (PT) issue, he had followed up with Dr. Judy Brisbin, but he still has not received a response. He sent an e-mail to Ms. Wynne Miller and is waiting for her response. He will speak to Mr. Greg Carroll to find out when a response is expected. The workgroup has met twice and is examining safe drinking water performance evaluation data from TNI. The group will meet in August and expects to have developed conclusions regarding the volatiles data by September. It appears that the historical information does not match the Code of Federal Regulations (CFR) performance evaluation acceptance limits. The workgroup also is examining failure rate information. The goal is to determine worst-case scenarios for each chemical group and forward the conclusions to ELAB

for discussion, so that the Board can develop recommendations for EPA by September, describing how limits could be set and reviewed, possibility through TNI.

Dr. Jeff Flowers asked whether the workgroup was assessing past PT results to determine different acceptance limits. Mr. Lowry explained that TNI asked ELAB to be a conduit to EPA to change or find a different method to set the CFR limits, as the current limits were set in the early 1990s and no longer are applicable. Dr. Flowers asked whether the Board would generate the limits. Mr. Lowry explained that the limits have been generated and given to ELAB. The workgroup is assessing the TNI data and comparing them to the CFR limits. Dr. Flowers asked whether the TNI data to which Mr. Lowry referred were TNI limits, the actual results of each laboratory, or something else. Mr. Lowry explained that TNI is unable to change the CFR limits, so the workgroup is examining data gathered by TNI's Fields of Proficiency Testing (FoPT) Subcommittee and approved by the FoPT Board. In response to another clarifying question by Dr. Flowers, Mr. Lowry explained that current CFR limits do not appear to be updated to the present technologies. The workgroup is comparing current data with historical information and determining how the various extraction ratios differ and what changes need to be made; the workgroup members are examining how each individual compound performs.

Mr. Speis asked whether the workgroup envisioned ELAB's role as providing EPA with recommendations regarding revising limits based on performance and a reasonable confidence interval. Mr. Lowry confirmed that this was the goal. In response to a question from Mr. Speis, Mr. Lowry explained that the workgroup expected to be able to report to ELAB on this issue during the September meeting.

6. LABORATORY MANAGEMENT WORKGROUP ACTIVITY

Mr. Speis explained that Mr. Gary Dechant's efforts have been transitioned into the effort that ELAB is embarking on with OW, and Mr. Dechant will provide more information during the next meeting.

7. MONITORING WORKGROUP ACTIVITY

Ms. Morgan reported that the workgroup had not held a conference call since the May ELAB meeting. She has not communicated with her Design for the Environment contact recently, and more information is needed from the program before the workgroup can move forward, particularly in terms of timeline information. There is no further information regarding the sample shipment regulations since the update Ms. Morgan sent to the ELAB members following the May meeting.

8. AGENDA FOR AUGUST MEETING

Mr. Speis has reviewed the topics that the Board has discussed at past face-to-face meetings, and it appears as though the ELAB component at the August meeting will be brief because there are simply updates and no major issues. The updates will mirror this conference call's agenda. Mr. Speis asked for additional input regarding meeting topics. In response to a question from Dr. Flowers, Mr. Speis confirmed that the updates would include information regarding SW-846

and the OW issue. Previous face-to-face meetings have included detailed presentations, but because there is an outstanding issue to be resolved, a status report rather than a detailed presentation will be necessary. If Mr. Carroll agrees, more information also may be provided regarding the OW effort. Mr. Pardue agreed that there were not many items to place on the agenda. Mr. Speis stated that he could draft an agenda that focused on the issues discussed during this call with information on the OW initiative so that the audience receives an update on that topic.

Ms. Morgan explained that some state agencies had mentioned the table comparing OW and TNI approaches for laboratory quality assessment or certification and asked whether it was available for public review. Mr. Speis and Ms. Autry noted that the table should be on the ELAB Web Site. Ms. Morgan located it on the Web site under the “ELAB Advisory Board” link on the left-hand side (<http://www.epa.gov/elab/pdfs/tni-ow-comp-table.pdf>).

Mr. Speis will prepare an agenda for the August meeting and forward it to Ms. Autry and the Board members for their review. He asked about the deadline for inclusion of the agenda in the *Federal Register*. Ms. Autry explained that the agenda is not included in the *Federal Register* notice unless there is a compelling reason to do so. Generally, the agenda is published on Web sites to which the Board has access, including those of ELAB, the Environmental Measurement Symposium, and TNI. It is too late to include the agenda in the brochure, but the current brochure refers people to the ELAB Web Site for updated information. Therefore, detailed information, including the agenda, should be published on the Web site at least a few weeks prior to the meeting.

9. NEW ISSUES/UPDATES/ASSIGNMENTS

Mr. Speis provided an update regarding the letter that Mr. Farrell was drafting to Ms. Vickers, indicating that Mr. Farrell was having difficulties. Mr. Speis will inform Mr. Farrell that this effort is being placed on hold to focus on the meeting with Mr. Michaels and other ORCR staff.

10. NEWS/UPDATES FROM DFO

Ms. Autry had no new items to report.

11. 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.

12. CLOSING REMARKS/ADJOURN

Mr. Pardue made a motion to adjourn the meeting, which Ms. Morgan seconded. Mr. Speis thanked everyone for their attendance and participation and adjourned the meeting at 1:43 p.m.

Attachment A

AGENDA
ENVIRONMENTAL LABORATORY ADVISORY BOARD
Monthly Teleconference: 866-299-3188/9195415544#
June 16, 2010; 1:00 - 3:00 p.m. (ET)

Opening Remarks	Autry/Speis
Roll Call of ELAB Members and Identification of Guests	Speis
Review/Approval of May Minutes	Speis
SW-846 Progress Report	Speis
Letter to Office of Water	Speis
Measurement/Technology Workgroup Activity Proficiency Testing Issue	Lowry
Laboratory Management Workgroup Activity Small Laboratory Workgroup	Dechant
Monitoring Workgroup Activity Green Chemistry Sample Shipment Regulations	Morgan
Agenda for August Meeting	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
June 16, 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
N	Mr. Gerald (Gary) Dechant	Analytical Quality Associates, Inc. Representing: Data Users
N	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
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	Mr. Orval Osborne	Centauri Labs 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 Environmental Laboratories
N	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. Paula Hogg (Guest)	Hampton Roads Sanitation District

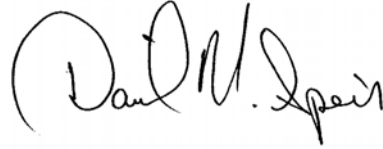
Attachment C

ACTION ITEMS

1. Mr. Speis will ask Mr. Michael to provide specific details regarding the attorneys' concerns about the language in the SW-846 policy statement, as well as any other pertinent details that will assist the Board in dealing with these concerns.
2. Mr. Speis will follow up with Ms. Kirkland regarding permission to share the SW-846 policy statement.
3. Mr. Lowry will follow up with Mr. Carroll regarding when the Measurement/Technology Workgroup will receive a response regarding the performance testing issue.
4. Mr. Speis will prepare an agenda for the August face-to-face meeting and forward it to the Board members and Ms. Autry.
5. Mr. Speis will inform Mr. Farrell that the letter to Ms. Vickers is being placed on hold to focus on the meeting with Mr. Michaels and other ORCR staff.
6. Ms. Kristen LeBaron of The Scientific Consulting Group, Inc. will finalize the May 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 June 16, 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