

Environmental Laboratory Accreditation Program's Responses to Comments

July 10, 2015 Draft of ELTAC By-Laws

October 2, 2015

Acronym List for The July 10, 2015 Draft ELTAC By-Laws

<u>Acronym</u>	<u>Stands for</u>
ACIL	American Council of Independent Laboratories
BRL	Brelje and Race Laboratories, Inc.
BSK	BSK Associates
BW1	By-Laws Workshop 1 (Northern California)
BW2	By-Laws Workshop 2 (Southern California)
CTL	Curtis & Tompkins Laboratories
COD	City of Davis
EEA	Eurofins Eaton Analytical, Inc.
ESB	BABCOCK Laboratories, Inc.
MWD	Metropolitan Water District of Southern California
PACE	Pace Analytical Services, Inc.
WECK	Weck Laboratories, Inc.

Article	Title	Commenter	Representative	Number	Summary	Response
I	Name	N/A	N/A	N/A	N/A	N/A
II	Bagley-Keene Open Meeting Act	MWD	Socorro Baldonado	1	Not every one knows what Bagley-Keene Open Meeting Act states.	The Bagley-Keene Open Meeting Act can be found at the following URL: http://ag.ca.gov/publications/bagleykeene2004_ada.pdf ELAP shall also make a presentation during the first ELTAC meeting to ensure the committee is knowledgeable in, and complies with the Act.
		EEA	Andy Eaton	1	Bagley-Keene Open Meeting Act seems to be a little much. If these are the governing set of rules for committees and subcommittees, it would be beneficial to have a presentation on how to comply with the Act at ELTAC's first official meeting.	ELAP supports the recommendation of a presentation on how to comply with the Bagley-Keene Open Meeting Act and shall give one at the first official ELTAC meeting.
III	Objectives and Functions	MWD	Socorro Baldonado	1	Concerns to H&S Code referenced and what will happen if those sections are amended.	As it is currently written, ELTAC must review the by-laws no less than once every two years. An amendment to the by-laws may be made by the committee if such a change in the H&S code is made.
		ACIL, WECK	Milton Bush, Alfredo Pierri	1	Suggestion to add language for, "implementation of a consensus standards based accreditation program with transparent leadership accountable to ELAP stakeholders."	ELAP supports this language. The by-laws have been revised to address the comment.
		BW2	N/A	1	The committee should, "function as a means of exchanging information and options related to environmental laboratory technology, methods and practice..." so that the program can stay current and relevant.	ELAP supports this language. The by-laws have been revised to address the comment.
IV	Membership and Term	MWD	Socorro Baldonado	1	Representatives are selected from "organizations" - this does not agree with language in "Representatives - Voting Members." (E.g. Commercial Environmental Laboratory, Municipal Laboratory, expertise in the testing and analysis of environmental samples... etc.)	The by-laws have been edited to address the inconsistency noted in the comment.
		MWD, COD, BW2	Socorro Baldonado, Josie Tellers, N/A	1	Remove language on laboratory size.	The by-laws have been revised to address the comment.
		ACIL, PACE, ESB, WECK, BSK	Milton Bush, Judith Morgan, Allison Mackenzie, Alfredo Pierri, Brad Meadows	1	Insert in first paragraph after opening sentence: "Representatives shall be selected 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."	ELAP supports this language. The by-laws have been revised to address the comment.

IV	Membership and Term (con't)	ACIL, PACE, ESB, WECK, BSK	Milton Bush, Judith Morgan, Allison Mackenzie, Alfredo Pierri, Brad Meadows	2	Insert in second paragraph: "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."	ELAP supports this language. The by-laws have been revised to address the comment.
		BRL	Jill Brodt	1	Can individuals still provide input at ELTAC meetings even if he/she is not a committee member?	Individuals not serving as Representatives may provide input and are encouraged to do so. All meetings are conducted in accordance with the Bagley-Keene Open Meeting Act in order to ensure transparency and to allow for public participation.
IV	Representatives - Voting Members	MWD	Socorro Baldonado	1	Suggested ELTAC categories with Northern California (1) and Southern California (1) Voting Members: Two (2) Public Drinking Water Labs (small/large labs from North & South) Two (2) Public Wastewater Labs (same as above) Two (2) Private Labs (same as above) Two (2) Hazardous Wastes Labs (public or private – small/large) One (1) Public Health Lab One (1) Specialty Labs (Aquatic Bioassay) – public or private One (1) Trade Industry – Example Petroleum company (Chevron) One (1) Consulting Or Data User – Private firm Non-voting Members (Regulatory Agencies including ELAP): CDPH (Drinking Water and Radiation Laboratory) SWRCB (DDW and WW programs) DTSC (Hazardous Waste programs) CA Fish and Game (Aquatic bioassay)	Comment noted. The by-laws have been substantially changed to address the comment. See revisions.
		ACIL, BSK, PACE, ESB	Milton Bush, Brad Meadows, Judith Morgan, Allison Mackenzie	1	Specify that the voting membership shall be comprised of fifteen (15) members.	The by-laws have been revised to address the comment. However, the voting membership of the committee shall be comprised of <u>approximately</u> 15 members to ensure flexibility.

IV	Representatives - Voting Members (con't)	ACIL	Milton Bush	1	Composition: Five (5) members representing governmental/municipal/agency laboratories and organizations with at least two (2) members representing small laboratories with FTE (Full Time Employee) staff of 6 or less. Three (3) members representing non-governmental commercial laboratories. One (1) member representative from CARB. One (1) member representative from DTSC. One (1) member representative from ACIL. One (1) member representative from CWEA. One (1) member representative from CASA and/or AWWA. One (1) member representative of the nongovernmental accrediting bodies involved in the ELAP program (A2LA, LAB, etc.). One (1) member representing professional, standards or methods, or standards development organization (NIST, AOAC, ISO, ILAC, NACLA, TNI, etc.)	Comment noted. The by-laws have been substantially changed to address the comment. See revisions.
		BSK, PACE	Brad Meadows, Judith Morgan	1	Composition: Five (5) members representing governmental/municipal/agency laboratories and organizations, with at least two (2) members representing small laboratories. Five (5) members representing non-governmental commercial laboratories, with at least two (2) members representing small laboratories. One (1) member from a trade organization. One (1) member from a standards development organization. One (1) member from the SWRCB. One (1) member from a methods development organization or assessor organization. One (1) member at large.	Comment noted. The by-laws have been substantially changed to address the comment. See revisions.
		COD	Josie Tellers	1	Concern as to how various representatives for generalized groupings such as "commercial laboratories" and "municipal laboratories" are to be selected/nominated, and once they assume the position of Representative, how they are to report back to their respective communities.	Comment noted. The by-laws have been substantially changed to address the comment. See revisions.
		CTL	Bruce Godfrey	1	If as it appears from my discussions amongst SAC and Expert Panel individuals, that private 3rd party AB's will become part of the ELAP program as providers of Accreditation Services, a representative from the community of private 3rd party AB's servicing ELAP in this role should be voting members of ELATC.	Comment noted. At this time 3rd party don't have a substantial role in ELAP.

IV	Representatives - Voting Members (con't)	EEA	Andy Eaton	1	<p>Some of the positions (e.g. representatives of ACIL, CASA, CWEA, CA/NV AWWA) are extremely specific as to organization and narrow the ability of ELTAC to choose members that are as broadly representative as possible.</p> <p>We would suggest that these slots perhaps be phrased to be more open in the event that other entities may surface. For example: One (1) Representative of laboratory trade association representing commercial labs; Two (2) Representatives of wastewater associations; One (1) representative of drinking water associations.</p> <p>Alternatively the categories could be even broader –representatives of drinking water and wastewater data users (other than state or federal government).</p>	Comment noted. The by-laws have been substantially changed to address the comment. See revisions.
		EEA	Andy Eaton	2	<p>Some of the positions are currently so broad; it would make it difficult to solicit representative candidates. (E.g. representative from a commercial environmental laboratory, representative from a municipal laboratory.) There are many different categories of laboratories that fall under these labels who may well have different agendas.</p>	Comment noted. The by-laws have been substantially changed to address the comment. See revisions.
		EEA	Andy Eaton	3	<p>Perhaps it is worth thinking about ELTAC membership as some combination of a House and Senate type of representation – commercial labs perform in excess of 70% of the testing in California and is therefore important that they have good representation on ELTAC; but there are a lot more small municipal labs than commercial labs, so they also should have good representation.</p>	Comment noted. The by-laws have been substantially changed to address the comment. See revisions.
		ESB	Allison Mackenzie	1	<p>Composition: Five (5) members representing governmental, municipal, or agency laboratories and organizations, with at least two (2) members representing small laboratories. Five (5) members representing non-governmental commercial laboratories, with at least two (2) members representing small laboratories. Five (5) members representing professional, standards and methods development, and trade organizations with at least one (1) trade organization, and one (1) standards development organization, and (1) member from a methods development organizations or assessor organization.</p>	Comment noted. The by-laws have been substantially changed to address the comment. See revisions.

IV	Representatives - Voting Members (con't)	WECK	Alfredo Pierri	1	We suggest the "Three (3) Representatives with expertise in the testing and analysis of environmental samples" should belong to non-governmental, medium and large size commercial laboratories due to the fact that most of the environmental tests in the State are performed by these kinds of laboratories.	Comment noted. The by-laws have been substantially changed to address the comment. See revisions.
		BW1	N/A	1	How are the Regional Boards represented? Should consultants also be considered for being a represented party?	Comment noted. At this time the Regional Boards are represented at the ELAP interagency workgroup and therefore will not be included in ELTAC.
		BW2	N/A	1	Too much overlap between various representatives on the list and the fields of testing they would most likely have expertise in - feels voting may be skewed.	Comment noted. The by-laws have been substantially changed to address the comment. See revisions.
		BW2	N/A	2	Have a member from another accrediting body on the committee to give unbiased 3rd party view of agenda items being discussed during ELTAC meetings.	Comment noted. Members of the committee should have substantive knowledge of ELAP's services and environmental laboratory operations. For this reason, a member from another accrediting body shall not serve on ELTAC. If a member of one of these 3rd body accreditors wishes to voice his/her opinion on future agenda items, they may do so during the ELTAC public comment period during a regularly scheduled meeting.
		BW2	N/A	3	Make it clear that small commercial laboratories/large municipal laboratories have representation.	Comment noted. The by-laws have been revised to address the comment.
IV	Officers	MWD	Socorro Baldonado	1	There should be one person designated from ELAP who is required to attend all meetings.	The by-laws have been revised to address the comment. The DELAPO will inherit this responsibility. See revisions.
		MWD	Socorro Baldonado	2	Have a member from ELAP staff as well as a committee member serve as a Reporter and Scribe. In other words, have two of each position.	The by-laws have been revised to address the comment. The position of the Reporter has been removed as the Bagley-Keene Open Meeting Act does not require minutes to be recorded by State personnel. Any individual who wishes to, may take notes or record the proceedings.
		MWD	Socorro Baldonado	3	Chairperson and Vice-Chair person should be selected from committee members, not from ELAP.	Comment noted. The by-laws have been substantially changed to address the comment. See revisions.
		COD	Josie Tellers	1	Under Chairperson's duties add: "... solicit and create agenda items for ELTAC meetings..."	The by-laws have been revised to address the comment. The DELAPO will inherit these responsibilities. See revisions.
IV	Terms of Representatives and the Reporter	ACIL	Milton Bush	1	Recommended Change: Membership term shall be two (2) years with no more than six (6) consecutive years of service and a maximum lifetime service of eight (8) years.	Comment noted.
		BSK, PACE, ESB	Brad Meadows, Judith Morgan, Allison Mackenzie	1	Recommended Change: Membership term shall be two (2) years with no more than four(4) consecutive years of service and a maximum lifetime service of six (6) years.	ELAP supports this language. The by-laws have been revised to address the comment.

IV	Terms of Representatives and the Reporter (con't)		Josie Tellers	1	Change "The Chairperson shall make all appointments..." to "The Deputy Director of the Division of Drinking Water shall..." to remain consistent with Article V.	The by-laws have been edited to address the inconsistency noted in the comment.
		WECK	Alfredo Pierri	1	Recommended Change: Membership term shall be two (2) years with no more than six (6) consecutive years of service and a maximum lifetime service of ten (10) years.	Comment noted.
IV	Representative Expectations	COD, BW1	Josie Tellers, N/A	1	Add a mechanism for those Representatives in the Commercial Laboratories/Municipal Laboratories positions to complete these expectations.	Comment noted. The by-laws have been substantially changed to address the comment. See revisions.
		EEA	Andy Eaton	1	Unclear as to how those other than trade organizations are to reach out to their "constituents." We would recommend that ELAP categorize its current certified labs into some of these categories and then provide the ELTAC representative of that category with the distribution list of the constituents if there is truly an expectation of an annual report on communication with constituents.	Comment noted. The by-laws have been substantially changed to address the comment. ELAP management shall release data regarding statistics on laboratory size and categories on the ELAP webpage. All Representatives are still expected to provide annual reports of contact with their constituents. See revisions.
		BW1	N/A	1	How are laboratories supposed to represent those who they compete with?	While some laboratories may be competitors, the agenda items presented at ELTAC are meant to identify common problems seen throughout the ELAP's community. Those serving as Representatives must, (on behalf of their constituents) put aside personal, business and financial interests for the sake of the laboratory community as a whole.
IV	Absences and Dismissal	ACIL, BSK, ESB, WECK	Milton Bush, Brad Meadows, Allison Mackenzie, Alfredo Pierri	1	Members and their sponsors should be clear on both the costs, and the importance of participation. Recommended Change: "Representatives must have the resources and the technical expertise within their organization to support participation."	The by-laws have been revised to address the comment.
V	Appointments, Elections and Voting	COD	Josie Tellers	1	Add language to ensure that all nominees will be considered during the evaluation process but may not necessarily be accepted.	The by-laws have been revised to address the comment.
		COD	Josie Tellers	2	The current deadlines listed in this section will not be achievable at this time due to the current process and lack of time.	Comment noted. ELAP will do its best to meet the deadlines set forth while still honoring the process of stakeholder collaboration. The first membership ELTAC cannot be appointed until the by-laws have been finalized.
		BRL	Jill Brodt	1	Where should nominations for the Committee be sent? Can they be sent via email, or is hard copy preferred?	As stated in Article V, Section A, "Nominations for Representatives shall be submitted in writing to the Chairperson..." Nominations will be taken in either format, although electronic nominations are preferred.

V	Appointments, Elections and Voting (con't)	BW1	N/A	1	When will the next ELTAC be implemented? Will it be in time for this September's Committee to be appointed?	It would be ideal to have ELTAC be in place by September, but realistically it won't happen due to the timeline of the by-laws currently at this point. ELAP does not want to put a time constraint on when the next committee will be in place without having the By-Laws finalized first.
		BW1	N/A	2	When it comes to nominations for the various Representatives, will all nominations be posted to the website?	All of the nominations submitted shall be made public.
VI	Operational Procedures	MWD	Socorro Baldonado	1	Remove language referring to Bagley-Keene. Article II already clarifies that meetings shall be conducted in accordance with that Act.	The by-laws have been revised to address the comment. Language was left in certain cases to ensure Bagley-Keene is followed.
VI	Quorum	COD	Josie Tellers	1	Pursuant to Bagley-Keene, in "Section A" remove the language "in-person" as Representatives may attend meetings remotely.	The by-laws have been revised to address the comment.
VI	Meetings	COD	Josie Tellers	1	Recommended Change: "The Chair person shall schedule meetings with at least 45 days notification period."	This portion of the by-laws has been removed. The Bagley-Keene Open Meeting Act only requires a 10 day notification. As seen in Article II, "No provision of these By-Laws is intended to nor may be interpreted to conflict with or supplement the Bagley-Keene Open Meeting Act."
		MWD	Socorro Baldonado	1	Delete the term "Robert's Rules of Order" and spell out the procedure.	The by-laws have not been revised to address the comment. Robert's Rules of Order is a long set of rules intended for facilitating discussions. It is unfeasible to spell out the procedure into these by-laws.
VI	By-Laws	ACIL	Milton Bush	1	Recommended Change: The Deputy Director of the Division of Drinking Water reserves the right to make "administrative" amendment to the by-laws pending approval by the majority of committee members at the next scheduled meeting.	Comment noted.
		BSK, PACE, ESB	Brad Meadows, Judith Morgan, Allison Mackenzie	1	Insert the following in item 3: "The Committee reserves the right to appeal the Deputy Director's decision to amend the By-Laws to the SWRCB."	The by-laws have been revised to address the comment.
		COD, BW2	Josie Tellers, N/A	1	Provide clarity in which case(s) the Deputy Director would need to make to make changes without the Committee's consent.	Comment noted.
VI	Recommendations	WECK	Alfredo Pierri	1	The recommendations provided by ELTAC regarding technical, scientific and administrative issues that impact the laboratory community, regulatory agencies, and data users should be considered very strong recommendations and not just as suggestions.	Comment noted.
		WECK	Alfredo Pierri	2	If the recommendation is accepted it should indicate the time frame in which such recommendation will be implemented.	Comment noted. This section was intentionally left broad because recommendations may involve other programs/agencies that are outside of ELAP's control. Recommendations provided to ELAP should be specific so that the program can respond properly.

VI	Subcommittees and Consultants	MWD	Socorro Baldonado	1	Remove reference to Bagley-Keene Open Meeting Act and state that subcommittees shall follow the same procedure as the main committee.	The by-laws have been revised to address the comment.
VI	Minutes	COD	Josie Tellers	1	Include a timeline for which the draft meeting minutes will be available for review.	This portion of the by-laws has been removed due to the removal of the Reporter.