

August 21, 2015

The following is submitted on behalf of ACIL Environmental Sciences Section (ACIL-ESS) in response to solicitation for comments on DRAFT bylaws for California ELAP's Environmental Laboratory Technical Advisory Committee (ELTAC)

Purpose

The purpose of the ELTAC is to serve as a technical resource to the Environmental Laboratory Accreditation Program (ELAP). ACIL suggests the purpose for ELTAC be summarized as follows;

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*

The following recommended changes are submitted by ACIL-ESS to improve ELTAC functionality as envisioned in the purpose statement above.

Article IV Membership and Term

Recommended Change:

(Insert the following text 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, and analytical methods and methods development.

(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 a substantive if not direct connection to the services provides by ELAP.

Rationale for recommendation:

It is desirable to ensure ELTAC is a working committee with members that can contribute to achieving the purpose for the committee as stated above. This language helps to ensure candidates and ELTAC members understand ELAP function through experience(s) and are aligned with the purpose. This also provides clarification for the selection process.

Representatives—Voting Members

Recommended Change:

ELTAC voting membership shall be comprised of **fifteen (15)** members representing interested parties and environmental laboratories subject to the Environmental Laboratory Accreditation Act. Membership shall consist of the following:

5 members representing governmental, municipal, or agency laboratories and organizations that are either accredited or licensed by ELAP, with at least two (2) members representing small laboratories with FTE staff of 6 or less.

3 members representing non-governmental commercial laboratories either accredited or licensed by ELAP.

1 member representative from CARB

1 member representative from DTSC

1 member representative from ACIL

1 member representative from CWEA

1 member representative from CASA and/or AWWA

1 member representative of the nongovernmental accrediting bodies involved in the ELAP program (A2LA, LAB, etc..)

1 member representing professional, standards or methods, or standards development organization (NIST, AOAC, ISO, ILAC, NACLA, TNI, etc.)

Rationale for recommendation:

The designations for the Voting Members, as defined in the current draft Bylaws of ELTAC, are insufficiently specific to guarantee access to individuals possessing the necessary expertise. Designating a seat to specific organizations may present a challenge to the representative organization and does not guarantee that the position can be filled with someone possessing the desired knowledge and expertise, ensuring ELATC members represent the widest possible range of stakeholder views is desirable. Assigning seats to existing organizations that *prima facie* represent stakeholder groups makes the most sense at this time. Flexibility to change affiliation designations while preserving diversity of stakeholder views should be considered as addition to the by-laws.

The CARB and DTSC seats should be fixed as these agencies are data users and should be concerned with ELAP functionality. ACIL is concerned that these representatives participate in ELTAC actively by communicating ELAP issues identified at ELTAC, and their respective agencies views of ELAP issues through ELTAC. Selection should be performed carefully with bilateral communication the key objective.

As a technical advisory committee charged with “Developing scientifically rigorous recommendations...”, desirable ELTAC representatives will possess an adequate understanding of regulatory requirements, laboratory quality systems, and test methods to advise ELAP and the leadership. The ELAP Chief and the Deputy Director should have some flexibility in selection toward the goal of assembling the right mix of individuals with the appropriate skills representing a variety of stakeholders.

Regulatory agencies, particularly those within CalEPA, are not typically subject to ELAP services and have alternative means outside of ELTAC to influence ELAP policy and to communicate with ELAP leadership & staff. ELAP leadership and staff have access to regulation writers and legal counsel while possessing little if any experience implementing standards based conformity assessment accreditation programs.

ELTAC representatives are therefore, key resources for the ELAP Chief and her staff, particularly for laboratory quality systems, practices, and methods as they relate to the wide variety of regulations both federal and state. Broad representation of stakeholders with deep knowledge of issues related to laboratory operations, conformity assessments, quality systems, test methods and measurement technologies amongst the seated representatives is key to achieving the ELTAC’s stated purpose. Appropriate stakeholder representation and technical expertise are key goals in selecting ELTAC voting members.

B. Terms of Representatives and the Reporter

Recommended Change:

The 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.

Rationale for recommendation:

It may not be feasible to include every representative of every possible organization or interested party simultaneously, limiting the term of service will help ensure proper representation from all stakeholder parties. Terms need to be sufficient for the members to gain an understanding of issues and process. Rotation will ensure fresh perspectives while enabling the ELAP Chief to enlist the necessary expertise.

D. Absences and Dismissal *Recommended Change:*

(insert at beginning of paragraph)

Representatives must have the resources and technical expertise within their organization to support participation.

Rationale for recommendation:

Participation on ELTAC can be costly depending on where meetings are held and how attended, sponsor organizations may be expected to incur direct or indirect costs, depending on travel required of as much as \$5,000/yr to support a voting member. Members and their sponsors should be clear on both the costs, and the importance of participation.

ARTICLE VI
Operational Procedures

C. By-Laws

Recommended Change:

Item 3.

The Deputy Director of the Division of Drinking Water reserves the right to make “administrative” amendments to these By-Laws. Such amendments must be approved by a majority of the committee members at their next regulatory scheduled meeting. Any other amendments must be approved by a majority of the committee.

Rationale for recommendation:

While the current Deputy Director has demonstrated a willingness to engage and involve the stakeholder community in the drafting of the ELTAC By-laws, it is prudent to ensure that in the Committee Members have the final say in any future amendments to the bylaws.

Respectfully submitted,



Milton Bush, J.D., CAE
Chief Executive Officer
American Council of Independent Laboratories
mbush@acil.org

Brelje and Race Laboratories, Inc.
Jill Brodt

Greetings,

I enjoyed watching the webcast of last weeks meeting in Sacramento. I have been reviewing the By Laws and looking though the provided information.

I can not express how happy I am for all these changes that are occurring within ELAP. I think these are long overdue improvements, and I am anxious to see where this takes ELAP.

I run a small laboratory and have a question about the committee members.

Will there be a larger "Committee" and within that "committee" will be the voting "Representatives"?

Do Committee members also need to be nominated?

Where should nominations for the committee be sent? Can they be sent via email? Or is hard copy preferred?

Thank you very much for your attention.

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Jill Brodt

August 21, 2015

The following comments and recommendations are submitted on behalf of BSK Associates (BSK) in response to the draft By-Laws for the reorganization of Environmental Laboratory Technical Advisory Committee (ELTAC).

Purpose

The overarching purpose of the Environmental Technical Advisory Committee is to serve as a technical resource to the Environmental Laboratory Accreditation Program. As stated in the draft By-Laws:

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 performance based and accountable accreditation program*

The following recommended changes are submitted by BSK in consideration of the stated objectives.

Article IV
Membership and Term

Recommended Change:

(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.

(Insert in second paragraph)

The membership of the committee shall be constituted such that no one set of stakeholders (see the following section on Representatives – Voting Members) shall have dominance over the committee and every representative has knowledge of ELAP and laboratory operations.

Rationale for recommendation:

It is of the highest priority that the ELTAC be a working committee with members that can achieve the purpose and objectives of the committee. The analytical laboratory industry requires a unique combination of knowledge and experience to understand and appreciate the many requirements faced by those labs providing compliance grade data. Addition of this language will help ensure candidates understand the purpose and needs of ELTAC. This language will provide additional clarification for the selection process.

Representatives—Voting Members

Recommended Change:

ELTAC voting membership shall be comprised of **fifteen (15)** members representing interested parties and environmental laboratories subject to the Environmental Laboratory Accreditation Act. Membership shall consist of the following:

- A. 5 members representing governmental, municipal, or agency laboratories and organizations, with at least two (2) members representing small laboratories.
- B. 5 members representing non-governmental commercial laboratories, with at least two (2) members representing small laboratories.
- C. 5 members representing professional, standards and methods development, and trade organizations with at least one (1) trade organization and one (1) standards development organization, one member from the State Water Resources Control Board, one member from a methods development organization or assessor organization, and one member at large.

Rationale for recommendation:

The designations for the Voting Members, as defined in the current draft Bylaws of ELTAC, are too prescriptive and lack the ability to guarantee access to individuals possessing the necessary expertise. Designating a seat to individual organizations may present a challenge to the organization and does not guarantee that the position can be easily filled with someone possessing the desired knowledge and expertise. As a technical advisory committee charged with “Developing scientifically rigorous recommendations...”, it is necessary for ELTAC representatives to have an extensive understanding of regulatory requirements, laboratory quality systems, analytical methods, and general laboratory operations. By making categories broader and more flexible, the ELAP Chief and the Deputy Director will have a greater ability to assemble the right mix of individuals with the appropriate skills representing a variety of stakeholders.

Regulatory agencies, particularly those within CalEPA, have many avenues to influence ELAP policy and to communicate with ELAP staff. The new ELAP administration and staff have access to regulations and regulatory advice, but less familiarity and experience with the practical implementation of a conformity assessment-accreditation program. ELTAC representatives are a valuable resource to the ELAP Chief and staff, particularly in the area of laboratory quality systems, practices, and methods as they relate to the wide variety of regulations. Keeping categories broad while striving to maintain the balance specified in Article IV, Membership and Term, paragraph 2 will provide for proper representation and, once again, much needed expertise.

B. Terms of Representatives and the Reporter

Recommended Change:

The 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.

Rationale for recommendation:

Since it is not feasible to include every representative of every possible organization or interested party simultaneously, limiting the term of service will help ensure proper representation from all stakeholder parties. Rotation will also ensure fresh perspectives while enabling the ELAP Chief to enlist the necessary expertise.

D. Absences and Dismissal *Recommended Change:*

(Insert at beginning of paragraph)

Representatives must have the resources and technical expertise within their organization to support participation.

Rationale for recommendation:

Clarification and emphasis on the importance of participation.

ARTICLE VI
Operational Procedures

C. By-Laws

Recommended Change:

Item 3.

The Deputy Director of the Division 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 the Deputy Director's decision to amend the By-Laws to the SWRCB.

Rationale for recommendation:

While the current Deputy Director has demonstrated a willingness to engage and involve the stakeholder community in the drafting of the ELTAC By-laws, it is prudent to ensure that in the future Committee Members will have the ability to appeal any change dictated by the Deputy and made without Committee approval.

Northern California ELTAC By-Laws Workshop- July 20, 2015

CalEPA Building- 1001 I Street, Sacramento, CA- Sierra Hearing Room
9-10am

Record of Verbal Questions

*Please note that all questions/concerns will be addressed at the conclusion of the 30 day comment period, which ends August 21, 2015 at 5:00PM, if not addressed here.

- How are laboratories supposed to represent those who they compete with? (Article III Section C: Representative Expectations)
- How the Regional Boards are represented? Should consultants also be considered for being a represented party? (Article III Representative list)
- How are those who are not currently represented by organization supposed to contact those whom they represent if they don't know about them? (Article III i.e. Representatives for: commercial laboratory, municipal laboratory, method producing organization, etc.)
- 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 probably not. 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.
- When it comes to nominations for the various Representatives, will all nominations be posted to the website?
 - All nominations will be made public.

Southern California ELTAC By-Laws Workshop- July 31, 2015

Regional Water Quality Control Board, San Diego - 2375 Northside Dr #100, San Diego, CA 92108

9-11am

Record of Verbal Questions and Concerns

*Please note that all questions/concerns will be addressed at the conclusion of the 30 day comment period, which ends August 21, 2015 at 5:00PM, if not addressed here.

- Why is ELAP not certifying for the most updated methods? (General)
- Concern: ELAP does not certify for ~80% of methods being run in (this individual's) laboratory.
- Concern: ELAP needs to work more with permit writers to ensure that both parties are aware of one another's work.
- Why not ask for the committee to, "function as a means of exchanging information and opinions related to environmental laboratory technology, methods and practice" so that the program can stay current and relevant? (Article III)
- Suggestion: Have ELAP serve as an educational resource to permit writers in the future.
- Concern: 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. (Article IV)
- Why not have a member from another accrediting body on the committee to give an unbiased 3rd party view of items being discussed during ELTAC meetings? (Article IV)
- Suggestion: Strike lab size language – most small laboratories are municipal, most large ones are commercial. Perhaps make it specific so that small commercial laboratories have representation too. (Article IV)
- Suggestion: Add language so that ELAP has to provide a reasonable explanation if a recommendation is denied. (Article VI)

Curtis and Tompkins Laboratories
Bruce Godfrey, Ph.D

I'm not sure this comment was registered when sent earlier, so please excuse my duplication if that's the case.

Comment

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.
Bruce Godfrey

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C. Bruce Godfrey, Ph.D
Lab Director
Curtis& Tompkins Laboratories

Subject: Comments on ELTAC by LAWS – Draft July 20, 2015

Submitter: Josie Tellers, WW Division Water Quality Supervisor – City of Davis

Date Submitted: 8/21/15

Comment #	Section of the Document	Comment or Recommendation	Rationale
1	Article IV – Membership and Term: last sentence of the 2 nd paragraph	Remove last sentence regarding the laboratory size.	Definition of laboratory sizes still need to be evaluated at this stage of the process. Scope of work, complexities in addition to the number of analyst should be taken into consideration as well.
2	Article IV Representative – Voting Members	The current listing looks better than the prior list. My only concern is the process in which each representative can be selected by their respective stakeholder community if there is no way for a group of “commercial laboratories” or “municipal laboratories” to get together and get consensus on who to nominate as their ELTAC representative. And in turn, the ELTAC representative can report back to their respective communities.	Suggestion – ELAP should facilitate a mechanism in which a group of commercial laboratories or municipal laboratories can engage as a group. ELAP has the listing of all ELAP accredited laboratories.
3	Article IV - Officers – Section A.1 – Chairperson	To add – “ solicit and create agenda for the ELTAC meetings...”	Inclusion of other pertinent or relevant agenda items from the Representative is a must for the Team to work cohesively.
4	Article IV - Officers – Section B – “The Chairperson shall ...”	Change to – The Deputy Director of the Division of Drinking Water shall...	To be consistent with Article IV – Membership and Term – 2 nd sentence of the first paragraph. Also to be consistent

			with Article V – Appointments, Elections and Voting.
5	Article IV – Officers – Section C: Representative Expectations	For this to be successful, a mechanism to accomplish the expectation must be available to some of the membership make up as listed above regarding “commercial laboratories” , “municipal laboratories” , etc.	Same rational as comment #2
6	Article V – Appointments, Elections and Voting – Section A: In reference to the “Chairperson” by no later than the 15 th of September	Please include a language to ensure that all applications will be considered during the evaluation process but may not necessarily be accepted. The September 15 th deadline will not be achievable at this time due to current process and lack of mechanism for some groups to get consensus on whom to nominate (see above comments) by 9/15/15. Same concern for the October 31 st selection of the Reporter (Article IV – Membership and Term).	It provides clarity that there will be no screening by the Chairperson prior to submittal to the Deputy Director prior to the evaluation process.
7	Article VI – Operational Procedures Section A - The presence in person of one-half plus one	Reference to “in-person” need to be removed.	The quorum can be achieved whether a member attends in person or remotely. Attendance to a meeting, whether in person or via phone counts.
8	Article VI – Operational Procedures Section B.1 – Second sentence	Please revise to: The Chairperson shall schedule meetings with at least 45 days notification period.	Provides clarity and supports expectation on section Article IV – Section B.5

9	Article VI – Section C.3	Need to provide clarify in which a need for the Deputy Director to make amendments to the By-Laws without the committee consent likely to occur.	Provide transparency to the process.
10	Article VI – Section H	To include a timeline of which the draft meeting minutes will be available for review (example – 14 days after the meeting was held) and posted to the website (for example – 14 days after the meeting minutes are finalized)	Provide clarity of expectations, accountability and timelines for all.

Eurofins Eaton Analytical
Andy Eaton

In particular there are several issues of concern.

- 1) Some of the positions (e.g. representative of ACIL, CASA, CWEA, CANV AWWA) are extremely specific as to organization and narrow the ability of ELTAC to choose members that are as broadly representative as possible. We would suggest that these slots perhaps be phrased to be more open in the event that other entities may surface. For example: a representative of laboratory trade associations representing commercial labs; two representatives of wastewater associations; one representative of drinking water associations. Alternatively the categories could be even broader –representatives of drinking water and wastewater data users (other than state or federal government).
- 2) Some of the categories are currently so broad as to be difficult to solicit representative candidates (e.g. 1 representative of a commercial environmental laboratory – there is no way that any single commercial lab can represent that entire spectrum. In many of the SAC discussions, it was clear that there are actually multiple categories of labs who may well have different agendas. There are a) drinking water labs, waste water labs, and hazardous waste labs – each of whom should have representation on ELTAC b) small commercial labs and small municipal labs and large commercial labs and large municipal labs c) municipal labs and commercial labs as broader categories. These seem like better potential categories than just “1 representative of a commercial environmental lab, 1 representative of a municipal lab”.
- 3) It is also not clear to us how on ELTAC, a representative of anyone other than a trade association can truly reach out to their “constituents” (IV.C) . We would recommend that ELAP categorize it’s 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.
- 4) The references to the Bagley-Keene Open Meeting act seem to be overkill – if this is to be the governing set of rules for committees and subcommittees, once ELTAC members are selected, it would be highly beneficial to have someone present to ELTAC at the first official meeting on how to comply with this requirement (we assume there are canned presentations on this already available).
- 5) 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 it 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.

We hope these comments are helpful to you in reformulating the By-Laws.



BABCOCK Laboratories, Inc.
The Standard of Excellence for Over 100 Years

August 21, 2015

Babcock Laboratories, Inc. is an employee-owned commercial laboratory with California ELAP accreditation and A2LA certification for ISO 17025 for Food microbiology. Babcock Labs is also approved by USEPA for testing under the Unregulated Contaminant Monitoring Rule (UCMR) stages 1, 2, and 3, and is currently under contract with the USEPA to provide UCMR3 testing for the nation-wide small drinking water system monitoring. Babcock Laboratories is categorized by the federal and state government as a small business and has been an employer of laboratory professionals for over one hundred years, providing drinking water, wastewater, groundwater, food, and hazardous waste testing.

The following comments are submitted by Babcock Laboratories, Inc. in response to a request for public comments by the Environmental Laboratory Accreditation Program.

Purpose

The overarching purpose of the Environmental Technical Advisory Committee is to serve as a technical resource to the Environmental Laboratory Accreditation Program. As stated in the draft By-Laws:

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 performance based and accountable accreditation program*

The following recommended changes are submitted by Babcock Laboratories with the objective and function of ELAP in mind.

**Article IV
Membership and Term**

Recommended Change:

(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, and analytical methods and methods development.

(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 knowledge of ELAP and laboratory operations.

Rationale for recommendation:

It is of the highest priority that the ELTAC be a working committee with members that can achieve the purpose and objectives of the committee. Addition of this language will help ensure candidates understand the purpose and needs of ELTAC. This language will provide additional clarification for the selection process.

Representatives—Voting Members

Recommended Change:

ELTAC voting membership shall be comprised of **fifteen (15)** members representing interested parties and environmental laboratories subject to the Environmental Laboratory Accreditation Act. Membership shall consist of the following:

5 members representing governmental, municipal, or agency laboratories and organizations, with at least two (2) members representing small laboratories.

5 members representing non-governmental commercial laboratories, with at least two (2) members representing small laboratories.

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 one (1) member from a methods development organization or assessor organization.

Rationale for recommendation:

The designations for the Voting Members, as defined in the current draft Bylaws of ELTAC, are too proscriptive and lack the ability to guarantee access to individuals possessing the necessary expertise. Designating a seat to specific organizations may present a challenge to the organization and does not guarantee that the position can be easily filled with someone possessing the desired knowledge and expertise. As a technical advisory committee charged with “Developing scientifically rigorous recommendations...”, it is necessary for ELTAC representatives to have an extensive understanding of regulatory requirements, laboratory quality systems, and analytical methods. By making categories broader and more flexible, the ELAP Chief and the Deputy Director will have a greater ability to assemble the right mix of individuals with the appropriate skills representing a variety of stakeholders.

Regulatory agencies, particularly those within CalEPA, have many avenues to influence ELAP policy and to communicate with ELAP staff. The new ELAP administration and staff have access to regulations and regulatory advice, but less familiarity and experience with the practical implementation of a conformity assessment-accreditation program. ELTAC representatives are a valuable resource to the ELAP Chief and staff, particularly in the area of laboratory quality systems, practices, and methods as they relate to the wide variety of regulations. Keeping categories broad while striving to maintain the balance specified in

Article IV, Membership and Term, paragraph 2 will provide for proper representation and much needed expertise.

B. Terms of Representatives and the Reporter

Recommended Change:

The 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.

Rationale for recommendation:

Since it is not feasible to include every representative of every possible organization or interested party simultaneously, limiting the term of service will help ensure proper representation from all stakeholder parties. Rotation will also ensure fresh perspectives while enabling the ELAP Chief to enlist the necessary expertise.

D. Absences and Dismissal Recommended Change:

(insert at beginning of paragraph)

Representatives must have the resources and technical expertise within their organization to support participation.

Rationale for recommendation:

Clarification and emphasis on the importance of participation.

**ARTICLE VI
Operational Procedures**

C. By-Laws

Recommended Change:

Item 3.

The Deputy Director of the Division 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 the Deputy Director's decision to amend the By-Laws to the SWRCB.

Rationale for recommendation:

While the current Deputy Director has demonstrated a willingness to engage and involve the stakeholder community in the drafting of the ELTAC By-laws, it is prudent to ensure that in the future Committee Members will have the ability to appeal any change dictated by the Deputy and made without Committee approval.

ARTICLE	TITLE	COMMENTS
I	Name	No change
II	Bagley-Keene Open Meeting Act	<ul style="list-style-type: none"> Not everyone knows this Act except for policymakers; Delete this section since the term is also reference in Article VI (Operational Procedures)
III	Objectives and Functions	<p>Health & Safety Code sections 100825-100920 contain NELAP and ELAP</p> <ul style="list-style-type: none"> Are we assuming the ELAP and ELTAC will continue to follow these sections (which are subject to regulatory update pending decision on what type of accreditation to use whether dual or single system)?
IV	Membership and Term	<p>1st paragraph:</p> <ul style="list-style-type: none"> Not clear about the Officers and Representatives based on different technical fields Representatives selected from organizations – are these from associations which have overlapping memberships of public agencies (Andy mentioned about the “seated” organizations vs lab communities) <p>2nd paragraph</p> <ul style="list-style-type: none"> Interested parties need to be clarified (is it consultant or other expert with knowledge of ELAP’s FoT?) Representatives from both NorCal and SoCal (private, public, small and large) <ul style="list-style-type: none"> -Need to define the attributes of small or large public labs and private labs (is it based on the number of staff or FoT/methods?) -A small lab with less than 10 staff can have many FoTs/methods certified or have one man lab with multiple hats of few FoTs/methods Delete last sentence defining small laboratories <ul style="list-style-type: none"> -there is no clear definition of a small lab; -lab size does not matter for data quality
IV	Representatives-Voting Members	<ul style="list-style-type: none"> ERP recommended refinement of ELTAC membership using categories Suggested ELTAC categories with NorCal (1) and SoCal (1) Voting Members <ul style="list-style-type: none"> 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 <p>Non-voting Members (Regulatory Agencies including ELAP)</p> <ul style="list-style-type: none"> CDPH (Drinking Water and Radiation Laboratory) SWRCB (DDW and WW programs) DTSC (Hazardous Waste programs) CA Fish and Game (Aquatic bioassay)
IV	Officers	<ul style="list-style-type: none"> Designated ELAP Officer or alternate to attend all meetings Chairperson and Vice-chair person – selected among voting members with co Scribe or Reported - should have one from both ELAP and voting members
IV	Terms of Representatives and the Reporter	<ul style="list-style-type: none"> Should be doable but also needs further review/comments
V	Appointments, Elections, and Voting	Needs further review and comments
VI	Operational Procedures	<ul style="list-style-type: none"> Remove Bagley-Keene Open Meeting Act in sections B1, B4, and B5 since it is already mentioned in the introduction of Article VI B6 – delete the term Robert’s Rules of order and spell out the procedure F – Delete the last sentence with Bagley-Keene Open Meeting Act and reference the same procedure for Committee (for Subcommittee)

Comments submitted by: Socorro Baldonado, Stakeholders Advisory Committee(SAC) member

Date: August 21, 2015

Pace Analytical Services, Inc. is a privately held, industry-leading commercial sampling and analytical testing firm with 28 locations nationwide. Pace provides analytical lab solutions for testing, staffing and equipment, with a wide scope of services. Our laboratories are accredited through multiple entities including CA ELAP, ISO 17025 via ILAC Signatories, and NELAP. We provide analytical services to clients in the State of California for potable, non-potable, and solid/chem environmental compliance samples.

As a stakeholder in the environmental laboratory industry, we are responding to a request for public comments that originated from the Environmental Laboratory Accreditation Program.

The overarching purpose of the Environmental Technical Advisory Committee is to serve as a technical resource to the Environmental Laboratory Accreditation Program. As stated in the draft By-Laws:

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 performance based and accountable accreditation program*

The following recommended changes are submitted by Pace Analytical with respect to the objective and function of ELAP.

Article IV Membership and Term

Recommended Change:

(Insert in first paragraph after opening sentence)

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(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 knowledge of ELAP and environmental laboratory operation.

Rationale for recommendation:

It is of the highest priority that the ELTAC be a working committee with members that can achieve the purpose and objectives of the committee. Addition of this language will help ensure candidates understand the purpose and needs of ELTAC. This language will provide additional clarification for the selection process.

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Recommended Change:

ELTAC voting membership shall be comprised of **fifteen (15)** members representing interested parties and environmental laboratories subject to the Environmental Laboratory Accreditation Act. Membership shall consist of the following:

- 5 members representing governmental, municipal, or agency laboratories and organizations, with at least two (2) members representing small laboratories.
- 5 members representing non-governmental commercial laboratories, with at least two (2) members representing small laboratories.
- 5 members representing professional, standards and methods development, and trade organizations with at least one (1) trade organization and one (1) standards development organization, one (1) member from the water board, one (1) member from a methods development organization or assessment organization and one (1) member at large

Rationale for recommendation:

The primary rationale is based on establishing balanced representation across the committee. Balanced representation with no perceived dominance is a tried and true principle in various types of standards development as well as in any organization that wishes to reach consensus positions while meeting all stakeholder needs. The designations for the Voting Members, as defined in the current draft Bylaws of ELTAC, does not represent balance, are too prescriptive, and constrain the ability to guarantee access to individuals possessing the necessary expertise. In addition, designating a member seat to specific organizations may present a challenge to the organization and potentially limits the ability to procure someone possessing genuine interest along with the desired knowledge and expertise. As a technical advisory committee charged with “Developing scientifically rigorous recommendations...”, it is necessary for ELTAC representatives to have an extensive understanding of the environmental industry and associated regulatory requirements, laboratory quality systems, and analytical methods, in order to be successful as a group. By making categories broader and more flexible, the ELAP Chief and the Deputy Director will have a greater ability to assemble the right combination of individuals possessing the appropriate skills while representing a variety of stakeholders.

Regulatory agencies, particularly those within CalEPA, have many avenues to influence ELAP policy and to communicate with ELAP staff. The new ELAP administration and staff have access to regulations and regulatory advice, but less familiarity and experience with the practical implementation of a conformity assessment-accreditation program. ELTAC representatives are a valuable resource to the ELAP Chief and staff, particularly in

the area of laboratory quality systems, practices, and methods as they relate to the wide variety of regulations. Keeping categories broad while striving to maintain the balance specified in Article IV, Membership and Term, paragraph 2 will provide for proper representation and much needed expertise.

B. Terms of Representatives and the Reporter

Recommended Change:

The 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.

Rationale for recommendation:

Since it is not feasible to include every representative of every possible organization or interested party simultaneously, limiting the term of service will help ensure proper representation from all stakeholder parties. Rotation will also ensure fresh perspectives while enabling the ELAP Chief to enlist the necessary expertise.

D. Absences and Dismissal

Recommended Change:

(insert at beginning of paragraph)

Representatives must have the resources and technical expertise within their organization to support reliable participation.

Rationale for recommendation:

Clarification and emphasis on the importance of participation.

ARTICLE VI Operational Procedures

C. By-Laws

Recommended Change:

Item 3.

The Deputy Director of the Division of Drinking Water reserves the right to make amendments to these By-Laws without the Committee's consent. (insert the following) *The Committee reserves the right to appeal the Deputy Director's decision to amend the By-Laws to the SWRCB.*

Rationale for recommendation:

While the current Deputy Director has demonstrated a willingness to engage and involve the stakeholder community in the drafting of the ELTAC By-laws, it is prudent to ensure that in the future Committee Members will have the ability to appeal any change dictated by the Deputy and made without Committee approval.



August 21, 2015

Comments to Draft ELTAC By-laws

Article III:

ELTAC should assist ELAP in the implementation of an accreditation program based on consensus standards

ELAP leadership should be accountable to ELAP stakeholders

Article IV:

ELTAC members should have extensive knowledge and expertise in standards development, laboratory quality systems and accreditation, and analytical methods and methods development.

The membership should be balanced enough to avoid predominance on one group of stakeholders over the others.

The draft By-laws specify that the voting members shall include “three (3) Representatives with expertise in the testing and analysis of environmental samples”; we suggest that these three members belong to non-governmental, medium and large size, commercial laboratories since most of the environmental tests in the State are performed by this kind of laboratories.

Regarding membership terms, we support a shorter term of two (2) years with no more than six (6) consecutive years of service and a maximum lifetime service of ten (10) years.

Elected members of ELTAC should consider the responsibilities and costs associated with membership and commit the necessary resources to participate in all meetings, avoiding absences or the need of sending alternates.

Article VI:

D. Recommendations:

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.

ELAP should respond to recommendations within 30 days of received and if the recommendation is accepted it should also indicate the time frame in which such recommendation will be implemented.

If a recommendation is denied by ELAP, then ELTAC should have the means to appeal the denial to SWRCB for further review.

Weck Laboratories, Inc. ELAP #1132