



September 16, 2016

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Subject: Comment Letter – ELAP Regulations Development/Laboratory Standard

To the Members of the State Water Resources Control Board,

As the Environmental Services Supervisor and ELAP Laboratory Director of a small 2.2 person laboratory, I am troubled by recent actions of ELAP concerning amending the laboratory standards which significantly affects all the certified laboratories in California.

On September 1, 2016 the Environmental Laboratory Accreditation Program (ELAP) informed the Environmental Laboratory Technical Committee (ELTAC) that ELAP would recommend to the State Water Resources Control Board (SWRCB) the adoption of the 2016 NELAC Institute Standard (TNI) for development of new ELAP regulations. By doing so, ELAP set aside the ELTAC recommendation to adopt an alternative Quality Management Systems (QMS). This news is disappointing considering the significant effort by ELTAC to provide guidance and recommendations to SWRCB to allow for a smooth transition to higher ELAP standards.

On September 6, 2016 the SWRCB sent a notice of opportunity for public comment and notice of public workshop for October 6, 2016 regarding ELAP regulations development and preliminary staff recommendation for laboratory standards. The deadline to submit written comments is due at 12 noon on September 16, 2016, which amounts to less than 10 days for the public to purchase (the new standards for \$130 per user), read the extensive document, and comment on the 2016 TNI Standards. This short amount of time to comment is not realistic and shows a lack of respect for the certified laboratory community that continuously produces and reports high quality data and by this, protects public health and the environment.

The September 1, 2016 letter from Ms. Christine Sotelo to the ELTAC members calls out 6 elements for the decision to recommend the 2016 TNI standards. Four of these elements were reported to be ease of implementation. None of the elements mention increased data quality or public health concerns. A standard should not be adopted because it is the quick and easy solution to a problem, but rather that it is the best standard for the State of California.

I have been a Laboratory Director of small laboratories since 1983, and experienced the implementation of the original ELAP regulations. As such, one of my main concerns with the adoption of TNI standards, which were designed to enable commercial laboratories to provide services for multiple states, is the threat to small laboratories with limited resources to comply with these standards and has the potential to force the closure of these laboratories. Small certified laboratories with staff that are intimately familiar the nuances of their particular treatment processes and available to produce timely information

and feedback are critical for assessing and protecting public and environmental health. The loss of these small California laboratories would be a tragedy that has been experienced in many states that have fully implemented the TNI standards.

If ELAP continues to go forward with considering TNI 2016 standards, I support the comments submitted by BACWA as follows:

1. Defining 'TNI-lite': Without knowing exactly what is meant by 'TNI-lite' it is hard to comment intelligently. With input from ELTAC, this should be first defined and then stakeholders be allowed to submit comments on it at a future date.
2. Comment period: It is not reasonable to expect the laboratory community to purchase, read, understand and comment logically on a document that is 176 pages long in less than 10 days. We request that the comment period be extended to 45 days. The 7.5 business days to respond and provide comments are inadequate.
3. Laboratory director/ technical manager qualification: The qualifications spelled out in 22 CCR 64817 are incorporated into job descriptions in many public agencies; these provisions have served the State well so far. While TNI had provision for grandfathering, it will prove insufficient in the long run and might burden POTWs from finding suitable leaders for their laboratories.
4. Few states such as Florida have adopted TNI as the only option. 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 as well as utility laboratories and other nonprofit laboratories to hold ELAP accreditation and work within California.
5. Adopting TNI standards will pose a formidable challenge. Initial cost may include: need to hire staff to handle TNI-related paperwork, hiring consultants to setup the TNI documentation framework, purchasing LIMS, 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. We propose that special funding be made available to these laboratories to make the transition.

I agree ELAP needs to utilize a high quality management system to set the standards within California and I applaud the effort ELAP has expended to improve its effectiveness since transitioning into the SWRCB. However, I strongly believe the process of adopting these standards is being pushed forward too rapidly. These types of changes need to be thoroughly vetted to be effective. Please allow us to take the time necessary to adopt standards that best fit the needs of California and are best suited to protect the health of its citizens and environment. Until that time and because of the strong professional organizations and dedicated laboratory staff within the environmental laboratory community, ELAP certified Laboratories have and will continue to provide defensible laboratory data.

In order to provide meaningful input to the State Water Board, I respectfully request that you:

1. Provide open and free public access to the 2016 TNI Standards for full review by the laboratory community.
2. Postpone the Comment Deadline and Public Workshop due to the reasons stated above.

Sincerely,


Elizabeth Falejczyk

Environmental Services Supervisor

For Veolia Water at Novato Sanitary District