

Draft Minutes
Environmental Laboratory Technical Advisory Committee – ELTAC
February 20, 2004 Meeting

1. Welcome, Introductions, Background PK

Dr. Paul Kimsey welcomed all attendees to ELTAC's first meeting of the year. All attendees introduced themselves. Dr. Kimsey proceeded to explain the background of ELTAC.

The department invited a group of industry representatives to advise ELAP on state and national accreditation issues. Legislation adopted earlier officially establishes ELTAC as an advisory group to the director of DHS. The committee members are appointed from various sectors of the environmental laboratory industry in California.

Dr. Kimsey described the format of ELTAC meetings:

- Similar to a formal public meeting.
- ELTAC members will lead the discussion.
- Then the discussion will be open to public comment.
- Public participation is welcomed at the meetings.
- Representatives of industry advise DHS on technical and regulatory issues.
- Subcommittees may be formed.

2. By-Laws Discussion All

Dr. Kimsey stressed the need to create by-laws. By-laws explain how the committee operates. A copy of the Clinical Laboratory Technology Advisory Committee (CLTAC) by-laws was distributed, which may be used as a model for creating ELTAC's by-laws. CLTAC is a thirty-year old advisory committee that meets quarterly.

Agenda items for the ELTAC next meeting:

- Elect a chairperson for the committee.
- Decide which CLTAC by-laws to adopt, modify.

An attendee pointed out that ELTAC drafted by-laws in April 2000, then revised them the following September. Those by-laws were never made official. The committee agrees to combine the draft by-laws with the CLTAC by-laws for current use. An electronic copy of old by-laws needs to be circulated.

14 appointments make up ELTAC:

Mark Banuelos, Arthur G. Burton, Miriam Cardenas, Andrew D. Eaton, Bruce Fujikawa, Steve Meyer, Kenneth E. Osborn, Terry Powers, David Sandusky, Betsy M. Shepherd, Katherine Suter, Allen W. Verstuyft, Mitch Steward, Jon Marshack.

They will be the voting members. State employees are not part of ELTAC. The director of DHS makes the decisions on appointments. Questions regarding appointments should be directed to Sandra Shewry (the new director of DHS) / Dr. Kimsey.

An attendee asked if ELTAC is to advise on NELAP issues. NELAP is the National Environmental Laboratory Accreditation Program. Dr. Kimsey replied that NELAP may be discussed, but that scope belongs to a separate group.

A subcommittee was formed to create by-laws.

- Miriam, Bruce, Ken
- Timeline: distribute draft by-laws to ELTAC 30-days before next meeting (July?)

3. Minutes: All

Meeting minutes will be prepared and approved by ELTAC at the following meeting. The minutes then become public and will be published on the DHS/LS-ELAP [ELTAC website](#).

There were no comments regarding the October 2001 meeting minutes of the informal advisory group.

4. NELAC update PK/All

A [Forum on Laboratory Accreditation](#) was held in January 2004, at Dallas, for the meetings of the Institute for National Environmental Laboratory Accreditation (INELA), the Environmental Laboratory Accreditation Board (ELAB), and the National Environmental Laboratory Accreditation Conference (NELAC). The EPA requested an overhaul of NELAC, splitting it into two bodies:

- Standards adoption – NELAC
- Standards development – INELA

NELAC is allowed to look to any standards-setting organization, not just INELA.

INELA met for the first half of week, NELAC the second half.

Some of the committee members attended the events and described their experiences.

There was a presentation given at the INELA meeting by ACIL (American Council of Independent Laboratories) – the Environmental Laboratory Data Integrity Initiative. The ACIL has developed laboratory standards, which have been incorporated by NELAC. The initiative is described in a [guidance document](#) on the [ACIL website](#). The publication is about 30 pages and describes how laboratories can join the program.

- Laboratories can be granted “signatory status” from the ACIL for data integrity.
- Laboratories would be audited for ethics, internal investigations, etc.
- Small laboratories (less than 3 million in assets, less than 30 employees) would cost \$1250 per year.
- ACIL members/Government laboratories: \$1650/yr
- Large laboratories: \$2850/yr

There was a workshop regarding on-site assessments. Issues addressed were consistency of the on-site assessment, deficiency letters, and assessor training.

Lara Autry, Director of NELAP, introduced the Environmental Laboratory Advisory Board’s (ELAB) new charter. ELAB is to be the advisor for NELAC and the EPA Forum for Environmental Measurements.

Dr. Kimsey explained the INELA to NELAC relationship. INELA is a standards development body. Currently only NELAC has adopted INELA standards. Is INELA allowed to develop standards for non-NELAC states? No significant problems have occurred yet, though conflicts may arise in the future. INELA is working on making itself a consensus body, with members voting on the issues. [INELA website](#). The standards have already been developed so the next step is a review by the NELAC review committee. That committee will present the review reports at next NELAC meeting.

There were questions regarding which NELAC standards are applied. July 2004 is when the 2002 NELAC standards become effective. 2003 NELAC standards are available now on the [NELAC website](#). Dr. George Kulasingam stated that at the NELAC meetings, it was voted to implement some newer standards immediately. The 2003 NELAC PT standards are currently in place. It was agreed that Chapter 5 – Quality Systems – has been very beneficial for the NELAP/ELAP laboratories.

5. Meeting with DHS 9-30-03 All

On September 30, 2003, there was a meeting with Dr. Bontá (formerly director of DHS, who resigned in January), various DHS staff, and members of industry. The discussion covered staffing issues, delays in adopting regulations, the inadequacy of current regulations, PT instructions, and updating the web page.

Committee members that attended the meeting commented that it was a positive experience. They felt the development process would go forward. Dr. Kimsey added that ELTAC was made official soon after the meeting. Kim Belshé, a former director of DHS, is now appointed the Secretary of the California Health and Human Services Agency.

6. Legislative Update GK

Dr. Kulasingam stated that there was no new legislation regarding ELAP at this time. Is there a need for a subcommittee on legislation? This subcommittee would monitor pending legislation and make recommendations to the whole committee.

A question was raised about the adequacy of the current legislation for proposing regulations as needed. Could inadequate legislation be causing delays in the adoption of regulations? Long delays in the review by the Office of Legal Services and/or the Office of Regulations and slow adoption of proposed regulations have been the norm.

Dr. Kimsey explained that the Department may not make recommendations to legislature for enacting legislation independent of the administration. However, the Governor may take a position on legislation. ELTAC, as a committee formed by DHS, may not advise the legislature directly. But industry representatives can approach the legislature and make recommendations. Individuals and organizations can also act to change the law.

A committee member suggested using spot bills to change legislation. Spot bills can be amended quickly.

7. Report Sub-committee on Regulations AM/GK

Dr. Kulasingam emphasized the need to amend the current regulations. In the past, ELAP has submitted proposed regulations, some have been adopted, but others have been stalled during the review process by the Legal Office or the Finance Office. Alexis Milea of the Drinking Water Program, DDWEM, was enlisted to assist in redrafting and pushing proposed regulations through the process. She has experience with writing regulations for the drinking water program.

Ms. Milea has formed a subcommittee on regulations.

- Goal: to redo Chapter 19 (ELAP Regulations) of the CCR.
- Subcommittee meets by phone, weekly. Meeting notes are available.
- Members: Mark Carter, George Kulasingam, Fred Seto, Chuck Wibby, Ken Osborne, David Kimbrough, Miriam Cardenas, Andy Eaton, Richard Spinner

Non-ELTAC members may serve on subcommittees, though subcommittee must have ELTAC representation.

It was asked how this subcommittee would work with ELTAC.

- Anticipate a lot of regulations to be reviewed by ELTAC
- Draft regulations will be available for review (by ELTAC, public), unofficially
- Unofficial comments won't be included in official comments but would be used to make changes as necessary.

ELTAC may be of help in getting regulations adopted.

8. PT Instructions All

It was explained that this issue has never been resolved. ELAP sent instructions to the PT providers regarding the handling of California-only analytes, following NIST guidelines. Members of industry have sent letters to Dr. Kulasingam and Dr. Bonta regarding these instructions. The laboratories do not want to be penalized for

failures by the PT providers. PT providers need to have all the information required to make samples. PT providers would like the California analytes to be listed / included in the NELAC PT FOTs.

Dr. Kimsey explained that it is DHS policy to not publish the ranges of sample concentration.

Dr. Kulasingam stated that ELAP will try to incorporate applicable NELAP standards into their regulations.

It was asked how long it would take to incorporate the California analytes into the NELAP Field of Testing (FoT) Proficiency Testing (PT) list.

The ELTAC committee unanimously agreed to recommend to DHS to revisit their policy on publishing sample concentrations of PT studies.

9. Radiochemistry PT Samples / PT Providers All

Radiochemistry laboratories received a letter regarding NIST-accredited radiochemistry PT providers and EPA studies. It was asked that the letter be published on the ELAP website.

- There have been no changes to NELAP radiochemistry PT instructions.
- Dr. Kulasingam explained that ELAP regulations regarding radiochemistry PT have become out-dated.

An attendee mentioned that EPA was planning to update their radiochemistry publication.

10a. Liquid Phase Haz Mat Accreditation GK/All

It was asked if ELAP will add a liquid phase testing in Hazardous Waste FoT's for accreditation. ELAP currently issues certificates for hazardous waste aqueous matrix as well.

- WP PT studies are accepted.
- Method used has to be an approved hazardous waste method, not wastewater testing method.
- This certification does not include solid waste testing.

Additional information is located on the ELAP website, under "[What's New](#)."

For the regulations subcommittee: the regulations need to be updated to reflect this information.

10b. Checklists

Auditors use checklists for on-site assessment. The microbiology checklist is available for the laboratories to use. It was asked if there was a similar one for chemistry. Richard Spinner explained that with the understaffing at ELAP, a chemistry checklist has not been completed. Committee members suggested modifying currently available checklists, such as the NELAP or the A2LA check lists. Mr. Spinner requested all checklists be sent to him for review. He further stated that ELAP bases certification on compliance with the methods, while the NELAP checklist refers to the NELAC standards.

Checklist subcommittee:

- Richard, David, Cindy, Mike
- Timeline: distribute good sample checklists at next ELTAC meeting (July?)

The regulations may need to be updated to include checklists.

11. State Government Representative Reports

Bart Simmons of DTSC:

- There is a new agency secretary for Cal EPA. More appointments may follow.
- There may be new direction in regulations.

Bill Ray of SWRCB:

- SWRCB expected funds from a bond measure for the improvement of water quality. It was deferred by a year. It does not require certified laboratory to do the testing.
- Will begin testing for a new pesticide.
- Bioassay: ELAP only accepts the fourth edition of the EPA bioassay method, not third edition. Discharge permits reflect the third edition. Permits are on a five-year renewal cycle. Laboratories continue testing without being certified.

12. Next Meeting

Meeting will be held quarterly. Next meeting scheduled tentatively for June/July
Some suggestions;

- Patch in more sites for videoconference.
- Get more central California representation.
- Involve hazardous waste and food and agriculture laboratories.

Dr. Kimsey will send everyone an email regarding possible dates for the next meeting. He will try to schedule a meeting on a Friday at the end of June.