

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

**Teleconference: 866-299-3188/9195415544#**

**November 16, 2011; 1:00 – 3:00 p.m. EST**

The U.S. Environmental Protection Agency's (EPA) Environmental Laboratory Advisory Board (ELAB or Board) teleconference was held on November 16, 2011, from 1:00 to 3:00 p.m. EST. 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**

Ms. Judy Morgan, Chair of ELAB, and Ms. Lara Autry, Designated Federal Officer (DFO) of ELAB, welcomed participants to the teleconference. Ms. Morgan called an official roll of the Board members and guests.

**2. APPROVAL OF SEPTEMBER MINUTES**

Ms. Morgan asked whether there were any changes to the September 2011 Board minutes; there were none. Mr. Jack Farrell moved to accept the minutes with no changes, which Ms. Aurora Shields seconded. The Board unanimously approved the September minutes with no changes. The October 2011 meeting was administrative in nature, so the minutes do not need to be approved by the Board.

**3. CURRENT ACTIONS NEEDING UPDATE/REVIEW**

Ms. Morgan explained that the Monitoring Workgroup has been working on the Recreational Water Quality Criteria development issue. The letter to Ms. Grace Rubio (EPA) that the Board approved was sent, and Ms. Morgan is waiting for official feedback from the Agency.

Ms. Morgan reported that the Method 524.4 letter had been finalized, and the Board members needed to approve the current version so that it could be sent to EPA. Mr. Farrell made a motion to approve the letter, which Dr. Jeff Flowers seconded. The letter was approved unanimously with no changes. Ms. Morgan hopes that the Board can develop a relationship with the Office of Water (OW) regarding method revision approval.

Mr. Dave Speis proposed holding an administrative meeting to discuss ELAB efforts in regard to the state of national accreditation. Dr. Flowers asked whether it would be feasible for the Task Force to continue to work on the issue and report to the full Board. Mr. Speis responded that the information that has been received needs to be discussed and distilled into a single viewpoint that the Board can use to make a recommendation to EPA. Ms. Shields asked for clarification that the next step was to consolidate the responses into a statement that captures the stakeholders' input.

Mr. Speis responded that ELAB was at the point at which it should begin this discussion, which was intended to be verbal; therefore, he proposed scheduling an administrative teleconference.

Ms. Morgan asked whether Mr. Speis had any specific ideas regarding the format of the final report. Mr. Speis responded that it should address the issue, particularly if the stakeholder input provided enough of a consensus to make a recommendation to EPA so that the Agency can address the issue. Ms. Morgan asked whether the ultimate goal of the effort was to submit a report to the Agency with a cover letter. Mr. Speis responded that a report might not be the final product; the goal was a recommendation to the Agency so that it could provide input into improving the current situation. Ms. Morgan thought that an administrative teleconference could be held to develop a report format, and additional information could be added to the report once it is received.

Mr. Speis asked whether the Board members had completed the compilation of the information that they had gathered from their constituents. Ms. Shields said that she had contacted very different stakeholders and entered their responses into the matrix. It has been difficult to consolidate the widely varying responses. Information from a few more stakeholders also must be added to the matrix.

Ms. Shields has placed the information that she received from her stakeholders into the matrix, but the responses covered broad views, and she is finding it challenging to consolidate the responses into a cohesive message. Mr. Speis said that the fact that a stakeholder group possesses such diverse opinions is a statement in and of itself. Dr. Flowers said that the stakeholders provided their opinions, which helps inform the Board in generating its own opinions. It is necessary for the Board to state its own opinions and not restate those of others. Ms. Morgan said that most likely it would be difficult to distill all of the stakeholder input into one simple statement, and she wondered whether the Board has the expertise to consolidate all of the varied stakeholder opinions on the best approach into one recommendation. Mr. Speis said that it was important to assess the state of national accreditation based on the information received from the stakeholder groups rather than the specific Board member opinions.

Dr. Flowers remarked that the Agency did not task the Board with interviewing stakeholders; EPA could perform that action itself. The Agency is relying on ELAB to provide its own opinion. Mr. Farrell said that he has not had a chance to interview his constituents. He does not feel comfortable stating his opinion unless he has data from his constituents to support his opinion. To serve the Board's constituents properly, it is necessary to gather data from them to determine their thoughts and then form ELAB's opinions based on these data. Dr. Flowers said that some of his constituents did not have opinions because they do not deal with this issue. Mr. Speis said that enough input had been received from other stakeholders to move forward. Dr. Flowers reiterated that because he had not received input from all of his stakeholders, he would express his opinion in regard to the recommendation.

Ms. Shields thought that there was a difference of opinion regarding the manner in which the Board's opinions should be expressed, and she thought that ELAB needed to ensure that the stakeholders were represented. The next step should be to determine how to proceed in a practical manner to consolidate and address the comments in the matrix. Ms. Morgan agreed and said that an administrative call could be organized to discuss the draft report that will be developed; the report may end up very different than expected. Dr. Reza Karimi thought that the

Board members had interviewed stakeholders to ensure that their opinions were included rather than just stating the opinions of the ELAB members.

Dr. Michael Wichman agreed that it was best to schedule an administrative teleconference to move this effort forward. Ms. Morgan thought that developing a draft prior to the discussion would be more beneficial, and Dr. Wichman agreed that “talking points” would be helpful. In response to a question from Dr. Karimi, Ms. Morgan explained that the purpose of contacting the stakeholders was to ensure that their input was considered in ELAB’s recommendation.

Dr. Flowers suggested that the members send their spreadsheets to Mr. Speis for him to consolidate. Mr. Speis agreed that if discussing a draft report was the premise of the administrative teleconference, this would be the best option. Ms. Morgan offered to help consolidate the information in the spreadsheets. She gave the Board members a deadline of December 5, 2011, to send their information to Mr. Speis and her via e-mail. Mr. Speis said that he and Ms. Morgan would consolidate the constituent input so that the full Board could discuss it during an administrative teleconference. Dr. Flowers suggested placing all of information in one spreadsheet so that the Board could see the comments and then consolidate them using the full spreadsheet. The Board discussed the possibility of utilizing Ms. Kristen LeBaron to consolidate the information but ultimately decided that Ms. Morgan and Mr. Speis would create the consolidated spreadsheet.

Although Dr. Flowers thought that the process was more cumbersome than he had expected it to be, Ms. Shields thought that it was a necessary effort that needed a proper amount of time to correctly complete. Ms. Morgan agreed and stated that the effort has highlighted how the stakeholders view national accreditation and environmental compliance.

Ms. Autry reiterated that EPA had not asked the Board to conduct a survey; ELAB members have been compiling information from their constituencies, not conducting a survey. Mr. Speis thought that he and Ms. Morgan could consolidate the spreadsheet prior to the next ELAB meeting. Dr. Flowers suggested using the Doodle website (<http://www.doodle.com>) to collect the Board members’ schedules so that they could be viewed in a graphic manner when planning the administrative call following the next meeting.

#### **4. OTHER WORKGROUP ACTIVITY**

Ms. Morgan explained that the Monitoring Workgroup has been working on the Recreational Water Quality Criteria development issue, which she already reported on. Mr. John Phillips reported the Measurement and Technology Workgroup will meet via teleconference on December 15, 2011, to review the gathered information on measurement and data quality objectives. The Laboratory Management Workgroup’s efforts on the state of national accreditation already have been discussed.

#### **5. NEW TOPICS**

Ms. Morgan said that during the Board’s August face-to-face meeting and the October administrative call The NELAC Institute (TNI) standards had been discussed. It is within the Board’s purview to approach EPA regarding the misconceptions about TNI and ISO 17025

standards. Dr. Flowers agreed that ELAB was the appropriate entity to clarify misconceptions within the Agency. Ms. Autry said that the Board's charter was very clear regarding ELAB's ability to provide its opinion regarding national environmental accreditation.

Ms. Morgan asked Ms. Autry for suggestions on how ELAB should approach this topic in terms of contacting appropriate EPA offices. Ms. Autry said that if the purpose of the effort is to share information broadly within the Agency regarding the differences among ISO and other environmental standards,

then it could be shared with the Forum on Environmental Measurements (FEM), which is comprised of representatives from all of the program offices. Dr. Flowers asked how the information could be disseminated to the regions. Ms. Autry replied that there is regional representation on FEM, and she also could disseminate the information to the Regional Science and Technology (RS&T) Directors and the Quality Community Information Exchange (QCIX). Alternatively, the Board could directly address the RS&T Directors and QCIX. To eliminate redundancy, Ms. Autry could disseminate the letter. Dr. Flowers made a motion to place this issue on ELAB's agenda, which Mr. Farrell seconded. The Board members voted unanimously to place this item on the agenda.

Ms. Autry suggested that the issue be assigned to a workgroup, which would outline a proposal regarding how to proceed. Mr. Farrell thought that an approach similar to, but not as involved as, the OW comparison could be implemented. He could approach the TNI Accreditation Council (AC) to ensure that the ELAB effort responds to existing concerns. Mr. Speis said that material from a presentation being made at the TNI meeting in January 2012 could be appropriate for this letter. The concern is that there has been considerable misinterpretation regarding the standards and their rigor among numerous groups within EPA, and ELAB is providing the Agency with information to reduce these misconceptions.

In response to a question from Dr. Flowers, Mr. Farrell explained that the TNI AC should be contacted for information, especially in terms of potential misunderstandings. Mr. Farrell is moderating a session at the January 2012 TNI meeting that follows the ELAB session and will focus on this issue, so it may be valuable to attend the session. A comparison of TNI and ISO standards and how to implement them will be discussed. Ms. Morgan asked whether there was any information about formal American National Standards Institute (ANSI) recognition of the TNI standards. Mr. Farrell responded that this was in process, and Mr. Jerry Parr (TNI) hopes to have an ANSI-recognized standard by the January 2012 TNI meeting.

Ms. Morgan stated that the finished product should not be too complicated. The Board should provide short summaries of the information with accompanying references that can serve as sources for additional information. Mr. Farrell said that it was necessary to avoid minutia and focus on differences between the TNI and ISO standards. Ms. Morgan noted that ISO 17025 is open to broad interpretation depending on who is implementing the standards. Mr. Farrell explained that the program requirements of a specific discipline (e.g., forensics ) are used for auditing but are not part of ISO 17025. Ms. Morgan commented that all ISO standards serve as basic foundations; it is what is done with standards that is important, which is what TNI accomplishes.

Ms. Shields asked whether the Board also should address ISO 17011. Ms. Speis said that it was necessary to keep the effort as simple as possible to change the perceptions within the Agency. Ms. Morgan thought it would be helpful to develop a bulleted list of items that are absolutely necessary to address in the letter and place a maximum length on the letter. Mr. Farrell thought that some issues had developed within Region 5 because it underwent a NELAC assessment based on implementation that did not go well and an ISO 17025 assessment that did go well. The Board needs to examine these types of issues that foster these misconceptions. Ms. Shields remarked that one of the key issues that needs to be addressed in the letter is that these are issues regarding regulatory compliance, which the TNI standards stress.

Mr. Speis had obtained feedback from EPA regarding a laboratory that needed two different accreditations, and the Agency saw it as a shortcoming of the TNI standards. Dr. Wichman said that some states are advocating for food testing to be ISO 17025-accredited. Ms. Morgan asked how significant the Board members thought that the issue of advocacy was. Ms. Shields thought that this was important to address and a topic that needs to be explained. Mr. Farrell said that an important factor was whether an entity desired international or national accreditation; TNI has not considered international accreditation. Dr. Flowers thought that this issue needed to be included. Mr. Farrell has the most expertise to draft a document regarding certain aspects of TNI and ISO 17025 standards.

Ms. Morgan summarized that the draft letter needed to explain that ISO 17025 sets the foundation, and the TNI standards provide specific requirements on how to implement these standards with respect to legal defensibility and regulatory compliance. ISO 17011 and the accreditation recognition process also need to be addressed. Successful examples (e.g., U.S. Department of Defense) can be included. A number of states (e.g., Arkansas, Nebraska) recognize the NELAC certificate and base their accreditation acceptance on this. Finally, a reference guide of initiatives that already have been completed that highlights differences and advantages can be included. Dr. Flowers commented that it was important to note that TNI standards have national acceptance among state governments; this is an important legal point for the regions to consider. Ms. Morgan and Ms. Shields thought that this was an excellent observation. Ms. Morgan recommended that the Monitoring Workgroup take up the issue with help from the Measurement and Technology Workgroup.

Ms. Morgan asked whether it would be appropriate to send the marketing letter to the FEM because of the broad representation within the Agency. Ms. Autry thought that this would be acceptable as long as the letter was rewritten to indicate that the Board recognizes that FEM is familiar with ELAB and asks FEM to disseminate the information to the broadest audience possible within the Agency. Ms. Morgan said that the EPA organizational chart had been challenging to navigate, and she was unsure who to contact. Ms. Autry said that at this point, many of the appropriate EPA staff members are retiring by the end of the calendar year. Mr. Farrell moved that the Board approve the rewritten marketing letter via e-mail, and Dr. Flowers seconded the motion, which was passed unanimously.

Mr. Speis introduced a new topic and explained that Ms. Kim Kirkland of the Office of Resource Conservation and Recovery (ORCR) had contacted him to explained that ORCR is in the process of making the changes it agreed to last year as a result of ELAB's recommendations, but the office has run into difficulty regarding the changes that are starting to make the document convoluted. She asked whether it would be acceptable for the office to create a summary of

changes with the relevant sections at the end of the document. Dr. Flowers and Ms. Morgan thought that this had been the original plan, which is preferable. Ms. Shields appreciated the fact that EPA made the inquiry. Dr. Flowers made a motion for Mr. Speis to write a formal response to ORCR and send it to the Board to review and approve via e-mail. Mr. Farrell seconded the motion, which passed unanimously.

Mr. Speis explained that there have been many state primacy issues related to drinking water and interpretation of EPA regulations regarding state primacy and environmental laboratory accreditation. This confusion could be eliminated by an OW interpretation that says if the nongovernmental regulatory agency continues to grant accreditation and issue the certificate to laboratories, then this complies with EPA's intent. This is important or no progress can be made in regard to this issue. Dr. Wichman said that he has examined 40 CFR 142 Subpart B in terms of state primacy; there are two requirements within these regulations. Mr. Speis said that nongovernmental interpretation satisfies the intent of the rule. Ms. Shields thought interpretation already was present in the Drinking Water Certification Manual. Mr. Speis noted that all laboratories and laboratory accreditation entities defer to OW regarding this issue, and it could easily be clarified by OW. Dr. Flowers said that he has spoken directly with Mr. Greg Carroll (OW), and Region 4 was very clear that it would not endorse such a plan. The State of Florida would be required to retain the capacity to pass final certification. Ms. Morgan said that this issue had been brought up during a recent meeting, and Mr. Carroll had said the same thing at that point. Ms. Morgan would like Mr. Carroll's statements to be placed in writing because people refer to his comments frequently. Mr. Speis thought that it was unacceptable that each of the regions has a different interpretation; therefore, OW clarification is needed. Dr. Wichman thought that his region defers to the CFR. Dr. Flowers agreed.

Ms. Lynn Bradley (Office of Environmental Information) remarked that there is no disagreement with Mr. Speis' statement that there is frustration regarding the different policies in different regions. She explained that headquarters creates the policy and regulations, and the regions implement them. Each region has its own politically appointed director. It is not possible to compel every region to enact them in the same manner. She acknowledged that regional implementation within EPA may not be as strong as within other agencies. Each region possesses a "personality" that is similar to the states to which it is assigned. EPA personnel, including Administrator Lisa Jackson, will not be able to change this, so it is necessary to deal with it. Mr. Speis thought that accepting the status quo, especially when it was hindering a beneficial change, was counterproductive. A widely accepted national accreditation program is needed, and ELAB is in the position to advocate for this. Ms. Morgan thought that OW clarification regarding how it allows CFR 142 to be implemented was not an unreasonable request, especially as Mr. Carroll is continually being quoted.

Ms. Shields noted that the Drinking Water Certification Manual includes EPA's policy for third-party use by states. There are differences among situations, so it is necessary to specify what type of clarification is needed. Dr. Wichman noted that there was a memorandum from Ms. Cynthia Dougherty (Office of Ground Water and Drinking Water) dated October 1, 2002, that is included in the fifth edition of the Drinking Water Certification Manual. He noted several other relevant memorandums dating back as far as 1997.

Mr. Farrell thought that it sounded as though the Board members were interested in pursuing this issue; therefore, it should be placed on the agenda. He suggested that the appropriate materials be

disseminated to the members (e.g., the appropriate parts of CFR 142, OW memos, Drinking Water Certification Manual) for review, and then ELAB could determine a strategy. Mr. Speis agreed that the letter that ELAB drafts should include supporting documentation but cautioned that the situation has changed considerably since many of the interpretations were made, and some may need to be revisited. Mr. Farrell agreed and said that following a review of the materials, ELAB could determine which items need clarification and/or revision.

Ms. Morgan said that she would identify relevant information from the Drinking Water Certification Manual and CFR 142 and send it via e-mail to the Board members. Mr. Farrell suggested that Dr. Wichman and Ms. Shields help to ensure that the materials are comprehensive. Ms. Shields recommended that the Board members become familiar with how EPA approves laboratories for the drinking water program if the state does not have primacy (e.g., Wyoming). Mr. Farrell added that a new coliform rule also may be relevant in terms of certification. Dr. Flowers made a motion to place this item on the Board's agenda, which Ms. Shields seconded. The motion passed unanimously.

## **6. UPDATES FROM THE DFO**

Ms. Autry reported that she will process a *Federal Register* notice in December to announce all of the 2012 Board meetings, including the face-to-face meetings. She will publish a second *Federal Register* notice seeking interest in serving on ELAB to ensure that the broadest audience possible has been reached. In response to a question from Mr. Speis, Ms. Autry explained that current members need to confirm their interest in remaining on the Board via a short e-mail with an up-to-date resume. If a member represents a specific organization, that organization must endorse this representation via letter. This is a repeat of the request Ms. Autry made during a recent Board meeting. Some members will not be eligible because they have served their maximum number of terms, and Ms. Autry will send an e-mail to these members.

## **7. OTHER ITEMS**

The Board members did not identify any additional items for discussion.

## **8. WRAP-UP/REVIEW ACTION ITEMS**

Ms. LeBaron reviewed the action items identified during the meeting, which are listed in Attachment C.

## **9. CLOSING REMARKS/ADJOURNMENT**

Ms. Morgan needed to leave the meeting 5 minutes early, so Ms. Shields thanked everyone for their attendance and participation. Mr. Farrell introduced a motion to adjourn the meeting, which Dr. Flowers seconded. Following a unanimous vote, Ms. Shields adjourned the meeting at 2:59 p.m.

## **Attachment A**

### **AGENDA ENVIRONMENTAL LABORATORY ADVISORY BOARD**

Monthly Teleconference: 866-299-3188/9195415544#

November 16, 2011; 1:00 – 3:00 p.m. (EDT)

Opening Remarks	Autry/Shields
Approval of September Minutes	Shields
Current Actions Needing Update/Review	
- Recreational Water Quality Criteria Development	Root
- Method 524.4	Burrows
- State of National Accreditation	Speis
Other Workgroup Activity	
Monitoring Workgroup	Root
Measurement/Technology Workgroup	Phillips
Laboratory Management Workgroup	Flowers
New Topics	Shields
Updates From the DFO	Autry
Other Items	All
Wrap-up/Review Action Items	Shields
Closing Remarks/Adjourn	Autry/Shields



**Attachment B****MEMBERSHIP LISTING AND GUESTS****ELAB TELECONFERENCE****November 16, 2011; 1:00 p.m. – 3:00 p.m. EDT**

<b>Attendance (Y/N)</b>	<b>Name</b>	<b>Affiliation</b>
Y	Ms. Judith (Judy) R. Morgan (Chair)	Environmental Science Corp. Representing: Commercial Environmental Laboratories
Y	Ms. Aurora Shields (Vice- Chair)	City of Lawrence, Kansas Representing: Wastewater 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
N	Mr. Eddie Clemons, II	Practical Quality Consulting Services Representing: Clients of QS Services
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
N	Dr. H. M. (Skip) Kingston	Duquesne University Representing: Government Consortiums, Native Americans, and Academia
Y	Ms. Sylvia (Silky) S. Labie	Environmental Laboratory Consulting & Technology, LLC Representing: Third Party Assessors
N	Mr. Jeffrey (Jeff) C. Lowry	Environmental Resource Associates Representing: Proficiency Testing Providers
Y	Mr. John H. Phillips	Ford Motor Company Representing: Alliance of Auto Manufacturers
N	Dr. James (Jim) Pletl	Hampton Roads Sanitation District Representing: Municipal Environmental Laboratories
N	Ms. Patsy Root	IDEXX Laboratories, Inc. Representing: Laboratory Product Developers
Y	Mr. David (Dave) N. Speis	Accutest Laboratories Representing: American Council of Independent Laboratories (ACIL)
N	Ms. Michelle L. Wade	Kansas Department of Health and the Environment Representing: Laboratory Accreditation Bodies
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

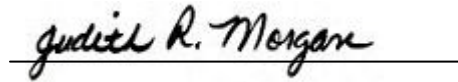
## **Attachment C**

### **ACTION ITEMS**

1. Ms. LeBaron will finalize the September 2011 meeting minutes and send them to Ms. Autry via e-mail.
2. Ms. Morgan will send the approved Method 524.4 letter to EPA.
3. The Board members will send their spreadsheets with their constituent information regarding national accreditation to Ms. Morgan and Mr. Speis no later than Monday, December 5, 2011. Ms. Morgan and Mr. Speis will consolidate the information.
4. The Board will educate the Agency regarding its misconceptions about ISO 17025 and the TNI standards. The Monitoring Workgroup will take the lead on the issue with input from the Measurement and Technology Workgroup. Ms. Morgan will schedule a teleconference and draft a document detailing the issue within the next few weeks with input from Mr. Farrell about specific aspects of the issue.
5. Ms. Morgan will send the marketing letter to the Board members for updating to ensure that it is appropriate to send to FEM; the goal is to send it by Friday, November 25, 2011.
6. Mr. Speis will write a response to ORCR and send it to the Board members for approval.
7. Ms. Morgan will identify relevant information from the Drinking Water Certification Manual and CFR 142 and send it via e-mail to the Board members. Dr. Wichman and Ms. Shields will help to ensure that the materials are comprehensive.

## Attachment D

I hereby certify that this is the final version of the minutes for the Environmental Laboratory Advisory Board Meeting held on November 16, 2011.

A handwritten signature in cursive script, reading "Judith R. Morgan", is written over a horizontal line.

Signature Chair

Ms. Judith R. Morgan

Print Name Chair