



California
Water
Environment
Association

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October 19, 2016

California State Water Resources Control Board Members
P.O. Box 100
Sacramento, CA 95812-0100

Subject: Comment Letter - ELAP Regulations Development/Laboratory Standard

Dear Members of the State Water Board:

The California Water Environment Association (CWEA) in conjunction with our Laboratory Committee wishes to express concern regarding the impact of the State's intent to adopt The NELAC Institute (TNI) 2016 as new standards for laboratory accreditation. CWEA previously provided comments in a letter dated September 15, 2016. We appreciate the State granting additional time for review and providing an opportunity to give additional feedback. We would like to provide additional information for your consideration regarding how this proposed standards will affect our laboratory community.

As stated in our previous letter, the CWEA Laboratory Committee's main concerns are with regard to the impact to smaller laboratories, those with five (5) or fewer dedicated laboratory staff. Smaller laboratories compose the majority of wastewater laboratories within the State of California, approximately seventy-five percent (75%) of wastewater laboratories in California have five (5) or fewer dedicated laboratory personnel and as many as fifty percent (50%) have two (2) or fewer dedicated laboratory personnel. In other states the adoption of TNI as the standard for state accreditation has resulted in a large percentage of small laboratories either choosing to forego accreditation or simply ceasing laboratory operations altogether, e.g. Texas, Florida and Virginia.

The requirements under TNI standards specifically regarding internal audits and personnel requirements have proven to be excessively burdensome to existing small laboratories. Many if not a majority of small public laboratories currently accredited in California will not be capable of fully meeting these standards. Where implemented adoption of the TNI standards in full or part has resulted in fewer jobs, increased time for reporting of laboratory results, possibly resulting in increased reporting violations, lower quality treatment decisions due to lack of timely data, and opportunities for repeat sampling within required monitoring parameters will no longer be possible.

Under the TNI requirements data review and internal audits require multiple analysts at a given laboratory, resulting in many laboratories dropping their accreditation or ceasing operations as it is no longer fiscally feasible to perform this work at smaller facilities.

Further, the personnel requirements under the TNI standards do not allow for technical certifications to be considered in the determination of qualified laboratory personnel. The TNI standards require laboratory personnel to possess college degrees, which do not require the specific knowledge or experience in wastewater analysis that are a critical part of qualifying for technical certifications. In addition, each laboratory must have its own laboratory manager, even if several small laboratories are within the same geographic area and owned by the same entity. This poses an unnecessary burden on smaller laboratories, who have trouble attracting and retaining personnel who could be qualified under these standards. Also, under the TNI standard, data must be reviewed by at least two analysts, precluding single analyst laboratories from certification, and internal audits must be performed by analysts who are not involved in the specific procedures being audited. Again this would preclude smaller laboratories from achieving accreditation, as they do not have the staffing to meet these requirements.

It is the recommendation of the CWEA and our Laboratory Committee that the California Environmental Laboratory Accreditation Program (ELAP) adopt a modified version of the TNI standards, vetted through the Environmental Laboratory Technical Advisory Committee (ELTAC) to ensure compliance can be obtained by small laboratories and that no undue burden is placed on small public agencies, which would reduce the number of accredited laboratories and negatively impact the quality of wastewater treatment within California.

The California Water Environment Association Laboratory Committee is committed to adherence to all wastewater regulations and the highest quality analytical testing for the State of California.

Regards,



Garry J. Parker, CWEA President



Ron Coss, CWEA Laboratory Committee Chair

cc: CWEA Board of Directors
CWEA Laboratory Committee Leaders