

**SUMMARY OF THE  
ENVIRONMENTAL LABORATORY ADVISORY BOARD MEETING  
Teleconference: 866-299-3188/9195415544#  
November 19, 2008; 1:00 – 3:00 PM**

The Environmental Laboratory Advisory Board (ELAB or Board) regular teleconference was held on November 19, 2008 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. The official signature of the Chair or Vice-Chair is included as Attachment D.

**AGENDA ITEMS:**

**1. OPENING REMARKS/ROLL CALL**

Dr. Jeff Flowers began the meeting by calling roll of ELAB members. He then asked for all guests to introduce themselves. Ms. Jan Young and Ms. Kim Kirkland had called in from EPA/Office of Solid Waste (OSW), but had to depart for several minutes because of a fire alarm. Mr. Steve Arms (Florida Dept. of Health and Lab. Services) also identified himself as a guest on the call.

**2. REVIEW AND APPROVAL OF OCTOBER MEETING MINUTES**

Dr. Flowers then began a discussion of the minutes for the October 15, 2008 Board meeting. Dr. Flowers requested a few changes, stating that it was he who made certain statements rather than another Board member. In another place, Dr. Jim Pletl made a comment rather than Mr. Dave Speis. Dr. Flowers also requested adding the call-in phone and code number for the meetings on the title page of the minutes. Dr. Flowers then corrected Attachment B, "Membership Listing and Guests," in which Dr. Pletl was incorrectly designated Vice Chair instead of Mr. Speis. Mr. Speis made the motion to accept the October meeting minutes as amended and Mr. Gary Dechant seconded. This followed with a unanimous vote to approve the minutes as amended by the Board.

**3. METHOD IDENTIFICATION ISSUE WITH SW-846**

Dr. Flowers briefly described the Tiger Team's conference call with Ms. Jan Young and Ms. Kim Kirkland of OSW, in which a number of topics were reviewed. The letter from ELAB to OSW, as discussed at the October ELAB conference call, was reviewed again. The Tiger Team decided at the conclusion of this ELAB conference call to convene an administrative meeting to draft a letter to OSW (Appendix A). The letter would invite OSW representatives to a face-to-face meeting with ELAB at the Miami ELAB meeting planned during the Forum on Laboratory Accreditation meeting in January. Dr. Flowers indicated that ELAB's goal should be to review the letter and prepare it to be issued. The purpose of the letter is to invite representatives from OSW to attend the meeting in

Miami in person so they can get a better sense of the issues that confront ELAB. Dr. Flowers recommended setting aside time on the ELAB agenda for the Miami meeting to work on the issues with everyone present.

Dr. Flowers entertained edits to the invitation letter from the Board. Mr. Jack Farrell of The NELAC Institute (TNI) expressed concern that the letter should be accurate about both NELAP and state authority to accredit labs and he believed the statement that NELAP was “the group that accredits most laboratories in the nation,” was not correct. Dr. Flowers suggested alternative language that meets his intent to identify the NELAP board to those who are not familiar with the group. He proposed replacing the current phrase about NELAP with the phrasing “a group that accredits laboratories.”

Ms. Lara Autry interjected as a point of order that before discussion continued the entire Board needs to formally consider and agree with the proposal from the Tiger Team to generate the letter to OSW. Once the Board agrees, then the details and finer points of the letter can be discussed. As part of the discussion from the Board, it was asked when specifically OSW was being invited to meet with ELAB. Dr. Flowers responded that OSW representative(s) would meet with the Board at the monthly ELAB meeting scheduled in Miami in January. The invitation letter to OSW could be edited to request the meeting on Monday afternoon at the Miami meeting. Dr. Flowers asked the Board if this letter were something that ELAB would like to put forward. All Board members were in agreement.

Mr. Rock Vitale stated that ELAB’s letters tend to be verbose and that the letter was not clear about the Board’s intent requesting a face-to-face meeting with OSW representative(s). The letter does not state what prompted the request or identify the issues ELAB has with OSW for the meeting.

Dr. Flowers replied that the subject matter was detailed under “RE:” Dr. Flowers suggested amending the title to add “for the purpose of discussing stakeholder response to the issue pertaining to the methods the Office of Solid Waste has published.” Mr. Gary Dechant indicated that he was under the impression that Ms. Autry was communicating the issues to OSW and the letter was just the formal invitation to the meeting. Mr. Vitale agreed that the missing link between the issues and the invitation letter was the ongoing communication between Ms. Autry and OSW in reference to the previous ELAB letter and conference calls. The letter does not communicate the urgency to achieve resolution on the stakeholders’ issues regarding OSW method publication and status issues.

Ms. Autry added that Mr. Vitale’s concern was the reason why she asked that the letter reference the previous July letter from ELAB to OSW to provide more detail concerning the unique identifiers needed for EPA methods. Ms. Autry confirmed her communication with OSW and added that OSW knows this letter is coming. She agreed that adding a sentence or two to the letter that further clarifies the statement in the previous letter about publication and status of OSW methods would be sufficient since the previous letter is referenced in the face-to-face meeting invitation.

Mr. Vitale agreed with the concept and reiterated that if this letter were read without the previous knowledge discussions had occurred with OSW, the reason for a face-to-face meeting with OSW the rationale for the letter was not clear. Ms. Autry also agreed that ELAB letter should clearly communicate the issues ELAB wants to address and not just rely on Ms. Autry's discussion with OSW to communicate ELAB's concerns.

Mr. Orvale Osborne cited a letter sent by Dr. Flowers on November 12, 2008, which he felt was much stronger and clearer than the most recent letter. Dr. Flowers stated that the Board should work with the current letter with the primary goal to promote the dialog with OSW by inviting them to send a representative to the Miami meeting and to have subsequent meetings in which a small group of the ELAB board could clearly describe the issues. The object is to keep the lines of communication open with OSW.

The Tiger Team has identified a disconnect between the stakeholders' understanding and OSW intention on the publication of revised methods. It's ELAB's job to help inform the agency of the issues. Dr. Flowers indicated the letter was a preamble to the communication process and does not believe the specific language of the letter is that important. Dr. Reza Karimi stated the letter should be kept simple and agreed that the object was to get OSW involved in discussion of the issues in Miami and all the issues could not be captured in the letter.

Dr. Flowers summarized the discussion by stating that the Board is in agreement that the letter needs to be put forward and opened discussion on letter's contents. He began with the Ms. Autry's edit in the first paragraph. He preferred his original wording so as not to lose the phrase "attracted very strong stakeholder response." He believes that telling OSW that such a response was received is more important than where the response was received. The Board agreed with Dr. Flowers' version. Ms. Autry stated that there is a grammatical change that still needs to be made if the Board keeps the original text.

Dr. Flowers then summarized the intent of the next few paragraphs of the letter. The third paragraph provides an opportunity to address Dr. Pletl's concern about the date of the meeting. While Dr. Pletl thought the Board's intent was to have OSW representatives come for the entire meeting to interact with stakeholders, ELAB's specific intent was to have OSW participate in the ELAB meeting on Monday. The Board decided to end the first sentence with "on Monday." Dr. Flowers then addressed Dr. Farrell's concern of how the NELAP role was described to the reader. He recommended changing the description as mentioned earlier in the meeting. Dr. Flowers wants to communicate that the NELAP Board and TNI exist and the meeting is a national forum providing an opportunity for OSW to hear and understand the stakeholder issues. Ms. Nan Thomey requested "group" that accredits laboratories be changed to "organization" that accredits laboratories. Those changes were accepted.

Dr. Karimi expressed that TNI's formal identification in this letter is acceptable. Mr. Farrell agreed. Ms. Autry added that Mr. Farrell is TNI's representative on the Board so it is his responsibility to make sure TNI is aware of any applicable changes. Mr. Farrell added that this is a TNI meeting and provides a public forum and place for ELAB to hold

their meeting. ELAB has the right to invite anyone to the Board meeting that they choose. ELAB and their presence in Miami together with TNI and NELAP Board is a public fact. TNI should not have any problems with their mention in the letter to OSW.

Dr. Flowers drew the Board's attention to another editing concern in the letter. Ms. Autry replaced "asks for" with "is requesting" in the first sentence of paragraph four regarding a meeting in February 2009 with OSW. Dr. Flowers preferred "asks for." The Board seemed to prefer "is requesting" overall, though some stated that "asks for" is stronger language. Dr. Flowers asked for any other comments on the letter.

Dr. Flowers reiterated the plan to have representatives from OSW at the Miami meeting in January. He expressed the desire to have the issues discussed in a public forum with OSW present to hear the comments that ELAB heard from stakeholders concerning OSW method publication and notification. ELAB wants to be able to meet with OSW managers in February to engage OSW in the discussion process. Thus, ELAB's detailed recommendations to EPA on these issues would avoid proposing actions that OSW can not do.

Ms. Thomey asked if ELAB would need to agree on what the subgroup will present at the February meeting. If so, there would need to be time between the January Miami meeting and the February OSW meetings for the entire Board to agree on the topics presented by the subgroup to OSW. A board member responded that he did not think there would be much delay getting the information from the Tiger Team for the presentation, given the Team's previous record. Ms. Thomey stated that there would have to be a formal public meeting of the Board to discuss and agree with the topics and content of the presentation for the OSW management meeting. Mr. Lowry commented that the issue was more about putting ELAB's technical resources together with EPA's resources to work through the issues in the program. The Tiger Team can put together the points that the Board has been discussing and at the regularly scheduled February meeting the Board can have the discussion and reach agreement on the presentation. The meeting with OSW would occur after the February ELAB meeting. Mr. Lowry reiterated that this is an important issue and that an agreement on the presentation was not as important as taking the leadership and dealing with the issue sooner rather than later. Ms. Thomey reminded the group that the public meeting and agreement on the presentation has to be accomplished before for the meeting with OSW management.

Ms. Autry stated that the meeting date cannot be set until after the third Wednesday of February (February 20). The Tiger Team will need to put that meeting materials together to be shared with the entire Board so there is an agreement during a public forum on what is initially presented at the meeting with OSW management. The subgroup that meets with OSW must report on the discussions with OSW at the March ELAB meeting before the Board action on the issues goes forth. She recommended that the date for the OSW meeting be stated as February and the specific date will be set once the Board completes its approval process.

Mr. Lowry recommended the Tiger Team recommend to ELAB who should represent ELAB at the meeting with OSW managers in February. Dr. Flowers indicated the decision on the subgroup to meet with OSW would be an action at the regularly scheduled February ELAB meeting.

Dr. Flowers then redirected the Board back to the invitation letter to OSW. Gary Dechant requested clarification of the definition of “this issue” as written in paragraph five. Mr. Lowry suggested the scope of the meeting could be defined at the regularly scheduled ELAB meeting in February since the scope and issues of the OSW meeting may change after all the feedback is received at the Miami meeting. The issue as he understands it is the method versions, modifications, and the process for SW 846 revisions. Dr. Flowers agreed that the letter is vague, but added that this is why the Board is asking for various face-to-face meetings, so that ELAB can refine and define the issues. It is important to get OSW to set aside the time by letting them know this meeting is being requested in the near future.

Mr. Dave Speis indicated his hopes that at the meetings in January and February would result in more progress than repeating what has been discussed at previous meetings. Dave asked if potential solutions would be discussed at the Miami meeting. Dr. Flowers also hopes all of the stakeholders will be present at the January meeting and that ELAB can lead the forum of stakeholders in the discussion of the issues and possible solutions. Dr. Flowers also hopes states will be represented and also be part of the solution. It was also mentioned that perhaps members of NELAP should also be invited to take part at the January meeting. Dr. Karimi stated that the meetings are an open forum and thus invitations are not necessary.

Mr. Lowery anticipated that in January the Board would have information from both sides to be presented in the meeting and give the opportunity for more states and federal agencies to recommend solutions or to reinforce some of the issues being discussed. The follow-up meeting in February would “land” the issues and generate a plan to resolve the issues. He does not want the January meeting to be unstructured but rather be organized with presentations—including an update from OSW on their current SW-846 methods update status and how updates are communicated to stakeholders followed by a presentation from ELAB to review stakeholder issues on SW-846 methods update. Dr. Flowers added that ELAB will know in December who will be attending and it would be possible to make selective invitations for a stakeholders’ panel that would be prepared to talk about the issues. The meeting in Miami should encourage dialogue between OSW, ELAB, and the stakeholders.

Mr. Lowry asked which representatives have the Tiger Team spoken with in respect to the last paragraph of the letter. Dr. Flowers responded that Ms. Jan Young and Ms. Kim Kirkland were the two OSW representatives present on the last Tiger Team Call and on today’s call. Mr. Lowry recommended including their names in the letter to let Mr. Hale know who on his staff had interacted with ELAB. Ms. Young asked if ELAB had any questions for her or Ms. Kirkland before they send the letter. Dr. Flowers summarized the intent of the letter for both Ms Young and Ms. Kirkland and agreed to include ELAB’s

appreciation in the letter for their responsiveness in the current discussions. Ms. Autry asked the OSW representatives to introduce themselves to the entire ELAB since not all of the Board members had been formally introduced.

Mr. Lowry made a motion the letter be amended as discussed and sent to OSW. Mr. Dechant seconded the motion. Dr. Flowers asked for further discussion on the motion and hearing note, he called for a vote to approve the OSW letter as amended. The motion was carried unanimously. He then ended the topic stating he would make the necessary changes to the letter that same afternoon and get it to Ms. Autry to be submitted to OSW.

#### **4. STANDARD COMPARISON UPDATE/QUESTIONS**

Dr. Ray Merrill from Eastern Research Group (ERG) led the conversation regarding ERG's progress with the Office of Water/TNI comparison paper. Dr. Merrill stated the previous version of the comparison was tailored more to the NELAC standards since the previous contractor used a NELAC checklist as the basis of the comparison. ERG's proposed approach organizes the comparison with a written introduction followed by three or four tables detailing agreements, disagreement, and omissions of the two water standards. The comparison of laboratory certification or accreditation used by the two groups would be provided to ELAB in a memo format.

He stated that the comparison tables were reformatted in Microsoft Excel for ease of use and ERG can submit the draft for review as a PDF file or text in MS Word and comparison tables in MS Excel. He asked for Board input on the preferred format for the draft memo. Dr. Merrill added that ERG considered EPA's Requirements for Quality Management Plans EPA QA/R-2 document as a starting point for the review but found that EPA's quality management plan requirements are not detailed enough to cover all of the laboratory evaluation criteria used by the two approaches.

Dr. Merrill presented a proposed timetable of work, in which the internal draft would be finalized and presented to the Board for review by December 12. This timetable would give ELAB time to review the comparison before the holidays. On that basis, if ELAB could have review comments back by December 19<sup>th</sup> (a little more than a week for review), then ERG would have time to make corrections and prepare a final document to the Board by January 5, 2009. This delivery date should allow plenty of time for the Board to evaluate and formulate a position on the two laboratory certification/accreditation approaches before the Miami meeting.

It was asked if the comparison would be structured directly against the language in the standards, to which Dr. Merrill replied that is correct. ERG will use the tentative TNI checklist as resource. He then reiterated the question of how the Board would like the draft report to enable comments. Ms. Autry asked how ERG would like to receive feedback from the Board and added that the agenda for the December 17 ELAB meeting could time for comments on the ERG draft as an ELAB agenda item. Dr. Merrill stated different ways to edit PDFs, but added that ERG was more interested in what was the

easiest for the Board. Dr. Pletl stated that the original Excel document would be the easiest to edit. The Board agreed that the draft should be provided in a form that is easy for the Board to annotate. One Board member recommended consolidating comments into one copy for all of the ELAB members, rather than submitting twelve individual's comments to ERG. Dr. Flowers recommended the Laboratory Management Group coordinate the review input and submit one set of ELAB comments representing the Board consensus for ERG to use to prepare the final memorandum report.

Dr. Merrill then asked a final question regarding the final version of the document to be delivered in January. One Board member asked where this document would go—would it be posted on a Web site and is a PDF file required for posting? It was agreed that the PDF file format was required and the final document would be posted on the ELAB Web site.

Another Board member asked if ELAB wants to give EPA a chance to add to these comments before the comparison report is finalized? Ms. Autry responded that she has promised the Office of Water that they would be kept in the loop regarding the comparison. Unlike the previous writing of the document, the Office of Water has been included in an open way with the planning for this document. As long as the Office of Water is kept in the loop, Ms. Autry does not believe that there will be such strong negative comments about this time. She also added that when ERG submits the draft in December, she will forward it to the Office of Water and both the Board and Office of Water should plan discuss the report at the December ELAB meeting.

Dr. Flowers then asked if the Board wanted to present the document as essentially complete or should the Board keep it in an editable form. He asked if the Board would like to examine and evaluate the draft with the general public so they can provide input as well. Ms. Autry suggested that the Board keep the document in draft form until they had received all comments and considered it a finished product.

Dr. Flowers described how ELAB had tried with the previous version of the comparison to get the municipal labs involved in the discussion of laboratory certification. He asked how that might be accomplished on this round. Dr. Jim Pletl was asked to elaborate on his effort to get the municipal water labs involved in this process. He stated that when TNI approached EPA about adopting uniform standards to certify water labs for the entire country, there were a number of other groups like the American Water Works Association, and the National Groundwater Quality Monitoring Network (NAQUA), that wrote letters in opposition to a uniform standard. He recommended that acquiring more support for a national certification program required ELAB to include other stakeholder groups. Mr. Lowry has contacted AWWA through a contact provided by Ms. Autry. Steve Via at AWWA is canvassing his membership about participating in reviewing the crosswalk commissioned by ELAB. Dr. Pletl can represent wastewater laboratories and together with a representative from AWWA, ELAB can do a better job of reaching consensus for recommendations on a national water laboratory certification standard.

If the Board uses the drinking water certification program as a point of comparison for a national standard, then it's important to get drinking water experts involved in the review of the comparison. That way, ELAB will know where there is disagreement with the drinking water labs that can be addressed. Thus, the Board's recommendations to move forward on a single standard would be much stronger.

Dr. Flowers asked for comments or dissenting views from the Board, to which there were none, so he recommended moving forward with Dr. Pletl's approach to involve AWWA. Dr. Pletl would continue to get someone from AWWA involved in the January ELAB meeting. He assigned the coordination of ELAB comments on the crosswalk to Mr. Dechant's group (the Laboratory Management Group) and that ERG should move ahead with the plan as presented. Mr. Dechant asked if Dr. Pletl had spoken with a Ms. Stephanie Passarelli (AWWA) who is involved in the G-standards for operation and management for water laboratories and waste water treatment plants. Her contact information was shared with Dr. Pletl for future reference during talks with Mr. Via of AWWA.

## **5. PROFICIENCY TEST FREQUENCY UPDATE/QUESTIONS**

Dr. Flowers introduced this new topic of proficiency test (PT) frequency as one topic that will come up during the crosswalk comparison. He referenced several updated TNI files previously sent to Board members. These files are available at [http://www.nelac-institute.org/cms/posts/1213773688.php#pab1\\_6](http://www.nelac-institute.org/cms/posts/1213773688.php#pab1_6) in the documents and presentations tab on that page. He added that the Board may reach consensus but not unanimity. He indicated it was important to reach a consensus on the issue of PT frequency that expresses ELAB's opinion and advice to EPA. Dr. Flowers reviewed the issue stating that TNI has created a subcommittee that has begun to review the PT frequency question and work on several topics including a task to perform a statistical comparison of laboratories performance related to the number of PT samples (one vs. two) analyzed per year.

The only data base that was readily available came from Environmental Resource Associates (ERA) and the state of New Jersey. ERA performed the statistical calculations on the data set and has worked with the TNI subcommittee, who directed the calculations. These data are now published in summary sheets that are posted on the TNI Web site and forwarded to ELAB members. A review of the data by a TNI subcommittee was recently completed and Dr. Flowers has also forwarded that report to Board members. That file is also available at [http://www.nelac-institute.org/cms/posts/1213773688.php#pab1\\_6](http://www.nelac-institute.org/cms/posts/1213773688.php#pab1_6). PDF data summary tables that include the statistical treatment are available to the public. The summary document produced by the subcommittee is also available to the public. Raw data has not been provided by the subcommittee for publication. The summary includes three conclusions, including the fact that laboratories that did two or more PT samples had lower failures on these samples than the laboratories that did only one PT sample per year. The standard deviation in the error was less for the group of laboratories

that did two PT samples a year. The report also includes comments on other factors that could affect the statistical significance of the results in the comparison.

Mr. Dechant stated that he was not sure what ELAB's role is for this study, since the Board cannot change the requirements in the standard for the number of PT samples. He wanted to know what ELAB was supposed to do with this topic. Dr. Flowers replied that it is up to ELAB with its diversified representation of laboratories to reach a consensus on the issue of one versus two PTs per year and make a recommendation to the Agency based on that consensus. Mr. Lowry added that if anyone can advise EPA on the matter at hand it is ELAB and the Board may as well begin formulating an opinion and conclusions now while the TNI report is still completing its evaluation and reporting.

Mr. Orval Osborne requested a summary of the different arguments for either one or two PTs per year. Dr. Flowers then presented the argument for one PT, stating the major issue for laboratories is the additional cost of such audits. Each PT includes the cost of purchasing the test, performing the laboratory work involved, and final data processing. These samples do not fit into the normal flow of a laboratory and are often processed and reported by senior staff; thus, these samples are more expensive to process than normal samples. The current NELAP standard requires two PT samples to be performed each year for each matrix in the laboratory's certification. That means water laboratories are analyzing four PT samples a year using the same methods for water and waste water matrices. Dr. Flowers stated that the average recoveries of laboratories performing one versus two PTs is nearly identical and does not believe that the added cost of an additional PT is worth the minimal improvement. Dr. Flowers added that the cost of TNI's two-PT rule has prevented some states from joining the TNI accreditation program.

Mr. Lowry presented the argument for two PTs per year, adding that his background is as a proficiency test provider, rather than the more laboratory-based background of Dr. Flowers. In reviewing the data, Mr. Lowry acknowledged the problem with higher failure rates for labs that perform one PT per year. The key point as expressed by Mr. Lowry was that TNI should recognize that no other accrediting organization in the world is considering reducing the number of PT samples. To become a true national or international accreditation organization, TNI needs to be in line with other international organizations. He added that it was the regulator's responsibility to assess risk of adding or reducing the number of PT samples required for a laboratory to maintain certification. The regulators must have confidence in the laboratories accredited to analyze drinking water as well as the water entering lakes and streams.

Mr. Dechant commented that as a "data use" person involved in laboratory oversight and data quality. He wants to know what are the data quality indicators that PT samples provide and how long does a regulator have to wait until the quality indicator has been met or the laboratory failed? Dr. Skip Kingston added that PTs are only one part or component of the quality assessment of the data. He questioned how useful the PT data were as a quality indicator because it was stated that the laboratories treated PT samples so differently, using their best staff to analyze and report PT results. Mr. Dechant quoted

from the standard that PT samples were to be analyzed in the same way as other samples. However the PT program is set up so that these samples can not be run like ordinary samples.

Ms. Thomey offered a solution to the PT analysis process concerns. She suggested that if the emphasis on PT samples could be moved to a process in which audit samples were analyzed as part of the project QC, then the cost is put on the data user. Audit samples could be submitted with samples and treated as samples and data would be current with the project results. Mr. Dechant responded that an audit submitted with samples would still be treated differently. Ms. Thomey offered that PT samples could be submitted blind to the laboratory to ensure the correct laboratory personnel are the people processing the audit samples. Mr. Vitale added that he would be in favor of one PT per year if that audit was a good double-blind. The real issues are submission of single blinds so the laboratories know the sample is an audit and the acceptance limits that are so wide it is hard to fail a PT analysis. During dialog between Mr. Dechant and Dr. Lowery, there was mutual agreement that PT samples were only one part of a quality system that also included on-site audits. No one part of the quality assessment can be taken in a vacuum.

A Board member summarized the key question of what the value of the PT is and how can the Board work to increase the value of the PT to make quality decisions about an organization. It seems that the current system does not tell the assessor much.

Mr. Vitale commented that most labs upon failing a PT first take the step to order a new PT rather than looking at any internal laboratory causes of failure first, which also causes speculation as to the value of a PT. He then posed the question of what the value of one or even two PTs is if neither test is providing valuable information representative of what really happens in the lab.

Dr. Flowers reinforced his argument that one proficiency test is good, however two is not better. In today's economic environment it is important for laboratories to be careful where money is spent. Another important part of the quality assessment is working with auditors that can identify fraudulent practices at laboratories. He used the example where in Florida, once NELAP's system was implemented, some laboratories saw the need to falsify records to pass audits that they eventually shut down rather than get caught. Dr. Flowers noted that two PT samples were required before NELAP accreditation and the PTs did not solve the laboratory quality issues. Quality system records required under NELAP solve the problem of poor quality laboratories. He stated that "we" need to broaden NELAP to identify and get rid of poor quality data in states that do not currently implement the NELAP program, rather than increasing the number of required PTs. On the question of PT failures, it was added that many labs do have quality systems and still see frequent failures. Dr. Karimi summarized by saying that one PT sample is an adequate demonstration if a laboratory has a quality system in place, but no number of PT samples are adequate if a quality system is not in place. Mr. Lowry referred to an ongoing study in the state of Maine that should be available to the Board next month. The laboratories are certified to the water standard and do have a quality system requirement for certification, but even with two PTs per year laboratories are still failing.

Mr. Spies stated that he was not sure that the Board will be able to pinpoint a cause for the differences between laboratories that perform one PT versus those that perform two since there seems to be so many factors.

Dr. Richard Burrows added from his laboratory perspective that if it is true that some states are not participating in the TNI program because of the cost of two-PT requirement, then that in itself is a very strong argument for one PT. With states opting out of the TNI program, it is costly in terms of data quality and moving towards a national standard for laboratories. As Dr. Flowers indicated, for those states where the other requirements of NELAP are not part of the requirement to be an accredited testing laboratory, then the data laboratories in these states generate is significantly worse than in states that do implement the NELAP accreditation. Ms. Morgan added that a survey was performed with 50 state agencies (excluding Georgia, Hawaii, and Delaware) in which the states were asked about their preference: nineteen states supported one PT, fifteen supported two PTs, and sixteen (nine of these are NELAP states) preferred one over two since these last sixteen were not convinced two PTs improved data quality over a single annual PT. Ms. Morgan noted that even NELAP states do not see a difference between the numbers of PTs performed. Dr. Kingston added that he believes accuracy was key and he asserted that the Board may not be asking the right question: how do you get accuracy in the laboratory results, rather than how many PT samples should be analyzed?

Dr. Flowers stated that he believed that extending the TNI would be the biggest national step that could be taken to achieve better laboratory accuracy. In his experience, the TNI approach was the only thing that worked to improve laboratory data quality in Florida. To produce meaningful data, Dr. Flowers supports quality systems in the laboratories producing data. Dr. Borroughs suggested asking non-TNI states if the number of PT samples were reduced to one per year, would the state be more likely to adopt TNI? Ms. Morgan referred back to the 50-state agency study and asked Dr. Borroughs' question. A number of states responded yes or yes that is part of the reason for not participating in the TNI accreditation program. States noted they do not have the personnel to track the additional PT samples. States reported in the survey that PT samples were only a small part of the overall competence acceptance at a laboratory. Since states view PT samples as only a part of the program, they do not believe it is worth the effort to take on the added work they have to do to add a PT to their programs.

As time for the meeting reached the end, Dr. Flowers asked Ms. Morgan to be prepared at the next meeting to discuss the current world wide laboratory survey with 315 respondents. He then directed the Board to the next agenda topic.

## **6. WORKGROUP UPDATES/ASSIGNMENTS**

Mr. Lowry provided the summary of his group, the Measurement and Technology Workgroup. The workgroup met last week and discussed old issues, most of which were closed out. The workgroup plans to review the final version of the TNI PT Frequency

Subcommittee report and present their findings to ELAB during the February ELAB meeting. As a side project, to cite Dr. Burrows' earlier comment, the workgroup also plans to look into the question of the appropriateness of the correlation coefficient in EPA measurement.

Mr. Dechant stated that the Laboratory Management Workgroup has not met. Based on this meeting, the Workgroup has a new task to coordinate comments from ELAB on the comparison of certification and accreditation standards.

Ms. Morgan stated that her group, the Monitoring Workgroup, had not met recently. The last item the group worked on was the FEM repository. She added that her workgroup would be willing to take on a new, more involved project if one were to arise.

## **7. REVIEW ACTION ITEMS/ASSIGNMENTS**

Dr. Flowers reported that the Tiger Team had not discussed the American Council of Independent Laboratories (ACIL) letter. The letter needs to come before the Board in the context of the OSW issues at another meeting. He also asked the Board members to begin to focus on the Miami meeting. He recommended working with Jerry Parr at TNI on an email invitation to go out to invite the general membership to the Miami meeting before December, adding that the email could be an appropriate project for Ms. Morgan's group. She would need to work directly with Mr. Jerry Parr at TNI to get the invitation out on time. Ms. Morgan agreed to contact Mr. Parr and work directly with him on the invitation. Ms. Autry commented that the content of the invitation could be agreed to via email since this was a public meeting. Dr. Flowers added that the Board needed to develop an agenda for the Miami meeting as part of this invitation. Ms. Morgan asked the Board to provide topics for the agenda and she would develop a draft early in the first week of December so it could be finalized by the end of that week.

## **8. CLOSING REMARKS/ADJOURN**

Dr. Flowers thanked the Board for the progress and adjourned the meeting.

Attachment A

AGENDA  
ENVIRONMENTAL LABORATORY ADVISORY BOARD  
Monthly Teleconference: 866-299-3188/9195415544#  
November 19, 2008; 1:00 - 3:00 pm (ET)

Opening Remarks	DFO/Chair
Roll Call of ELAB Members and Identification of Guests	Chair
Review/Approval of October Minutes	Chair
Method Identification Issue with SW-846	All
Standard Comparison Update/Questions	ERG/All
Proficiency Test Frequency Update/Discussion Please Review the documents presented on the TNI Site: <a href="http://www.nelac-institute.org/cms/posts/1213773688.php#pab1_6">http://www.nelac-institute.org/cms/posts/1213773688.php#pab1_6</a> The Summary Report gives an overview and the supporting files give the results of the statistical calculations on the full data presented.	All
Workgroup Updates/Assignments (Old and New)	All
Review Action Items/Assignments	Chair
Closing Remarks/Adjourn	DFO/Chair

**MEMBERSHIP LISTING AND GUESTS**

## ELAB MEETING

November 19, 2008; 1:00 – 3:00 PM EDT

<b>Attendance (Y/N)</b>	<b>Name</b>	<b>Affiliation</b>
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	Mr. Gerald (Gary) Dechant	Analytical Quality Associates, Inc. Representing: Data Users
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. Glenn (Joe) J. Pardue, Jr.	Pro2Serve Representing: Clients of QS Services
Y	Dr. Jim Pletl	Hampton Roads Sanitation District Representing: Municipal Env. Lab.
Y	Dr. H. M. (Skip) Kingston	Duquesne University Representing: Government Consortiums, Native Americans, and Academia
N	Dr. Michael D. Wichman	University of Iowa Hygienic Laboratory Representing: Association of Public Health Laboratories (APHL)
Y	Ms. Nan Thomey	Environmental Chemistry, Inc. Representing: Owners Full Service Labs
Y	Mr. Orval Osborne	Creek Environmental Laboratories, Inc. Representing: Small Laboratories/Native Americans
Y	Dr. Richard Burrows	Test America Inc. Representing: Commercial Lab Industry
Y	Dr. Reza Karimi	Battelle Memorial Institute Representing: Non-profit Research and Development Organizations
Y	Ms. Lara P. Autry, DFO	US Environmental Protection Agency Representing: EPA
Y	Mr. John (Jack) E. Farrell, III	Analytical Excellence, Inc. Representing: The NELAC Institute (TNI)
Y	Mr. Rock Vitale	Environmental Standards, Inc. Representing: Third Party Assessors
Y (Guest)	Ms. Janvier Young	EPA/Office of Solid Waste

<b>Attendance (Y/N)</b>	<b>Name</b>	<b>Affiliation</b>
Y (Guest)	Ms. Kim Kirkland	EPA/Office of Solid Waste
Y (Guest)	Mr. Steve Arms	Florida Dept. of Health and Lab. Services
Y (Guest)	Dr. Ray Merrill	Eastern Research Group
Y (Guest)	Jennifer Colby	Eastern Research Group

**ACTION ITEMS**

1. The ACIL Letter still needs to be reviewed by the Tiger Team.
2. All of ELAB needs to begin to focus on the January Miami meeting and making this meeting a success.
  - a. Ms. Morgan's group has been placed in charge drafting the e-mail invitation to the general membership, as well as determining a meeting agenda which will be sent out by December.

Attachment D

I hereby certify that these are the final version of minutes for the Environmental Laboratory Advisory Board Meeting held on November 19, 2008.



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Signature Chairman

Dr. Jeff S. Flowers

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Print Name Chairman

APPENDIX A  
Additional Files Distributed to Board Members for the Meeting

# ELAB

## Environmental Laboratory Advisory Board Federal Advisory Committee to EPA

November 19, 2008

Mr. Matthew Hale, Jr.  
Ms. Maria P. Vickers  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. (5301P)  
Washington, DC 20460

RE: Environmental Laboratory Advisory Board Follow-up with the Office of Solid Waste

Dear Mr. Hale and Ms. Vickers:

The Environmental Laboratory Advisory Board (ELAB) is established under the Federal Advisory Committee Act (FACA) to advise the US Environmental Protection Agency (Agency) on environmental measurement, monitoring, and laboratory issues including accreditation. We had a very strong stakeholder response during the public period at our August meeting on an issue pertaining to the SW846 methods that the Office of Solid Waste (OSW) published. These comments were made at the Environmental Measurement Symposium, which is a joint meeting of the National Environmental Monitoring Conference (NEMC) and the Forum on Laboratory Accreditation. This issue was highlighted in a letter ELAB sent to Dr. George Gray on July 11, 2008, which is enclosed, to identify the need for unique identification of all Agency methods.

We first want to thank the OSW staff for their willingness to work with ELAB in formulating a workable proposal to the issue of effective implementation of new and revised OSW methods. In an effort to gather further information to adequately advise the Agency on this issue, ELAB has initiated a dialogue with OSW staff. There is still work that remains, but we are confident that by continuing to work together we will resolve some of those additional areas of concern as well.

ELAB is requesting that OSW send a technical representative(s) that can further our dialogue to the up-coming Forum on Laboratory Accreditation, January 11 – 14, 2009 in Miami, Florida where ELAB will be holding our next face-to-face meeting on Monday. ELAB members will be present and The NELAC Institute's (TNI's) membership will be present, which includes the leadership of the National Environmental Laboratory Accreditation Program (NELAP) Board (i.e., an organization that accredits laboratories), the laboratory community, and representatives of the regulatory and measurement data user communities. This National Forum provides a unique opportunity for OSW to understand and discuss the issues that the full community of stakeholders of the OSW methods faces.

ELAB also is requesting a meeting with OSW in February 2009 to further work on practical solutions to this issue prior to ELAB making a formal recommendation. ELAB proposes to send a small working group of representatives to meet first with senior managers of OSW followed by working sessions with OSW's technical staff that afternoon. We have requested our designated federal official (DFO), Lara Autry, to follow-up with you to make the appropriate arrangements.

This issue has raised more interest in the greater community than any other in recent history, and ELAB is committed to working out a practical recommendation that substantially solves this issue within the constraints of the Agency and States. We would like to thank Jan Young, Kim Kirkwood and Shen-Yi Yang for their responsiveness and candid discussion and look forward to working with OSW and assisting the Agency in this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. S. Flowers', with a stylized flourish at the end.

Jefferson S. Flowers, Ph.D.  
Chairman, ELAB

Enclosure

cc: George M. Gray  
Elizabeth Lee Hofmann  
Lara P. Autry  
ELAB Membership