



September 16, 2016

Felicia Marcus, Chair
California State Water Resources Control Board Members
PO Box 100
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Subject: Bay Area Clean Water Agencies (BACWA) Comments on ELAP Regulations Development for Laboratory Standards

Submitted via commentletters@waterboards.ca.gov

The Bay Area Clean Water Agencies (BACWA) is a joint powers authority whose members own and operate Publicly Owned Treatment Works (POTW), provide sanitary sewer collections services and operate not-for-profit Environmental Laboratory Accreditation Program (ELAP) accredited laboratories to support these services for 6.5 million people in the nine-county San Francisco Bay Area.

BACWA is concerned about ELAP's proposed action and provides these recommendations and comments in the spirit of working toward the common goal of environmental and public health protection. POTW laboratories represented by BACWA have always reported high quality data following Environmental Protection Agency (EPA) and ELAP stipulations. We do not see the current ELAP regulation as deficient, rather, we see a need to strengthen the uniform interpretation and application of these standards for the ELAP audits.

We strongly support moving away from TNI (which was developed with the intent of making it easier for commercial laboratories to perform work in multiple states under one certification), and adopting the Environmental Laboratory Technical Advisory Committee's (ELTAC) recommended "California plus" approach. The TNI standards, which require significant documentation will not necessarily improve data quality; they may possibly even detract from the current level of quality because staff time will be diverted from the bench to bookkeeping.



However, since ELAP is considering TNI 2016 standards, we submit the following comments:

1. Defining 'TNI-lite': Without knowing exactly what is meant by 'TNI-lite' it is hard to comment substantively. With input from ELTAC, this concept should first be better defined and second allow stakeholders to submit comments on the standard at a future date.
2. Comment period: It is not reasonable to expect the laboratory community to purchase, read, understand and comment substantively on a document that is 176 pages long in less than 10 days. We request that the comment period be extended to 45 days.
3. A few states, such as Florida, have adopted TNI as the only option. We however feel that Virginia is a good example for California to emulate, with options for commercial laboratories to be TNI certified to work in multiple states for profit and utility laboratories and other not-for-profit laboratories to hold ELAP accreditation and work within California.
4. Adopting TNI standards will pose a formidable challenge. Initial cost may include: the need to hire staff to handle TNI-related paperwork; hiring consultants to setup the TNI documentation framework; purchasing Laboratory Information Management System (LIMS); and purchasing documents and training material from TNI, etc. In particular, small laboratories supporting utility operations and compliance monitoring will be hard-pressed to find the resources to meet these challenges.
5. Small agency laboratories play a vital role in protecting public health and the environment. In states, such as Florida and New York, mandating TNI accreditation led to the closing of many municipal laboratories, an outcome we should seek to avoid in California.

We thank you for your thoughtful consideration.

Respectfully submitted,

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Cc:

BACWA Executive Board

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