

ENVIRONMENTAL LABORATORY TECHNICAL ADVISORY COMMITTEE

BY-LAWS
Adopted (insert date)

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

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

The Committee 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."

The Committee 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 insure 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. As such, ELAP may request ELTAC laboratories to allow assessors inspect a few laboratories in order to learn about technologies the assessors have not previously witnessed. This training shall be particularly useful in the development of new assessors and allow them to gain firsthand instruction on the proper assessment techniques/etiquette. These inspections shall come with no regulatory penalty associated with any finding(s) uncovered by the practice assessments.

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 consensus standards based accreditation program with transparent leadership 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 by the Deputy Director of the Division of Drinking Water as the DELAPO. 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 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 of the Division of Drinking Water to speak on behalf of a group, organization, or any other recognizable group of persons having an interest in matters before the Committee. Representatives are voting members of the Committee.

3. Government Employee (GE)

GEs are appointed by the Deputy Director of the Division of Drinking Water to speak on behalf of the board, department or office by which they are currently employed. GEs are not voting members of the Committee.

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 DELAPO at least 30 days before the scheduled ELTAC meeting for approval. Voting for the Chairperson shall follow voting procedure as outlined in Article V. This is a voting position.

B. Composition

The Committee shall be comprised of the DELAPO and approximately fifteen (15) members (Representatives and GEs) 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 expertise related 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 of Drinking Water based upon their expertise and knowledge of: conformity and standards development, laboratory quality systems and accreditation, analytical methods and methods development; and overall analytical laboratory operations. 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 over-lapping to maintain stability and continuity within the Committee. The membership of the Committee shall be constituted such that no one set of stakeholders shall have dominance over the Committee and every Representative has substantive knowledge of ELAP services and environmental laboratory operations.

C. Terms for Representatives, GEs and the Chairperson

1. The membership term for Representatives and GEs 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 GEs of the Committee 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 GEs must have the resources and technical expertise to support participation on ELTAC. Representatives and GEs are expected to attend all ELTAC meetings, and provide a report out to ELTAC at least once a year on communication held with their constituents. Failure to provide reports may result in dismissal from ELTAC at the discretion of the Deputy Director of the Division of Drinking Water. Failure to attend ELTAC meetings may result in dismissal as outlined in Section E of this Article.

E. Absences and Dismissal

In the event that a Representative or GE cannot attend an ELTAC meeting, he/she may send an alternate in their place. An alternate may speak on behalf of a Representative or GE but does not count towards the Quorum. If a Representative has sent an alternate in his/her place, that alternate shall not have a vote on agenda items. A Representative or GE may only be removed by the Deputy Director of the Division of Drinking Water. In the event that a Representative or GE obtains work in a new field or fails to represent his/her constituents, a new Representative or GE shall take his/her place.

ARTICLE V

Appointments, Elections and Voting

A. Representative and GE Appointments/Nominations

ELTAC shall consist of members appointed by the State Water Resources Control Board. Nominations for Representatives and GEs shall be submitted in writing to the DELAPO by no later than the 15th of September and include:

1. The nominee's full name, title, institutional affiliation, and contact information
2. The nominee's area(s) of expertise
3. A description of the nominee's qualifications. Inclusion of a Curriculum Vitae

or resume is desirable.

The Deputy Director of Drinking Water shall appoint all Representatives and GEs after evaluating nominations. The Chief of ELAP, the Assistant Deputy Director of Drinking Water and the Deputy Director 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 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. Only one vote per Representative shall be allowed. The Chairperson shall be decided by a simple majority vote. Voting is not binding and the Deputy Director of Drinking Water 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 the Committee (Representatives and GEs) shall constitute a quorum for the transaction of business. In the absence of a quorum, no official action may be taken by the Committee.

B. Meetings

1. The Committee 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. For each ELTAC meeting, a location in another part of the State shall be reserved in order to allow committee members and the public a means by which they may attend remotely.
4. The proceedings of the Committee 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 the Representatives pending final approval from the Deputy Director of Drinking Water.
3. The Deputy Director of Drinking Water reserves the right to make amendments to these By-Laws without the Committee's consent. The Committee 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 recommendations made to ELAP must be submitted in writing through letter or email to the DELAPO.
2. The DELAPO will respond to the suggestion 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 if the DELAPO will accept or deny recommendation, or if more time is needed.

E. Voting on Agenda Items During ELTAC Meetings

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

F. Subcommittees and Consultants

Subcommittees may be established by the Committee as needed. Each member of a Subcommittee, including persons who have not been appointed as or designated as Representatives or GEs of ELTAC must also comply 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 GE on any Subcommittee. All Subcommittee meetings shall be conducted in accordance Article II. Only Subcommittee members may vote on issues before the Subcommittee. The DELAPO may request consultants to present information at a meeting of the Committee or a meeting of a Subcommittee.

G. Regulations

Where possible, ELAP shall seek advice from the Committee on all regulations, and fees developed by ELAP related to environmental laboratory technology and practice. The Committee 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 the Committee retain their right as a member of the public to submit comments on proposed regulations.

H. Minutes

A record of all meetings shall be made via video and audio recording and kept as the minutes pursuant to California Public Records Act (Government Code, Title 1, Division 7, Chapter 3.5 (commencing with section 6250)).

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