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## State Water Resources Control Board

### Frequently Asked Questions

#### Third Party Assessment: The Concerns – page 1

1. How will ELAP oversee TPA activities?  
ELAP is drafting a Memorandum of Understanding (MOU) that defines service terms the TPAs must agree to in order to have their assessments accepted by California ELAP. If a TPA does not comply with the requirements, the TPA would not be able to continue providing assessments for California. ELAP will be auditing TPA activities annually and promptly investigating complaints to ensure they are following the requirements established in the MOU. Stakeholders will soon have an opportunity to comment on the draft MOU, which will later go to the State Water Board for approval.
2. How does ELAP ensure assessments are fair and that TPA assessors are impartial?  
ELAP's regulations require that all TPAs meet minimum standards set by NELAP, the US Department of Defense, or US Department of Energy. Their standards are based on ISO 17011, the international industry standard for laboratory accrediting bodies, which has robust requirements to ensure that accredited organizations meet professional and ethical codes of conduct, including requirements for staff qualifications, impartiality, conflicts of interest, and internal audits, amongst others. TPAs will be required to submit an annual report of their work to ELAP, which will be incorporated into our own internal audit.
3. I have a serious grievance with my TPA that is not solvable through their dispute process. What should I do?  
You can contact ELAP at any time to lodge a formal complaint (the official form is posted to ELAP's webpage), which ELAP will investigate and respond to. This process is to address serious issues, not mediate disagreements about on-site assessment findings, which should be resolved during the corrective action process, through TNI's Standards Interpretation Response process, by filing a dispute with your application, or by petitioning ELAP's final determination. Additionally, the laboratory may consider terminating its employment of the TPA.

On May 5, 2020, the California State Water Resources Control Board adopted comprehensive regulations for the Environmental Laboratory Accreditation Program (ELAP) to modernize the program and elevate data quality for California

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communities. Help is on the way! A Roadmap to ELAP Accreditation will include a series of tools and guidance to help laboratories successfully navigate the path to compliance. Questions, comments, ideas, or suggestions? Send a note to [elapca\\_comments@waterboards.ca.gov](mailto:elapca_comments@waterboards.ca.gov).

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4. Does every TPA follow the same procedures?

Although the TPAs all follow requirements based on 17011, each TPA has the flexibility to conduct assessment activities in a manner that suits its own business practices while meeting the needs of the laboratory and the requirements of ELAP. Many TPA processes are similar and may be available for the laboratory to review prior to hiring the TPA. Although the MOU will provide the requirements for the essentials and guidelines for reporting, it is not our intent to dictate all aspects of the process.

5. Will the laboratory be penalized for a delay on behalf of the TPA?

No. Contact ELAP if this happens so we can help you move forward.

6. Since my laboratory is responsible for contracting with the TPA, is ELAP going to provide any assistance to make the administrative process easier?

Yes! ELAP will provide a sample contract scope of work that laboratories can use or adapt to suit their needs.

7. Do TPA's have adequate insurance to satisfy municipal government requirements for their contractors?

Generally, yes. If your municipality has specific requirements, you need to inquire with the TPAs when you contact them.

8. How will ELAP judge if the use of TPAs in California has been successful?

ELAP plans to track and report several metrics related to use of TPAs, including on-site assessment backlog numbers, laboratory satisfaction, complaints, and others. These metrics will likely evolve with the process over time.

For more information on the Roadmap to ELAP Accreditation, visit [www.waterboards.ca.gov/elap](http://www.waterboards.ca.gov/elap).