

ENVIRONMENTAL LABORATORY TECHNICAL ADVISORY COMMITTEE

BY-LAWS
Adopted 02/04/2016

ARTICLE I

Name

The name of this Committee shall be the Environmental Laboratory Technical Advisory Committee (ELTAC).

ARTICLE II

Bagley-Keene Open Meeting Act

All meetings shall be conducted in accordance with the provisions of the Bagley-Keene Open Meeting Act (Government Code, Title 2, Division 3, Chapter 1 (commencing with Section 11120)), and each member is subject to the provisions of the Bagley-Keene Open Meeting Act. No provision of these By-Laws is intended to nor may be interpreted to conflict with or supplement the Bagley-Keene Open Meeting Act.

ARTICLE III

Objectives and Functions

ELTAC serves to implement objectives and requirements authorized in Section 100863 of the California Health and Safety Code.

ELTAC is established in law to "assist, advise and make recommendations regarding technical, scientific, and administrative matters concerning the accreditation or certification of environmental laboratories." (Health and Safety Code Section 100863) The law further provides that: "Subcommittees of the committee may be appointed consisting of committee members and other persons having particular knowledge of a subject area, for the purpose of assisting the ... [State Water Resources Control Board] on special problems and making recommendations to the Committee for consideration in the establishment of rules and regulations."

ELTAC shall assist the State Water Resources Control Board, Division of Drinking Water (hereafter referred to as "Division"), Environmental Laboratory Accreditation

Program (hereafter referred to as “ELAP”) by providing advice and making recommendations regarding technical and scientific matters for the establishment of rules and regulations that will ensure the proper administration and enforcement of provisions pursuant to Health and Safety Code, sections 100825-100920 as well as provisions in other statutes that impact environmental laboratory activity.

The Committee shall also function as a means of exchanging information and opinions related to environmental laboratory technology, methods, and practice. In support of this function, ELAP may request ELTAC member laboratories participate in outreach and education efforts and allow assessors the ability to tour their laboratories in order to learn about technologies the assessors have not previously witnessed.

ELTAC shall assist ELAP in:

- A. Developing scientifically rigorous recommendations regarding issues that impact the regulated laboratory community, regulatory agencies, and data users
- B. Improving communications and outreach between ELAP and its stakeholder communities
- C. The operation and improvement of ELAP
- D. The implementation of a performance based, transparent accreditation program that is accountable to ELAP stakeholders

ARTICLE IV

Membership

A. Types of Members

- 1. Designated Environmental Laboratory Accreditation Program Officer (DELAPO)

A full-time employee of ELAP shall be appointed as the DELAPO by the Deputy Director of the Division of Drinking Water (hereafter referred to as “Deputy Director”). The DELAPO or a designee shall be present at all of the meetings of the Committee and Subcommittees. Meetings may not be conducted in the absence of the DELAPO or designee. Each meeting shall be conducted in accordance with an agenda approved in advance by the DELAPO. The DELAPO is authorized to adjourn any meeting when he or she determines it is in the public’s best interest to do so. The DELAPO is not a voting member of the Committee.

- 2. Representative Member (Representative)

A Representative is an individual who is appointed by the Deputy Director to speak on behalf of a group, organization, or any other recognizable

group of persons having an interest in matters before ELTAC.

Representatives are voting members of ELTAC.

3. State Regulatory Agency Employee (SRAE)

SRAEs are appointed by the Deputy Director to speak on behalf of a California State board, department or office by which they are currently employed. SRAEs are not voting members of ELTAC.

4. Chairperson

This position shall be held by a current Representative. Annually, the Chairperson shall present a summary of ELTAC's scope of work to the State Water Board Members. The Chairperson shall be elected by voting members of ELTAC. The Chairperson shall solicit and create agenda items for ELTAC meetings. The Chairperson shall submit the agenda to the DELAPO at least 30 days before the scheduled ELTAC meeting for approval. The Chairperson is highly encouraged to be present at all meetings held in Sacramento. Voting for the Chairperson shall follow voting procedure as outlined in Article V. This member retains full voting privileges.

5. Scribe

The Scribe shall be an ELAP staff member who is appointed by the DELAPO. The Scribe is responsible for the meeting minutes, which shall highlight discussions and decisions made on agenda items and other orders of business. The Scribe shall make the minutes available to the public after the committee approves them. This is not a voting position.

B. Composition

ELTAC shall be comprised of the DELAPO and approximately fifteen (15) members (Representatives and SRAEs) to speak on behalf of interested parties and environmental laboratories subject to the Environmental Laboratory Accreditation Act. One of the current Representatives shall serve as the Chairperson. The Committee shall consist of a broad range of individuals who come from interested parties and environmental laboratories that have a wide range of expertise that includes, but is not limited to, ELAP's fields of testing. There shall be committee members from both Northern and Southern California, from both publicly and privately owned laboratories, and from laboratories of all sizes. Those serving on ELTAC shall be selected by the Deputy Director based upon their expertise and knowledge of: conformity and standards development, laboratory quality systems and accreditation, analytical methods and methods development, overall analytical laboratory operations; and familiarity of regulatory framework and requirements for compliance needs. Membership shall be established and term appointments maintained in such a manner as to require a minimum number of new appointments from each category each year, with terms

overlapping to maintain stability and continuity within ELTAC. The membership of ELTAC shall be constituted such that no one set of stakeholders shall have dominance over ELTAC and every Representative has substantive knowledge of ELAP services and environmental laboratory operations.

C. Terms for Representatives, SRAEs and the Chairperson

1. The membership term for Representatives and SRAEs shall be two (2) years unless an appointment is made to fill an un-expired term of a member not completing a term, in which case appointments of less than two (2) years may be made.
2. Representatives and SRAEs of ELTAC may not be appointed for more than four (4) consecutive years of service with a maximum lifetime service of six (6) years. In order to preserve representation on the ELTAC, with the consent of the incumbent member, current appointments shall be continued with full voting rights and privileges until replacements are seated.
3. The term of the Chairperson shall be one (1) year. The Chairperson shall not have restrictions on the amount of terms that can be served, as this position is elected annually.

D. Expectations

Representatives and SRAEs must have the resources and technical expertise to support participation on ELTAC. Representatives and SRAEs are expected to attend all ELTAC meetings, and provide an oral report out to ELTAC during the October meeting on communication held with their constituents. Failure to provide reports may result in dismissal from ELTAC at the discretion of the Deputy Director. In order to facilitate discussion, Representatives and SRAEs may attend meetings in person or remotely. Failure to attend ELTAC meetings may result in dismissal as outlined in Section E of this Article.

E. Absences and Dismissal

In the event a Representative or SRAE cannot attend an ELTAC meeting, he/she may choose an alternate to attend the meeting. An alternate may speak on behalf of a Representative or SRAE but the alternate's presence does not count toward a quorum. If a Representative or SRAE has sent an alternate in his/her place, that alternate shall not vote on agenda items. If the Chairperson cannot attend an ELTAC meeting, he or she must select an alternate to act as the Chairperson from existing ELTAC membership. A Representative/SRAE may be removed by the Deputy Director or by a 2/3 vote by the voting members on ELTAC. In the event a Representative or SRAE obtains work in a new field or fails to represent his/her constituents, a new Representative or SRAE shall take his/her place in accordance with the process outlined in Article V.

ARTICLE V

Appointments, Elections and Voting

A. Representative and SRAE Appointments

ELTAC shall consist of members appointed by the Division of Drinking Water Deputy Director. Applications for Representative and SRAE positions shall be submitted in writing to the DELAPO by no later than the 15th of September. A complete package will include:

1. The applicant's/nominee's full name, title, institutional affiliation, and contact information.
2. The applicant's/nominee's area(s) of expertise.
3. A summary of qualifications (1-2 sentences) outlining the individual's technical expertise and who they would represent. Inclusion of a curriculum vitae or resume is desirable.
4. Letter of recommendation or written endorsement from an organization, association, etc. (optional)

The Deputy Director shall appoint all Representatives and SRAEs after evaluating nominations. The Chief of ELAP, the Deputy Director and the Assistant Deputy Director of the Division of Drinking Water shall evaluate all nominees for eligibility and make their selection based on the most qualified candidate(s). In selecting committee members, executive personnel shall consider candidates who represent the different technical fields within the laboratory community, regulatory agencies, and data users. All nominations shall be made public.

B. Nominating the Chairperson

Before proceeding to the election for the Chairperson, one or more candidates must be nominated by a current Representative or SRAE at the October ELTAC meeting. The nomination must be accepted by the nominee in order to be considered as an eligible candidate in the voting process. When nominations are completed, the voting members, as provided for in these By-Laws, shall elect the Chairperson.

C. Electing the Chairperson

Voting for the Chairperson shall be conducted during the October ELTAC meeting. Each Representative shall be allowed one vote. The Chairperson shall be decided by a simple majority vote. Voting is not binding and the Deputy Director may appoint a different Chairperson if he/she deems it necessary.

ARTICLE VI

Operational Procedures

A. Quorum

The presence of one-half plus one of the total members on ELTAC (Representatives and SRAEs) shall constitute a quorum for the transaction of business. In the absence of a quorum, no official action may be taken by the ELTAC.

B. Meetings

1. ELTAC shall meet at least three (3) times a year. The DELAPO shall schedule meetings. One of these meetings shall be held in October.
2. Emergency or special meetings may be scheduled and held in accordance with Article II.
3. Unless otherwise scheduled by the DELAPO, all ELTAC meetings shall reside in Sacramento.
4. The proceedings of ELTAC shall be called to order and adjourned by the DELAPO and shall follow Robert's Rules of Order, newly revised.

C. By-Laws

1. These By-Laws must be reviewed by ELTAC for amendments no less than once every two (2) years.
2. These By-Laws may be amended by a two-thirds (2/3) majority vote of ELTAC's members pending final approval from the Deputy Director.
3. The Deputy Director reserves the right to make amendments to these By-Laws without the ELTAC's consent. ELTAC reserves the right to appeal these amendments to the State Water Resources Control Board during the public comment period of a regularly scheduled Board meeting.

D. Recommendations

1. Any recommendation(s) made to ELAP must be submitted in writing through letter or email to the DELAPO.
2. The DELAPO will respond no later than thirty (30) days after the recommendation has been received. The response shall be posted to the website, as well as emailed to ELTAC. The response shall include whether the DELAPO will accept or deny the recommendation, or if more time is needed.

E. Voting on Agenda Items During ELTAC Meetings

Only Representatives and SRAEs may vote for items on the ELTAC agenda unless ELTAC has decided otherwise in a previous meeting. It shall be a goal of ELTAC to reach a consensus on each agenda item.

F. Subcommittees and Consultants

Subcommittees may be established by ELTAC as needed. Each member of a Subcommittee, including persons who have not been appointed as or designated as

Representatives or SRAEs of ELTAC, must also comply with the provisions stated in Article II. Subcommittee members shall be appointed by the DELAPO. Membership on such Subcommittees may include members of the public; however, there must be at least one Representative or SRAE on any Subcommittee. All Subcommittee meetings shall be conducted in accordance with Article II. Only Subcommittee members may vote on issues before the Subcommittee. The DELAPO may request consultants to present information at a meeting of ELTAC or a meeting of a Subcommittee.

G. Regulations

Where possible, ELAP shall seek advice from ELTAC on all regulations and fees developed by ELAP related to environmental laboratory technology and practice. ELTAC may (by action taken at a public meeting) request that its comments on proposed regulations be submitted to the State Water Resources Control Board, and the DELAPO shall submit the comments to the State Water Resources Control Board. Individual members of ELTAC retain their right as a member of the public to submit comments on proposed regulations.

H. Minutes

A record shall be made by the Scribe of actions taken at each meeting by ELTAC and Subcommittee(s). The record shall then be posted in draft form on ELAP's website (www.waterboards.ca.gov/elap) until it can be approved by ELTAC. The minutes may only be approved at an ELTAC meeting or Subcommittee meeting whose actions are described in the minutes. The DELAPO shall designate a person to act as Scribe for each closed session of the ELTAC and any Subcommittee.