

US EPA ARCHIVE DOCUMENT

**SUMMARY OF THE
ENVIRONMENTAL LABORATORY ADVISORY BOARD MEETING
Teleconference: 866-299-3188/9195415544#
July 18, 2012; 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 July 18, 2012, 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

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

2. APPROVAL OF JUNE MINUTES

Ms. Shields asked whether the Board members had comments regarding the June 2012 minutes in addition to those sent via email by Mr. John Phillips; there were none. Ms. Patsy Root moved to accept the minutes, and Dr. Mike Wichman seconded the motion. The Board approved the June minutes with Mr. Phillips' changes, no discussion and two abstentions.

3. LETTER TO DR. MICHAEL SHAPIRO REGARDING THE METHOD UPDATE RULE (MUR)

Ms. Shields explained that she had received several comments via email prior to the meeting regarding the MUR letter to Dr. Shapiro (Office of Water [OW]). The most recent draft of the letter that she had sent to the Board members via email reflects these comments. Ms. Root asked how it had been determined to whom within OW the letter should be sent. Ms. Phelps explained that ELAB already had a well-established relationship with Dr. Shapiro, who will be present at the National Environmental Monitoring Conference.

Mr. Dave Speis asked for clarification regarding the sentence, "The comments provided by ELAB offered several suggestions, including the ability to add additional analytes, a request for methods to be approved for analytes required to be monitored under the Clean Water Act, and several specific suggestions for improving Part 136." Is the goal to institute the ability to request approval for methods that can be used for monitoring? Ms. Shields also was unsure regarding this point, and Dr. Wichman thought that it might be a result of the issue that certain analytes are cost prohibitive. Mr. Jack Farrell said that this was in regard to increased flexibility to add analytes to methods without incurring the need to undergo a full review process. Mr. Speis asked whether it referred to methods or analytes. Mr. Farrell thought that it referred to analytes. Dr. Jeff Flowers thought that it referred to a table in the MUR that had been missing important items.

Mr. Speis offered clarifying language to be used in place of the sentence, but he still was unsure whether his rewrite captured the Board's point. Ms. Shields noted that there is a method approval process in place for the Clean Water Act. Based on Ms. Shields' comment, Mr. Speis thought that the recommendation must refer to analytes. Mr. Farrell explained that the current list includes only a few analytes, and inclusion of any additional analytes initiates the full review process; the Board is recommending a simpler process similar to that of The NELAC Institute (TNI).

The Board agreed to replace the sentence with the following: "The comments provided by ELAB offered several suggestions, including the ability to add additional analytes to existing approved methods required to be monitored under the Clean Water Act and several specific suggestions for improving Part 136."

Based on a comment from Dr. Richard Burrows, Mr. Farrell thought that it was necessary to plan for the meeting with Dr. Shapiro, ensuring that all of the ELAB members understood the salient points of the discussion. It may be necessary to redistribute all of the past materials. Ms. Root suggested attaching to the letter to Dr. Shapiro a copy of ELAB's previous public comments on the matter; the Board members agreed. With the Board's approval, Dr. Wichman added a reference to these materials in the third paragraph of the letter.

In response to a question from Dr. Burrows, Ms. Root explained that if a method already is approved, a more streamlined process for adding analytes to the method should be in place as long as the quality criteria are being met.

Mr. Farrell introduced a motion to approve the amended letter; Mr. Speis seconded the motion. The Board members unanimously approved the MUR letter with the discussed modifications.

4. NATIONAL ACCREDITATION SUMMARY FOR WEB POSTING

Ms. Shields noted that the Board's summary on its assessment of the state of national accreditation had been updated by Ms. Kristen LeBaron (SCG, Inc.) and approved by the Board. The next step was to publish the document to the ELAB website. Ms. Lynn Bradley (TNI) asked whether the summary would be available prior to being published on the website. Ms. Phelps said that it would be published on the ELAB website within 1 week.

Dr. Wichman asked whether the Board would allow stakeholder comments regarding the summary after it is published on the website. Mr. Speis explained that anyone was welcome to comment on ELAB products that are published on the website, and a specific invitation for this document was unnecessary. Dr. Wichman asked whether the Board would solicit input about the document. Mr. Farrell thought that it would be helpful to obtain feedback during the August 2012 face-to-face meeting. In response to a comment from Mr. Speis, Mr. Farrell explained that the additional feedback would be used as supplemental information. Dr. Wichman wanted to ensure that the stakeholders were allowed to provide input, even if the document did not change. Mr. Farrell thought that this additional input could be used to formulate the recommendations, but Mr. Speis was concerned about creating a "never-ending cycle" if the Board continued to solicit feedback. Ms. Root agreed with Mr. Farrell that feedback could be used as supplemental information but would not change the products that the Board already had developed. Mr. Farrell

said that ELAB could institute a deadline and include any additional information as an addendum to the document.

Ms. Shields noted that many of the stakeholders have unique needs and viewpoints, and not all were in agreement; the published document must reflect this. Ms. Judy Morgan thought that soliciting additional input would lengthen a process that already has been truly vetted; the process needs to be finalized so that the Board can make a decision on its recommendations. Mr. Speis agreed, but Dr. Wichman did not because he thought that his stakeholders might welcome the opportunity to respond to the assessment. Ms. Shields thought that soliciting additional input was not what the Board had agreed on when it voted to publish the document. Dr. Wichman reiterated that he wanted the opportunity to obtain input from his stakeholders about the document. Ms. Shields did not think that it would be beneficial to initiate a process of obtaining comments and summarizing them. Mr. Farrell did not think that it was necessary to summarize any comments that ELAB received, but allowing comments would provide stakeholders the opportunity to comment and ensure an unbiased document. Mr. Speis thought that accepting additional comments had the potential to increase bias in the process.

Ms. Phelps said that if the Board decided to solicit additional input, it was necessary for the ELAB members to agree on common language that would be sent to all stakeholders, ensuring that they understood that additional comments would not necessarily change the document. Dr. Wichman clarified that part of his concern is that his team worked with two groups of stakeholders, and he wanted to ensure that all stakeholder input was captured. Ms. Root volunteered to write the language. Ms. Bradley was concerned that this additional step would delay publishing of the summary to the ELAB website, but Ms. Shields did not. Ms. Phelps said that it was necessary for the Board to agree on the language before the summary was published. Mr. Eddie Clemons clarified that the original goal of this agenda item was to report that the document had been approved for publication on the website, not to solicit additional stakeholder comments. Ms. Morgan moved that the Board publish the document to the website without additional solicitation of input, which Mr. Speis seconded. The Board approved the motion with two nay votes.

Ms. Shields said that the document now could be published on the website, but the Board members needed to discuss how the document will be used so that a consensus could be reached about the additional language to be added. Mr. Clemons pointed out that the ELAB members had approved the posting without additional language, and Mr. Speis agreed, explaining that if Board members would like to solicit additional feedback from their constituents, the language would be determined by the individual. Mr. Farrell did not think that language needed to be developed. Dr. Wichman also did not think that common language needed to be developed as long as he had the opportunity to solicit input from his constituents. Ms. Phelps clarified that once the document is published on the ELAB website, any member of the U.S. public has the right to comment on the document, and Board members are free to solicit feedback individually from their stakeholder communities. If Board members do so, it is their decision whether to share any feedback obtained with the other ELAB members. It is the decision of the Board to act on (or not act on) any additional information it may receive after the document has been published.

Ms. LeBaron will create a PDF of the summary and send it to Ms. Phelps and the Board members via email so that it can be published on the ELAB website.

5. NATIONAL ACCREDITATION RECOMMENDATIONS TO THE EPA

Ms. Shields led the discussion of the recommendations regarding national accreditation, stressing that the Board members must be in agreement regarding the recommendations and the substance of the document. The recommendations were extracted from the summary document on the health of national accreditation. Although there were many excellent recommendations and suggestions, very few were applicable to the EPA. The structure of the recommendations document includes an introduction, a summary of the findings, the recommendations and a short conclusion. The Board must decide whether this will be a letter to the EPA or whether a white paper should be developed from this document.

Mr. Speis asked about the bullet point relating to the Code of Federal Regulations Part 287.5. Ms. Shields explained that this bullet point could be deleted.

Dr. Flowers said that the Board is reiterating the EPA's role as a primary participant within the TNI process because some of the current staff may not realize the long history of the agency's participation in the process. Mr. Farrell thought that the effort began prior to the 1990s; the EPA initiated studies during the 1980s. The Board members discussed when the effort began, and Ms. Shields said that the National Environmental Laboratory Accreditation Program (NELAP), on which ELAB was focusing, began in the 1990s. The Board agreed to use this date.

Mr. Farrell wanted to ensure that the Board clearly expressed its objectives. Ms. Shields said that the objectives were included in the introduction to the recommendations. Mr. Clemons suggested reversing the first and second paragraphs of the section entitled, "ELAB's Review of the 'Health' of NELAP and Findings" to ensure that the objectives were clear; Dr. Flowers agreed. Ms. Shields disagreed, noting that this section focuses on the findings; if the goals are unclear, then they need to be clarified within the introduction. Mr. Farrell asked whether ELAB had an additional goal other than providing recommendations (i.e., provide recommendations to effect an expansion of the program). Mr. Speis thought that the effort was focused on identifying recommendations that ELAB could make to the agency to improve the current program. He thought that this needed to be added to the introduction and volunteered to write the necessary language.

Dr. Flowers said that it was necessary to emphasize that the Board had acted merely as a recorder of the facts regarding how the stakeholder community views the current program; ELAB is stating but not endorsing these stakeholder beliefs so that the agency gains knowledge about how its program is perceived. In response to a comment by Dr. Wichman, Dr. Flowers explained that the point about how the program is perceived by the states had been included by Ms. Silky Labie, and the Board members had agreed with the addition. Mr. Farrell said that the EPA is interested in numbers and makes the assumption that the data are known and verifiable by the producing entity, and Mr. Speis agreed. The Board discussed how to craft the recommendation so that the best data are produced, ultimately deciding to keep the first recommendation as is.

Regarding the second recommendation, Dr. Wichman asked whether "state NELAP accreditation bodies" should be specified rather than "state accreditation bodies." Ms. Shields said that the letter focuses on NELAP, but the Board members agreed that this distinction might need to be made, with the caveat that it was not made during the information-gathering process. Ms. Shields thought that all instances of "state accreditation bodies" within the recommendations need to be

defined. Dr. Wichman thought that specifying NELAP would not be inclusive of all 50 state accreditation bodies. The Board decided to use the term “individual state programs.”

Mr. Farrell asked whether the terms “leadership” and “support” needed to be defined within the second recommendation. The Board members did not think that it could or needed to be defined at this time. Mr. Farrell was concerned that the agency would reject the recommendation because it already provides leadership and support. Mr. Speis thought that the Board would be able to define what expanded leadership is needed in discussions with the agency.

In regard to the third recommendation, the Board agreed to change the term “state accreditation bodies” to “individual state programs.”

The ELAB members agreed on the remainder of the recommendations as written.

Mr. Farrell asked for clarification whether the last recommendation was promoting NELAP as implemented by the NELAP Accreditation Council or a program that meets the requirements of the TNI environmental laboratory standards. Dr. Flowers thought that NELAP would be preferable because it is the only program that currently works. Ms. Shields said that a program was needed. Mr. Farrell said that if the Board is promoting consensus-based standards, which would refer to TNI Volumes 1–4 (including proficiency testing), then he wanted to ensure that ELAB is clear on this point. If, however, the Board is speaking about implementation, that is a separate issue.

Board members should send any additional comments about the recommendations document to Ms. Shields by Friday, July 20, 2012. Ms. Morgan made a motion to approve the document via email after any additional comments have been incorporated. Mr. Speis seconded the motion, which the Board members approved unanimously.

6. PREPARATION FOR THE FACE-TO-FACE MEETING

Ms. Shields asked whether there was a template for ELAB face-to-face meeting presentations. Mr. Speis agreed to send Ms. Shields a prior presentation via email so that she can develop the presentation for the upcoming face-to-face meeting. The new logo will be included in the presentation. Mr. Farrell thought that if the new website was available prior to the face-to-face meeting, then it should be introduced. Ms. Phelps said that the website probably would not be ready by the meeting.

Ms. Shields asked how the Board would present its work on the recommendation letter to the EPA regarding national accreditation. Mr. Speis said that it would depend on what had been accomplished prior to the meeting. Ms. Phelps said that the Board could introduce discussion regarding its in-process documents without providing the actual documents. Mr. Speis noted that a similar situation had occurred during the face-to-face meeting in Sarasota, Florida. Ms. Phelps said that the Board should emphasize that it is close to finalizing the recommendations on national accreditation.

Mr. Farrell did not think that the agenda allowed enough time for public participation, which generally is emphasized during the face-to-face meeting. The Board members discussed methods to increase the amount of time for public participation; the agenda will be organized via topic

rather than via Workgroup. Dr. Flowers thought that a brief overview of each Workgroup could be added for those participants that are unfamiliar with ELAB. Ms. Shields will provide the updated agenda to Ms. Phelps via email by Thursday, July 19, 2012.

The ELAB members will determine via email the topics of discussion for Dr. Shapiro, and Ms. Shields will send these topics via email to Ms. Phelps by Wednesday, July 25, 2012.

7. GENERAL WORKGROUP ACTIVITY

Ad Hoc Website Workgroup

Ms. Phelps said that publication of the new website may have to wait until October 2012 because of budget issues. Once the ELAB members are comfortable with the material to be placed on the website, Ms. Phelps will deliver it to the contractor. Ms. Morgan moved to approve the material that the Workgroup had developed, and Mr. Clemons seconded the motion. The Board approved the motion with one abstention.

Other Workgroups

There was not adequate time to review current Workgroup activities.

8. NEW TOPICS/ISSUES FOR CONSIDERATION

The Board members did not introduce any new topics or issues for consideration.

9. UPDATES FROM THE DFO

Ms. Phelps noted that the ELAB membership packages still are being processed.

10. OTHER ITEMS

The Board members did not introduce any other items for consideration.

11. WRAP-UP/REVIEW ACTION ITEMS

The action items from the meeting are included in Attachment C.

12. CLOSING REMARKS/ADJOURNMENT

Ms. Root moved to adjourn the meeting, which Mr. Clemons seconded. The meeting was adjourned at 3:02 p.m.

Attachment A

AGENDA ENVIRONMENTAL LABORATORY ADVISORY BOARD

Monthly Teleconference: 866-299-3188/9195415544#

July 18, 2012; 1:00 – 3:00 p.m. (EDT)

Opening Remarks	Phelps/Shields
Approval of June Minutes	Shields
Letter to Shapiro on MUR	Wichman
National Accreditation Summary for Web Posting	Morgan/Speis
National Accreditation Recommendations to EPA	Flowers/Shields
Preparation for the Face-to-Face Meeting	Shields
General Workgroup Activity	
<i>Ad Hoc</i> Website Workgroup	Shields/Root
Monitoring Workgroup	Root
Measurement/Technology Workgroup	Phillips
Laboratory Management Workgroup	Flowers
New Topics/Issues for Consideration	Shields
Updates From the DFO	Phelps
Other Items	All
Wrap-Up/Review Action Items	Shields
Closing Remarks/Adjourn	Phelps/Shields

Attachment B**MEMBERSHIP LISTING AND GUESTS**

ELAB TELECONFERENCE
July 18, 2012; 1:00 p.m. – 3:00 p.m. EDT

Attendance (Y/N)	Name	Affiliation
Y	Ms. Aurora Shields (Chair)	City of Lawrence, Kansas Representing: Wastewater Laboratories
Y	Ms. Patsy Root (Vice-Chair)	IDEXX Laboratories, Inc. Representing: Laboratory Product Developers
Y	Ms. Lara P. Phelps, DFO	U.S. Environmental Protection Agency Representing: EPA
Y	Dr. Richard Burrows	TestAmerica Laboratories, Inc. Representing: Commercial Laboratory Industry
Y	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
N	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	Ms. Sylvia (Silky) S. Labie	Environmental Laboratory Consulting & Technology, LLC Representing: Third Party Assessors
Y	Ms. Judith (Judy) R. Morgan	Environmental Science Corp. Representing: Commercial Environmental Laboratories
N	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
Y	Mr. David (Dave) N. Speis	QC Laboratories Representing: American Council of Independent Laboratories (ACIL)
Y	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)

Attendance (Y/N)	Name	Affiliation
Y	Ms. Kristen LeBaron (Contractor)	The Scientific Consulting Group, Inc. (SCG)
Y	Ms. Lynn Bradley (Guest)	TNI
Y	Ms. Paula Hogg (Guest)	Hampton Roads Sanitation District
Y	Mr. Stuart Magoon (Guest)	City of Takoma Environmental Services Laboratory

Attachment C

ACTION ITEMS

1. Ms. LeBaron will finalize the June 2012 meeting minutes with the suggested changes and send them to Ms. Phelps via email.
2. Ms. Shields will update the MUR letter and send it to Dr. Shapiro via email, attaching the original letter from December 2010 and the Board's submitted comments regarding the MUR.
3. Ms. LeBaron will create a PDF of the summary of the assessment of national accreditation and send it to Ms. Phelps and the Board members via email.
4. Mr. Speis will draft wording to include in the introduction to the national accreditation recommendations to indicate that ELAB's goal in the effort was to identify recommendations that would allow the agency to improve the current program.
5. Board members will send via email any additional comments regarding the national accreditation recommendations to Ms. Shields by Friday, July 20, 2012.
6. Mr. Speis will send a prior face-to-face meeting PowerPoint presentation to Ms. Shields via email so that she can use it as a template for the upcoming face-to-face meeting.
7. Ms. Shields will provide the updated face-to-face meeting agenda to Ms. Phelps via email by Thursday, July 19, 2012.
8. The ELAB members will determine via email the topics of discussion for Dr. Shapiro, and Ms. Shields will send these topics via email to Ms. Phelps by Wednesday, July 25, 2012.

Attachment D

I hereby certify that this is the final version of the minutes for the Environmental Laboratory Advisory Board Meeting held on July 18, 2012.



Signature Chair

Ms. Aurora Shields

Print Name Chair