



California
Water
Environment
Association

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Public Comment
ELAP Year 2 ERP Report
Deadline: 5/1/17 by 12 noon



April 28, 2017

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

Subject: Comment Letter – ELAP Year 2 ERP Report

Dear Members of the State Water Resources Control Board:

The California Water Environment Association (CWEA) is a non-profit public-benefit organization of wastewater professionals dedicated to the education and certification of our members who work in all aspects of wastewater treatment, regulations, and environmental protection. As part of its mission CWEA provides training programs and validated technical certification of competency to qualified wastewater professionals in a variety of specialties, including laboratory analysts. We currently have more than 9,900 members with 833 individuals holding CWEA Laboratory Analyst certification.

CWEA appreciates the opportunity to provide comments on the “Assessment of Progress and Final Recommendations by the Expert Review Panel for the State of California’s Environmental Laboratory Accreditation Program – Year 2 Final Report.”

The ERP Year 2 Final Report essentially recommends that ELAP adopt full 2016 TNI Standards with only one true modification - to reduce the quantity Proficiency Testing (PT) samples from two to one per year. CWEA supports this modification, and also recommends ELAP implement additional modifications including recognition of laboratories whose Laboratory Directors do not have college degrees, and rely solely upon CWEA and/or CA/NV AWWA for vocational Laboratory Analyst certification and continuing education training. As many agencies in California rely on CWEA’s Laboratory Analyst certification program to validate employee job training and competency for such individuals, CWEA strongly believes that existing ELAP regulatory language regarding recognition of CWEA (and CA/NV AWWA) Laboratory Analyst Certification in Title 22, Division 4, Chapter 19, Article 9, Section 64817 needs to be retained and incorporated into future ELAP regulations.

The ERP Year 2 Final Report also recommends that ELAP engage third-party assessors to conduct on-site laboratory audits. CWEA also supports this concept and feels that third-party assessors would likely improve ELAP's ability to conduct laboratory audits. However, CWEA believes that these assessors should be hired and managed by ELAP as contractors, as the lab community would find it difficult to work within hiring and contract rules that exist for many public agencies. Further, as ELAP fees have already nearly doubled within the past two years, that the additional fees being collected should be sufficient to cover the hiring of third-party assessors, particularly if existing staff originally hired to be assessors cease to perform lab audits.

Other proposals in The ERP Year 2 Final Report raise concern for CWEA. In particular, CWEA is greatly concerned that requiring all ELAP-certified labs to essentially comply with TNI 2016 Standards will "set up to fail" many laboratories with scarce or limited resources, resulting in many undesirable and unintended consequences:

- TNI Standards were conceived and designed for large commercial laboratories to have standardized requirements to conduct business across state borders. California-only non-commercial testing labs that perform simple tests to meet operational drinking water or wastewater discharge permit requirements have no desire or need to meet complex "paperwork intensive" interstate lab standard requirements that do little or nothing to ensure data quality. If 2016 TNI Standards become required for ELAP certification, it will likely result in multiple lab closures and loss of local jobs as regulatory compliance work is outsourced to consultants and commercial labs.

The unintended consequences of TNI Standard-induced lab closures include:

- *Increased risk to public health and environment:* Test results from commercial labs, which are typically delayed compared to in-house lab work, would in most cases result in increased reaction time for operators to make corrective actions to treatment processes. Example: High Total Coliform results on wastewater samples would likely not be relayed to operations staff for at least four days after sampling (due to 96-hr test method) instead of within 24 hours by an in-house laboratory. This delay of test information would result in more NPDES violations and the potential for extended source drinking water contamination, increasing the duration of such incidents.
- *Higher, and even higher ELAP fees:* The closure and reduction of ELAP-accredited laboratories would result in the need for ELAP to increase fees higher for the remaining labs, which would result in even more lab closures, increasing fees even higher, etc.

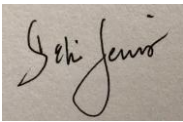
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CWEA believes that a simple solution to most of the problems that would be created with blanket adoption of 2016 TNI Standards into future ELAP regulations would be to exempt non-commercial drinking water and wastewater labs that only perform simple tests, such as indicator microbiology, TSS, residue, simple wet chemistry tests and BOD (non-instrumental methods currently listed in FOTs 101, 102, 107 & 108). This is not a new concept, as this has been a compromise solution for the greater majority of other states that have adopted some form of TNI or NELAC Standards into their lab accreditation programs. This exemption would cover the majority of laboratories conducting daily compliance lab tests to assess drinking water and wastewater operations, which are the same labs that would be at risk to close their doors if 2016 TNI Standards are required without exception.

CWEA thanks the Board for its close attention to this important matter of improving California's ELAP. Working together we can make the lab community stronger than ever while continuing to protect public health and the environment.

Sincerely,

A handwritten signature in black ink on a light-colored background. The signature appears to read "Debi Lewis" in a cursive, flowing script.

Debi Lewis
CWEA President

cc: CWEA Board of Directors
CWEA Laboratory Committee Leaders