

**SUMMARY OF THE
ENVIRONMENTAL LABORATORY ADVISORY BOARD MEETING
Teleconference: 866-299-3188/9195415544#
December 17, 2008; 1:00 – 3:00 PM**

The Environmental Laboratory Advisory Board (ELAB or Board) regular teleconference was held on December 17, 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 asking Ms. Lara Autry to call roll since she had a running list of members who had joined the call. Guests on the call included Mr. Jerry Parr from the NELAC Institute (TNI), as well as Dr. Raymond Merrill, Ms. Jennifer Colby, and Ms. Donna Tedder from Eastern Research Group, Inc. (ERG).

2. REVIEW AND APPROVAL OF NOVEMBER MEETING MINUTES

Dr. Flowers asked for any changes to the November 19, 2008 meeting minutes. Mr. Dave Speis and Dr. Richard Burrows cited incorrect spellings of their names in the November minutes. Mr. Jeff Lowry also added that page 11 paragraph six should be changed to read, "The workgroup plans to review the final version of the TNI PT Frequency Subcommittee." No other changes were requested. Mr. Speis made a motion to accept the November minutes as amended and Dr. Reza Karimi seconded the motion. Dr. Flowers called for a vote, and the motion passed unanimously.

3. PREPARATION FOR THE MIAMI MEETING (KEY TOPICS)

Dr. Flowers began by stating that Ms. Judy Morgan had completed the task assigned in the previous meeting: drafting the e-mail invitation to the general membership, as well as determining a meeting agenda. Several others provided input on the e-mail package being sent to invitees to the Miami ELAB meeting planned during the Forum on Laboratory Accreditation meeting in January in Miami (Miami meeting). The executive director from TNI provided Dr. Flowers a list of people who registered for the TNI conference. Dr. Flowers sent the invitation package to the entire list. Dr. Flowers transitioned to the rest of the topic by asking what the Board's strategy should be for the Miami meeting and what were members hoping to accomplish.

A. Method Identification Issue with SW-846

Regarding the SW-846 issue, Mr. Speis stated that it was important to him that ELAB not regress and repeat what had already been discussed at the previous face-to-face meeting in August. He recommended the board charge one member with presenting a detailed summary of the issue, discussions to date, and the current status or progress that has been made highlighting discussions and work with EPA's Office of Solid Waste (OSW). Such a presentation would provide a foundation to act on once solutions are proposed. Dr. Karimi agreed, stating that the presentation should include a debriefing of the audience about the history of this item, that it is not a new item, and to prevent the Board from beginning the meeting at "square one." Mr. Speis added that this presentation would put the OSW into a better position to discuss what they are able to do to resolve the issue.

Mr. Jack Farrell recommended that the session and presentation set the stage to focus on solutions to the issue. The presentation should include what are some of the solutions and how does the stakeholder community go about implementing them. Dr. Flowers added that ELAB should emphasize at the January meeting that this is not just an OSW issue; the States have a part in the dialog and solution. ELAB should emphasize that it is important that all parties involved take some ownership of their part of the issue and be cooperative in finding a solution. Both OSW and the States may have to change what they're doing to respond to this issue so there can be a "national success" coming out of the discussion. Dr. Flowers asked Mr. Speis to lead the Tiger Team's effort to create a Power Point presentation for the January meeting. Dr. Flowers agreed with Mr. Farrell's point that the presentation should begin with a summary of what was done, include how the groups arrived at this point in the discussion, and end with identifying the participants who need to act to find and implement a resolution to the issue(s). The presentation should take into account that States may have to make some changes to their rules to resolve the issues.

Mr. Farrell also stated that a presentation would be an opportunity to reiterate the meaning of some of the "terms." Clarifying these terms and misconceptions will help States understand the process. It would be instructive to the States to understand what it means when OSW publishes a method, when methods to be used, and how OSW officially retires and replaces methods. Dr. Flowers stated that it is also important to ask all involved parties (OSW and the States) what is needed to make the process of issuing new OSW methods work. What would help the States understand the OSW process for method release and what would help them in their rule making. ELAB cannot effect change but can champion for successful change by bringing the parties together and getting them involved.

Mr. Farrell stated that he was not convinced that much rule making would be necessary once the States understood the process and what the "terms" mean. Another member agreed with Mr. Farrell, stating that he did not know what each State required in its code, but as a group, the States are creative and specific rules may not be an issue once they

understand the process. Mr. Farrell then cited an example of one State that requires laboratories to use promulgated methods. When the State discovered one lab was not using the latest release (version “c”) of an SW-846 method, the State instructed the lab to use the latest release of the method assuming it was promulgated. As it turns out the latest release had been published but not officially promulgated. This is the type of clarification that can help both the laboratories and the State understand what it means when EPA proposes and promulgates methods. It is important to define and distinguish which methods are promulgated and which are not. It was asked if the latest version of the method was an improvement and if laboratories should always use the newer methods for that reason. Mr. Farrell stated that he did not believe the latest version of a method was always an improvement.

Mr. Gary Dechant then asked if it was certain that an OSW representative would be at the Miami meeting in January. Ms. Autry replied that staff from OSW would attend the meeting and one was a “significant” member of OSW management. OSW asked Ms. Autry to have the Board share ELAB’s expectations of the OSW participants for the ELAB session at the January meeting so they could be prepared to discuss the issues with the Board. OSW indicated to Ms. Autry that they have no expectations the solutions have already been made even though they have started making changes that they are willing to share with the Board. OSW stated to Ms. Autry that they wanted to hear from the stakeholders but they wanted to know the Board’s expectations so they would not be caught off guard and that they would be fully prepared on the issues for discussion. Dr. Flowers, speaking for the Board stated that there was no intention to put OSW under pressure but rather to allow OSW to interact freely in discussing the issues. Dr. Flowers summarized what the Board needed to do next, namely that Mr. Speis would lead the Tiger Team to prepare the presentation.

Dr. Karimi stated that it is important to recognize that not all of the issues in this matter are with OSW and that the adoption of the methods rests with the States that have been part of the problem. Dr. Flowers agreed and added his hope that States would accept the invitation to the meeting and be a part of the process at the January meeting. Mr. Dechant reminded the Board that TNI has made a resolution, charging ELAB with finding a solution to the communication issues regarding SW-846 method publication and promulgation. While he did not agree, he believed there was a general understanding among the NELAP States that the solution would come from OSW. He believes the States will be mistaken if they expect the solution to be presented by OSW without an effort on their part as well. The first expectation he had for OSW at the January meeting was that they respond to the Board’s questions and recommendations. To date, ELAB has not had a complete response to the Board’s questions presented to OSW approximately two months ago. Dr. Karimi stated that the January meeting was a good time for a dialog between ELAB, OSW, and the States on these issues.

Going back to OSW’s request for expectations at the January meeting, Mr. Farrell recalled OSW agreeing they understood the issues and asked if it was appropriate to ask OSW to describe their internal discussions, their progress, and their vision of a resolution including a timeline for actions. OSW should also address what they need from the

stakeholder community for the solution to work. Mr. Farrell also recommended OSW come to the meeting prepared to address two topics: first, to talk about what it means when a new method is published and when they expect new methods to be used prior to promulgation and second to be prepared to answer technical questions from the stakeholders about the new methods. Mr. Farrell agreed that these questions could be part of OSW's response to the previous questions posed by the Board.

In the Board's conversations with OSW, Mr. Farrell indicated he was able to better grasp OSW's philosophies only after the Board posed questions regarding OSW's expectations on the use of methods when new methods were published. He feels that it would be beneficial to have OSW share these thoughts and expectations with the stakeholder community. Dr. Flowers added that the Board recognizes that this is a large problem that has developed over time and there exists a lot of confusion surrounding the SW-846 methods issues. ELAB's role is to help unravel the confusion, which will take time and more than one meeting.

Mr. Farrell asked how much time would be allotted to OSW during the January meeting. Ms. Autry asked where the OSW discussion would fit into the ELAB meeting. Mr. Farrell suggested that the SW-846 presentation should be first on the agenda after normal business and added that if the Board would like to keep people at the meeting, the Proficiency Testing (PT) discussion should be last. Dr. Flowers stated that because OSW was making the effort to send representation to the meeting, at least an hour should be set aside for them. Mr. Farrell proposed the following schedule:

- Start with Normal Business/Accepting Previous Minutes
- 1:30 – 3:00 pm (SW-846)
- 3:00 – 3:30 (Break)
- 3:30 – 4:00 (TNI/OW Standard Comparison Update)
- 4:00 – 5:00 (Proficiency Testing Frequency)

He then asked if this was too much time for the PT committee presentation. It was asked what would be discussed regarding the PT frequency topic, since the Board is still waiting for the PT Subcommittee to finish up with their report. Dr. Flowers stated that the Board could be flexible with the schedule after the break in regards to the last two items. Dr. Karimi asked if the Board would be duplicating the PT subcommittee's presentation during the ELAB meeting. Dr. Flowers replied that the Board was not planning a presentation so much as reviewing information already processed. Having a public conversation about the PT Frequency issue where ELAB states its opinion is appropriate to set the tone for TNI discussions later in the week.

Mr. Farrell acknowledged that the above meeting schedule was flawed, as at least a half an hour would be required at the beginning of the meeting to take care of normal Board business, and so it should be expected that the SW-846 discussion will run over the break period. It was added that the issue could be difficult to contain and it will be important for ELAB to keep the discussion within the time constrictions.

Dr. Flowers reviewed ELAB's approach to this part of the session starting with the PowerPoint presentation that will keep the participants from repeating discussion that has already taken place on the issue. He asked Ms. Autry if it would be appropriate to ask the OSW to discuss their approach after the ELAB presentation. Ms. Autry stated that this was a good idea and allows OSW to respond to the prior comments, give more information on how OSW methods are identified, and give their view on the use of newly published methods. She suggested that the easiest way to do this would be to list a couple of "bullets" the Board would like OSW to cover and ask them to make a short presentation based on the bullets. She indicated this would be well accepted by OSW and gives them topics to prepare for the meeting. The ELAB presentation would be followed by a short OSW presentation, followed by discussion. Dr. Flowers asked if the Board would like to leave it to the Tiger Team to develop the bullets for OSW. Ms. Autry stated that she would need the tasks by Monday morning for her discussion with OSW. Mr. Dechant stated that this could be done if Dr. Flowers would take the lead and come up with a few points of discussion, send those around to the other members of the Tiger Team and they can bolster these items. Dr. Flowers agreed to have preliminary discussion topics to the Board by close of business Friday 12/19/2008.

B. TNI Standard Comparison with Drinking Water Program

This topic was introduced with the question of whether ERG planned to make a presentation on the comparison document. Dr. Merrill replied that ERG has made a few comments on the document and that ERG attempted to be even-handed while organizing the document into major topic areas. He then stated that if the Board would like, he could present the comparison, but he was not comfortable providing conclusions regarding differences between the two approaches since he felt it was the Board's responsibility to editorialize the comparison document as they saw fit.

Mr. Farrell asked if ERG is to give a presentation at the meeting, then is the Board making this document available, because the document will be requested once the stakeholder community knows it has been prepared. Ms. Autry added that it was very important that the Board make it known that the document is a draft before it is released to the public.

Dr. Flowers emphasized that it is very important that each Board member read the document critically and take ownership of it. It was asked whether reviewing the document should be assigned to one of the workgroups as a course of action and Mr. Dechant commented that this assignment had already been made to the Laboratory Management Workgroup. Dr. Flowers agreed and indicated that the level of detail demanded that a workgroup review the document and that all of the members (for example, Ms. Morgan's QA experience with both standards) bring their skills to form opinions on the comparison of the two laboratory assessment approaches.

Ms. Autry followed Dr. Flowers's statement, asking the Board how they wanted to distribute the document since it was so large. Mr. Lowry suggested that the Board thoroughly watermark the document, convert it to a PDF file and post the file online. It

was stressed that until the Board has completed review of the document it should only be shared as a work in progress. He noted that the document would be shared with EPA's Office of Water and he asked how and where the document should be shared with TNI. One board member asked what had to be done before the document could be shared with American Water Works Association (AWWA). Ms. Autry stated that she did not see an issue in sharing the document with the community, but agreed that it needed to be watermarked as a DRAFT and placed into PDF format so it could not be altered. The Board's discussion focused on sharing the document with the community only after it had been watermarked as a draft and converted to a PDF file format. Dr. Flowers stated that there is a lot of opinion in the document that needed to be considered by the Board, and that they will have to reach consensus on what was in the comparison before it is released as final. He was concerned about releasing the document to interest groups until the Board had a chance to review it. Mr. Lowry offered to send the document to the TNI Board but wanted to make sure he had the document as it would be distributed to other parties.

Ms. Autry offered to coordinate a single version that could be distributed to the Board and interest groups. Ms. Donna Tedder stated that she received a comment from Mr. Dechant regarding the third column title in the document and asked whether that should be changed before the document is converted to PDF. Ms. Autry recommended small changes that the Board noticed and that could be changed quickly should be corrected before the document was distributed. Dr. Flowers asked Mr. Dechant to explain the revision. Mr. Dechant stated the title of column three was misleading, indicating that the TNI standard follows only the ISO in certain areas; however, the TNI standard follows the ISO completely. This column only indicates places where the ISO is directly referenced or quoted in the TNI standard. It was suggested that the column title be changed to "ISO Reference," since the TNI standard conforms to ISO and adds additional or specific requirements. By changing the column title the document will show the source of the requirements as the TNI, ISO, and OW standard. Dr Flowers asked to have the three sources of requirements grouped under a heading called requirement source. ERG agreed to make the changes and send the document to Ms. Autry for distribution.

Dr. Flowers asked if the Board had any other quick changes that needed to be made to the comparison document. There were none, so he emphasized again that ELAB needed to take time to reach consensus on the document and take ownership of it. He stated that if Mr. Jim Pletl can bring the other major parties into this discussion, ELAB has the opportunity to build some bridges and have this discussion move on a better tack in the future. Mr. Pletl replied that he thought the Board had planned to have more completed by the January meeting, however, if the Board was comfortable presenting the comparison document as a draft still in review then the AWWA technical staff would have time to review it and participate in the effort fully.

Mr. Lowry stated his plan to send the draft watermarked PDF electronically to Mr. Parr for distribution to TNI Board for comments, and in this light, he asked when the Board would like to receive comments. Mr. Dechant replied that it is important to ensure an adequate amount of time for comments and added that this is not an issue that should be

fast-tracked, and would like to give the comment period several months. He also suggested comments could be received sooner rather than later and revisions could be iterative because the document is so important. Ms. Autry suggested identifying the key constituents or chief stakeholders for this document and set up a schedule of individual conference calls with representatives from each key group. This would show ELAB's good faith effort and open dialog on stakeholder thoughts, comments, and opinions about the document. She also suggested setting time aside at the regular ELAB Board teleconferences for groups to participate as part of the agenda. She recommended OW and TNI be the first two groups invited to participate since their documents are referenced in the assessment comparison document.

Dr. Flowers asked Ms. Autry about OW expectations on a timeframe for the comparison. Ms. Autry stated that while no deadline has been suggested by OW, the sooner the review is done the sooner recommendations can be made about the programs and the sooner the possibility of a single program can be discussed. She added that she was not sure when OW planned to release the next version of the Performance Manual for Laboratory Certification, but she thought OW would start revisions as soon as they were able if substantive recommendations came out of the ELAB comparison. Mr. Flowers wanted to clarify that if it does take several months to complete the document, everything will still be okay. Mr. Orval Osborne stated that he thought setting a goal for the workgroup to have their review complete by August so that they could make a presentation to the complete Board at the face-to-face meeting in San Antonio. Mr. Dechant agreed with this approach and recommended the Board make it well know publicly that ELAB is working on this document and requesting feedback from the community.

Ms. Autry stated that there was no reason the document could not be posted on the ELAB Web site with a request for comments as long as it is labeled as a draft and stakeholders should treated it as a work in progress. She has already added an update to the ELAB Web site, including the Board's roster, membership of the Board's workgroups and approved minutes to date. She needs information from the Board on what they would like to have posted about their workgroup activities. Most workgroups information on the Web site is out-dated or not included at all. The comparison document is an example of something that can be posted on the Web site along with direction from the Board on how the public can be involved.

A Board member suggested dividing the document into sections based on the major headings. Since the major headings parallel the three ELAB workgroup areas, each workgroup could take a section for review. Dr. Flowers replied that he thought it was best to allow the Laboratory Management group to work on the document initially so that Mr. Dechant can coordinate contact with stakeholder groups and get their input and involvement. He voiced concern that breaking the document into parts with separate workgroups working independently would not easily allow coordination with the stakeholder groups. He stressed that the entire Board should be reviewing the document independently in preparation for the workgroup's initial report. Dr. Flowers expects Mr. Dechant and the Laboratory Management Workgroup will be making monthly presentations to the Board at the regularly scheduled ELAB conference calls.

Mr. Lowry inquired about having Mr. Dechant or a member of the Board work with ERG to create a small presentation for the Miami meeting describing what the comparison document includes, what kind of feedback the Board wants from the stakeholder community, when the Board wants feedback, and how comments should be submitted. He suggested the presentation could be the report in Miami on what the Board has undertaken, what has been completed to date, and notice that ELAB now wants input from the rest of the stakeholders. Dr. Flowers asked if this could be accomplished at this Friday's Laboratory Management Workgroup meeting. Dr. Flowers asked Mr. Pletl if he was going to get his AWWA contact involved. Mr. Pletl stated that a group was planning to be involved in the review to provide drinking water stakeholder feedback to ELAB.

Mr. Pletl asked whether the Board had set a deadline for outside reviews. Mr. Dechant replied that he thought it was premature to set this date. Dr. Flowers stated he assumed AWWA would be part of Mr. Dechant's workgroup on this issue. Mr. Dechant asked who Mr. Pletl was working with in AWWA. Mr. Pletl replied that he was working with Steve Via, but the AWWA is working through their technical committee so there will be several people working on this. Mr. Vitale stressed that while he agreed that this item should not be fast-tracked, a deadline that is set too far away can result in a "out of sight, out of mind" effect with possible stakeholders and asked if it was possible to place some milestone dates in place. Ms. Autry agreed with Mr. Vitale, suggesting as a starting point asking for initial feedback by January 30. It was important that the Board stress this was initial feedback and there would be additional opportunity to provide input.

Mr. Dechant clarified his position, stating that he intends to establish a timeline after the workgroup determines which stakeholders are willing to participate. Mr. Dechant wants to speak with representatives from AWWA, OW, and TNI to determine with the stakeholders reasonable deadlines rather than setting them now. Dr. Flowers responded this plan worked as long as the workgroup had all this information by January and was ready for their presentation at the Miami meeting. It was also added that some time after the January meeting should be allotted for additional comments since some potential stakeholders may be hearing about the issue for the first time at the meeting. Mr. Dechant agreed this was a good starting point.

C. Proficiency Test Frequency Update/Discussion

Dr. Flowers began discussion on this topic by referring to last month's discussion. He then asked Ms. Morgan if she had planned to present additional information regarding proficiency test (PT) frequency. She replied that she was not prepared to do that. Dr. Flowers emphasized that it was important for ELAB to be lead "spokesman" on this subject since the Board represents a diverse and balanced background of stakeholders. He then referred to issues discussed during the last meeting, acknowledging the Board had not come to agreement on the issues and suggested for the Miami meeting the Board could review its discussions and opinions on the evolving information on the subject and recommend places in the stakeholder community where additional useful information can

be found. He emphasized that whatever result the Board reaches, the resolution will not come from a mathematical treatment of data on PT frequency and results.

Mr. Farrell asked when the TNI PT committee would be done with their findings report. Dr. Flowers replied that the PT committee was waiting on additional information from the PT subcommittee; however he did not believe that their findings would be ready for consideration until this coming summer. Mr. Dechant added that the PT subcommittee will update the PT Expert Committee on their current status at the Miami meeting. The next milestone and direction to pursue this issue will be given at that point.

Mr. Farrell questioned whether the Board was moving too fast with this issue and whether the Board should wait until TNI finishes their tasks and reports before ELAB gets in the middle of the issue again. Dr. Flowers responded that ELAB is already in the middle of the PT frequency issue since it involves the TNI/OW Standard Comparison. Dr. Farrell expressed concern that the Board would only re-hash discussions currently being held by TNI. Dr. Flower replied that ELAB would not be repeating other discussion because ELAB is a unique group and should therefore express its position on this issue.

Mr. Dechant asked if ELAB should be commenting on a TNI report that has not been completed. He recalled ELAB had decided to wait for the PT subcommittee of TNI to complete the report and then the Board would provide comments and opinion on the issue. Dr. Flowers stated that the Board had an opportunity to make comment ELAB identifies as significant topic areas and information that would be valuable to obtain for the report. He commented that the Board has to make its own decision(s) on the subject and present what are significant or important issues to the stakeholder community. This is a great opportunity for ELAB to express its views publicly. ELAB's end product will be advice to EPA on the PT frequency.

Mr. Farrell stated that he needs the input from the experts that are investigating the proficiency frequency issue to help him formulate his position. To him, the questions before the Board are: when is the right time to take up vote on ELAB's position, and what information is necessary to bring before the Board before the vote. Discussion continued among Board members about ELAB member's participation on TNI subcommittees and information they bring back to the Board. Dr. Flowers expressed that the groups working on this issue are narrowly represented and this is an opportunity to ask share the questions ELAB has on the issue. In addition, he would like the Board members attending these other stakeholder meetings to inform the ELAB on important issues surrounding the PT frequency issue, rather than let the workgroup be the sole source of input for the Board's decision process. In this way, the Board can express its opinion, ask questions, and affect the information made available for preparation of the final TNI report.

Ms. Morgan summarized comments stating that she understands Dr. Flowers would like to request TNI to discuss certain topics of concern to ELAB in their report. Dr. Karimi added that the request includes a debriefing from the PT subcommittee so ELAB can

prepare input to the process before the report is finished. Dr. Karimi believes that ELAB should allow the PT subcommittee to do its job and the Board is not yet ready for a public discussion on the topic.

Mr. Farrell summarized a strategy for ELAB at January meeting on this topic. He recommended the Board state that this issue is on ELAB's list of current topics, the Board is very interested in it and several members of ELAB participate on committees dealing with the issue. ELAB will focus its comments on the subject through its committee membership back to the appropriate stakeholder group. He also recommended taking time in the agenda to accept comments from the audience for ELAB to forward to the appropriate subcommittee. Dr. Flowers supported using ELAB as the forum to encourage dialog so stakeholders can bring all the issues that may be missing to the attention of the TNI group working on the issue. He agreed this is not a time for ELAB to come to a decision and express an opinion to EPA on the issue without letting the TNI committee complete and publish its work on the issue. It was mentioned that the Board needs to keep in mind that the PT expert committee is getting their presentation information from the PT subcommittee, which is an open forum to comment or raise questions.

Ms. Autry commented that ELAB already has some significant issues to discuss at the Miami meeting and this issue on proficiency frequency should not take away valuable time for those issues. Most people do not have the benefit of the knowledge that many of ELAB's members have acquired on the issue, so she believes that including this issue in a 5-10 minute session to present areas the Board is actively working on is a better plan than trying to facilitate a public conversation on this issue before the Board is ready. Since the ELAB meeting is on the first day of the conference, the Board should encourage stakeholders to attend the Wednesday presentation of the PT subcommittee to get current on progress TNI has made since the last face-to-face meeting. ELAB should also encourage the stakeholders to raise additional questions after they are updated during the meetings during the week of the Miami meeting.

To wrap up the discussion, Dr. Flowers summarized the Board's plans to have a brief presentation by Mr. Lowry and Dr. Karimi at the Miami meeting on the PT frequency update, reporting on their participation representing ELAB on the TNI subcommittee on frequency. Stakeholders will be encouraged to attend the proficiency frequency subcommittee meeting on Wednesday of the meeting week.

4. ACIL LETTER

Dr. Flowers reminded the Board of the letter sent to ELAB by ACIL that asked to Board to assist the agency in SW-846 methods discussed earlier in the meeting. Mr. Speis summarized the ACIL letter and the Board's response, stating that the Board had started work on the issue prior to receiving the ACIL letter. He proposed writing the ACIL a response thanking the group for its interest and informing them on what ELAB has done to date regarding the issues. The letter would thank ACIL for its interest and would

include a description of ELAB's effort to get OSW involved to address the comments about OSW methods release that were raised during the public meeting with the Board in Washington in August. He also wanted to include an invitation to the ACIL to participate with ELAB in January since the issue was on the Board's agenda for that meeting.

Dr. Flowers asked whether the ACIL could help facilitate State cooperation in discussion with OSW, or whether it would be better for TNI to ask ACIL to help with the State stakeholders. A Board member replied that this issue was best addressed by directing the ELAB comment to TNI for action with the States. Dr. Flowers then stated that Mr. Speis could work on this response letter. The Board agreed this was appropriate.

5. WORKGROUP UPDATES/ASSIGNMENTS (OLD AND NEW)

Dr. Flowers relayed to the Board that he has been communicating with the workgroups and suggested to Ms. Morgan using the old spreadsheet format to track progress on workgroup activities. Ms. Morgan stated that she could do this, but asked the Board if it would prefer just creating a new spreadsheet with a new format. The Board agreed with Ms. Morgan on creating a new spreadsheet. Dr. Flowers asked Mr. Lowry if he could forward Ms. Morgan information that she could use as input to this workgroup tracking spreadsheet.

Ms. Morgan added that she would also like to identify points of origin for workgroup items, adding that these are probably in past meeting minutes. She asked if the workgroup chairs knew the origin of the topics they were working on. Board members shared how some of the items had extended history and the origin of the work preceded their selection as chair. Knowing the origin of an issue helps set the start date for a time line of the workgroup's activity. For example, her workgroup has an action item dealing with hazardous materials in labs, and she has not been able to find its origin in previous minutes. One member recalled the hazardous waste issue was initially discussed more than a year ago at a face-to-face meeting. Ms. Morgan agreed to start a new tracking sheet.

A. Monitoring Workgroup

Ms. Morgan then went on to discuss a topic the Monitoring Workgroup would like to address—data qualification related to drinking water analysis reporting. She described the origin of two issues on data qualification. The issue was the use of default data qualifiers from the national functional guidelines. The request to ELAB was that a more comprehensive and general set of data qualifiers was needed and EPA should proceed with such guidelines. The requestor noted that some water systems require all drinking water data must pass quality control requirements to be used and no exception for any qualified data was allowed. She read a statement from previous ELAB minutes that reported some cases where qualified data cannot even be included in their databases. She closed by reading a statement from these minutes that it is unrealistic to expect all data would pass QC without need to be qualified.

Dr. Flowers asked whether there were any hope that ELAB could settle this topic, citing this as a topic that is so politically sensitive that ELAB would not be able to catalyze a solution. Ms. Morgan stated that she wondered the same thing and referenced for example Tennessee, which will not allow qualified data in any form. A Board member stated that this is an issue that needs to be addressed, since there are circumstances where data needs to be qualified (for example, what to do about matrix effects). There are important issues to discuss such as what to do when laboratory blanks are just below the MRL. Mr Farrell stated it would be appropriate for ELAB work with EPA to develop a document that explains why qualifications on data are necessary. Ms. Morgan stated that it would be helpful to have a document that stated what data are allowed to be qualified.

The Board discussed using the national functional guidelines as the basis for its recommendation. One of the issues to complicate the topic is the variation from State to State and region to region on the use of data qualifiers. Organic and inorganic qualifiers can be contradictory, therefore generic functional guidelines do not work. The question was then asked whether ELAB could add some value to the process by developing 10 or 12 generic neutral standard qualifiers that laboratories can use such as data are estimated to be biased high, data are estimated to be biased low. However, if it is OW policy that the drinking water data must be perfect and not qualified, then that is a major obstacle for ELAB to proceed on this issue. Dr. Flowers recommended asking OW if they would entertain some rational changes to the data qualifier process. If ELAB could ascertain OW willingness to consider data qualifies for different levels of data certainty then pursuing uniform qualifiers might be a valuable effort for ELAB action.

To bring the issue back into focus, Dr. Flowers stated he heard a consensus that qualified data would be of greater value than what the current system produces today on drinking water. In this light, he recommended a Tiger Team led by Ms. Morgan to meet with OW and determine whether they were willing to work with ELAB on developing generic data qualifiers. Mr. Farrell recapped three separate points he had heard in this discussion: first, should the functional guidelines be used for decision making; second, should there be a set of generic qualifiers, and third, what are the meanings of the qualifiers? He asked if it would make sense for the workgroup to go back and define the task of what would be accomplished. At this point the workgroup could report back to the Board for a decision on what needs to be done. Dr. Flowers recommended that when the issue is presented to OW, it be framed in the context of an improvement to the system and an inquiry about how such an effort would be received by OW. Without OW participation from the start, Dr. Flowers believed ELAB could not make progress on this issue.

The Board discussed the perceived affects qualifiers might have on the protection of human health. It was added that the downside of no data qualifiers is that some laboratories may report data without qualifiers even when failures occur and the failure will never surface unless it is caught on an audit. It would be better to protect public health to allow some qualifiers or comments on data validation. Mr. Vitale added that there is a balance between what is reasonable and what is appropriate to guard against laboratories reporting bad data with qualifiers when they should have rerun the analyses. There is a place for a controlled number of qualifiers with clear definitions and guidelines

for use after methods have been run properly. Ms. Morgan stated that she would like to present the issue to OW and get their opinion. If OW is open to working with the Board on the matter, then ELAB should proceed.

6. REVIEW ACTION ITEMS/ASSIGNMENTS

Dr. Flowers assigned Ms. Morgan's Monitoring Workgroup the task of creating a letter addressed to the OW covering the concepts and topics the Board discussed on the data qualifier issue. She agreed to work with Ms. Autry and contact OW and report to the Board by the next meeting. Dr. Flowers added that Ms. Morgan would create the "tracking" spreadsheet detailing the current issues being undertaken by each workgroup. He also asked Mr. Lowry to forward a list of his workgroup's activities to Ms. Morgan for the tracking sheet. Dr. Flowers stated he thought Mr. Dechant's letter regarding his workgroup's activities and his assignment from today's meeting is adequate input for Ms. Morgan's spreadsheet. Dr. Flowers has the responsibility to get the bullet points for OSW to Ms. Autry for her meeting on Monday. He asked Mr. Speis to develop the thank you letter to ACIL responding to the issues in their letter.

Dr. Flowers asked if any of the guests wanted to address the Board. There were no guest comments.

7. CLOSING REMARKS/ADJOURN

Ms. Autry asked for the Board to provide updates on workgroup activities and information from the tracking spreadsheet so that she can update the Web site with the most current information. Dr. Flowers suggested that each of the workgroup leaders review what is on the Web site and meet with their workgroups to decide what information should be added to revised on the Web site. They should send the information directly to Ms. Autry. Ms. Autry asked to have workgroup updates mid-January so she can have the Web site updated by the end of January. Dr. Flowers recommended that the Board assign this task to each workgroup and to work with Ms. Autry as part of their normal duties to get the update done.

Ms. Autry offered to update the Board at the Miami meeting on items from the January 6, 2009 quarterly FEM meeting. Finally, Ms. Autry asked the Board if they would like to have the January teleconference or if the January face-to-face meeting in Miami would suffice as the meeting for January. The Board agreed the face-to-face meeting should be listed in the Federal Register as the January Board meeting. The same call in number will be available for members who can not attend the face-to-face meeting in Miami.

Dr. Karimi then asked Ms. Autry to share her thoughts on the new administration and its affect on the Agency. She replied that the transitions being made are unprecedented and extremely thorough. EPA has been involved early rather than waiting for the cabinet position appointments to be in place before EPA appointments were made. She is confident that all the appointed positions will be in place by the middle of 2009.

Attachment A

AGENDA
ENVIRONMENTAL LABORATORY ADVISORY BOARD
Monthly Teleconference: 866-299-3188/9195415544#
December 17, 2008; 1:00 - 3:00 pm (ET)

Opening Remarks	DFO/Chair
Roll Call of ELAB Members and Identification of Guests	Chair
Review/Approval of November Minutes	Chair
Preparation for the Miami Meeting (Key Topics)	All
- Method Identification Issue with SW-846	All
- TNI Standard Comparison with Drinking Water Pgm	ERG/All
- Proficiency Test Frequency Update/Discussion	All
ACIL Letter	Speis
Workgroup Updates/Assignments (Old and New)	All
Review Action Items/Assignments	Chair
Closing Remarks/Adjourn	DFO/Chair

MEMBERSHIP LISTING AND GUESTS

ELAB MEETING

December 17, 2008; 1:00 – 3:00 PM EDT

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

Attendance (Y/N)	Name	Affiliation
Y (Guest)	Ms. Jennifer Colby	Eastern Research Group
Y (Guest)	Ms. Donna Tedder	Eastern Research Group
Y (Guest)	Mr. Jerry Parr	The NELAC Institute (TNI)

ACTION ITEMS

Method Identification Issue with SW-846

1. Mr. David Speis was charged with leading the Tiger Team's effort to create a PowerPoint presentation detailing the method identification issue and ELAB's current progress with OSW to reach a resolution for the January meeting.
2. Dr. Jeff Flowers is to create a list of items the Board would like OSW to cover in a small presentation and submit it to the members of the Tiger Team for review. Final submission to Ms. Lara Autry should be no later than 8:30 Monday morning, December 22.

TNI Standard Comparison with Drinking Water Program

1. Dr. Flowers asked each member of the Board to review the comparison document and provide their own input so that the end product is a representation of the entire Board's ideas.
2. Mr. Dechant was asked to work with ERG to create a presentation for the January meeting detailing the paper's purpose, the kind of feedback the Board would like from the community, the date the Board wants this feedback, and the form and means it be submitted.

Proficiency Test Frequency Update/Discussion

1. Dr. Karimi and Mr. Lowry were asked to create a small presentation based on their participation in the PT Subcommittee meetings to update the audience on current progress on the issue and describe ELAB's interest.

ACIL Letter

1. Mr. Speis was asked to prepare the response letter to ACIL from ELAB in regards to the letter sent to the Board earlier in the year.

ACTION ITEMS (CONT'D)

Workgroup Updates/Assignments (Old and New)

1. Mr. Lowry was asked to forward Ms. Morgan a similar spreadsheet to the previous workgroup tracking document so she can create a new tracking sheet with current workgroup action items.
2. Ms. Autry asked each workgroup leader to take a look at the ELAB Web site and meet with their members to decide what each workgroup would like to have posted in regard to current workgroup activities. The workgroup should submit those ideas to her by mid-January so she can update the Web site by the end of January.
3. Ms. Morgan was charged with drafting a letter to OW describing the problems surrounding the current data qualifier process and asking OW if it would be amenable to discussing minor changes that allow some generic data qualifiers to describe uncertainties in data.

Attachment D

I hereby certify that these are the final version of minutes for the Environmental Laboratory Advisory Board Meeting held on December 17, 2008.



Signature Chairman

Dr. Jeff S. Flowers

Print Name Chairman