

**Summary of the NELAP Accreditation Council Meeting
Monday, November 6, 2023 1:30 pm Eastern**

1. Welcome and Introductions

Kristin welcomed everyone to the meeting. Attendance is recorded in Attachment 1. The minutes of October 2, 2023, were approved by unanimous vote following a motion by Cathy, seconded by Brian.

2. Renewal of Recognition for Minnesota

There were questions asked about additional methods added to MN's Fields of Accreditation (FoA) and whether the addition of combustion to the preparation being analyzed by ion chromatography constituted a new technology or just a separate prep method for PFAS analyses, and how that might affect secondary accreditations.

Millie moved to accept the recommendation of the evaluation team to renew the recognition of Minnesota as a NELAP AB, and Carissa seconded. Eleven votes were cast during the meeting, with MN abstaining, and two additional votes were cast by email, with the final vote arriving on later in the afternoon of November 6. The vote tally is presented in the table below.

State AB	Vote		State AB	Vote
FL	Yes		NY	Yes
IL	Yes		OK	Yes
KS	Yes		OR	Yes
LS	Yes		PA	Yes
MN	Abstain		TX	Yes
NH	Yes		UT	Yes
NJ	Yes		VA	Yes

3. Internal Audit for NELAP

Lynn provided a copy of the internal audit results and briefly reviewed the corrective actions with those present. The items requiring corrective actions and the proposed correction are shown below.

Checklist Item #	Requirement Not Met	Proposed Corrective Action
Item 2 POL 1-101: VI	Procedures for evaluating claims of conflicts of interest have been developed by the program.	No corrective action possible. Council members are governed by their individual states' ethics regulations and statutes and have determined that creating additional requirements/restrictions would be unpalatable to state managers and likely could not be adopted
Item 3 POL 1-108: II	Procedures for handling and addressing complaints have been developed by the program.	No corrective action is feasible or possible. Council has a dispute resolution process for recognitions and individual states have complaint

		processes. Any complaints against the Council itself would be handled through the TNI complaint procedures.
Item 4 POL 1-110: III	The principles of openness for committee meetings are followed.	No corrective action is feasible or possible. The Council is comprised exclusively of representatives of state governmental accreditation programs, plus one EPA employee designated as Liaison. As most of the Council's meetings involve deliberative processes, associate members are not allowed. Only Council sessions at conferences are open to non-members.
Item 5 SOP 1-101: 7.1.5	The committee has 5-15 members and no more than 30% of the members are Affiliates.	No corrective action is feasible or possible. Size of the Council is governed by the number of recognized Accreditation Bodies
Item 35 SOP 1-116: 5.2	All Provisional SOPs are posted on the TNI website in the Policies and Procedures area.	PA will investigate who is responsible for this, and if it is the PA, will comply. Will request that the SOP state who is responsible for this.
Item 36 SOP 1-116: 5.2.2	All Provisional Policies and SOPs are clearly marked as "Provisional" in parentheses after the effective date on the cover page and header of each page.	Documents will comply, going forward, when approved by the Council.
Item 38 SOP 1-124: 5.2.1	Internal audit checklists are updated as committee procedures in the lower portion of the checklist are updated.	No corrective action is feasible. There is no established process for maintaining "updates" of these checklists, except when Policy Committee requests updates. As checklists are not used except after updates are in place by Policy request/review, there is no need for this and it has not been done. This requirement is unnecessary, as it must be either re-done or verified whenever Policy Committee requests updates to the checklists anyway.
Item 43 SOP 1-125: 5.1.2	With the exception of affiliate members, all committee members have completed an electronic application. Affiliate members have provided application information by email to the Committee Chair and PA.	No corrective action necessary. As Council members are appointed, not elected, applications have never been requested or needed. TNI has employment information for all Council members.

4. Naming Convention for Standard Methods

As follow-up to a communication between one AB and EPA's Drinking Water program, where reference was made to an upcoming Method Update Rule, participants expressed a strong preference to have the Drinking Water program use the same reference method for Standard Methods as is used in the Clean Water program's activities. Several ABs explained that their data systems can accommodate only one "code" or reference number for the edition or approval date of each of the methods in Standard Methods. Michella (EPA Liaison to the Council) explained that she cannot accept comment on a regulation that is still in the deliberative development stage but requested that everyone review and

comment on the draft regulation when it is published for comment. She committed to notifying the Council when that happens, perhaps in about a year, and noted that the fact that the drinking water program cannot impose any economic hardship on small drinking water systems must be taken into consideration with all of the updates being considered for this proposed regulation.

5. Mentor Session and Assessment Forum Location in TNI Committee Structure

Lynn explained that she and the leaders of these two training events discussed shifting their location within the TNI organization from LASEC to the Training Committee, but that LASEC members believe that the NELAP ABs should have a role in determining what Assessment Forum topics are selected and how they are presented, and also that LASEC has some concerns about the possible perception of bias, since the new leadership of both events are all Pace Labs employees. Calista Daigle and Val Slaven are taking over the Mentor Session as Dorothy Love retires and Judy Morgan will continue to manage the Assessment Forum. Lynn noted that a joint subcommittee of LASEC and Training was raised as an option but not encouraged by TNI's Executive Director.

Discussion points were that the Council has had no input into either session for many years, so that the shift to Training is unlikely to impact the sessions, and that so long as the content offered is consistent with the TNI EL Standard and its SIRs, and the panel presenters represent the broader TNI community, the employer of the leadership seems irrelevant. Both LASEC and the Training Committee are balanced committees, in terms of stakeholder representation, but in the past 3-4 years, LASEC has had little to no input into the selection of topics for either session – those have been guided primarily by TNI's Executive Director recently.

Lynn thanked the Council members for their thoughts and will take them back to LASEC and Training for further conversation. In response to a question, she confirmed that if any change is made, it will require updating the Charters of affected committees.

6. SIRs Concerning Modified Versions of TNI EL Standard

A SIR submission referenced the "T-2" standard, which is the modified TNI Standard used in California. Because that SIR explained that it concerned a dispute between the lab and the assessor, it was automatically considered not valid, but it caused LASEC to consider whether and how to handle SIRs that reference the Standard as used in California or possibly in other state certification bodies (we know that some states use portions of our Standard).

It's not always as easy as this first one was, to determine whether a modification of the Standard is involved, but when we know that to be the case, we need a TNI-wide consensus on how to handle the incoming request. After discussing within LASEC and with CSDEC, the likely solution seems to be that if it is clearly unmodified language of the TNI EL Standard (and the SIR submission meets validity criteria), then it should be processed normally, but if the question involves modified (or replaced) language, then TNI should decline to provide an interpretation and instead, refer the submitter to the AB that "owns" the modified Standard.

Chris explained that California did not "modify" any of the TNI language, but rather omitted portions of the PT and Technical Director language, replacing those portions with alternative language through CA's regulations. In his role as Deputy Director of CA ELAP,

he agreed that TNI ought not to attempt to respond to questions about CA's modified language, but rather we should refer the submitter to CA ELAP, the AB that "owns" the modified language. Several other participants agreed that this was appropriate, but that so long as the referenced section is language of the TNI EL Standard, an interpretation should be provided, and also agreed that we need a clear TNI policy about this once a decision is reached.

Michella noted that, from the drinking water program's periodic questionnaire, every state except Arizona will accept NELAP accreditation, although some non-NELAP certification bodies may add additional requirements. She also noted that there could be a future issue with secondary accreditations, where the documentation trail may be unclear and a lab having state-issued accreditation based on a NELAP accreditation may in turn be granted "secondary accreditation" based on the non-NELAP state as primary, and for this reason, EPA OGWDW is considering requiring that any state issuing certification based on NELAP accreditation obtain the NELAP assessment report on which that NELAP accreditation was based.

Several ABs noted that there is an increasing desire to have NELAP certificates differentiate primary from secondary accreditations, and clearly identify for secondary accreditations the state that issued the primary for that method/matrix/analyte combination, to prevent potential confusion that might result in a secondary accreditation being accepted as secondary by yet another AB without verification that the primary AB still considers it valid.

This led to additional discussion about PT results, and the difficulty of tracking in real time when the secondary accredited method may have been suspended by the primary AB due to PT failures. Several ABs are working with TNI's IT Administrator to obtain a report from LAMS (and accessible in the generic application) that will show FOT withdrawals – this should be feasible since all NELAP ABs are now uploading information into LAMS. It wouldn't be "real time" but should be accurate within a few weeks, at least.

7. **New Business**

A question was raised about whether Paul Junio is still intending to clean up the method and analyte codes in the database. In response to that question (emailed after the meeting), Paul indicated that is still his intention, but that he wishes to discuss with the Council what his ideas are and what the Council wants. He is not available for the December meeting but will be invited to join a later meeting, early in 2024.

8. **Next Meeting**

The next teleconference meeting of the NELAP AC is tentatively scheduled for **Monday, December 4, 2023, at 1:30 pm Eastern**. An agenda and documents will be provided in advance.

Attachment 1

STATE	REPRESENTATIVE	PRESENT
FL	Carl Kircher E: carl.kircher@flhealth.gov	Yes
	Alternate: Vanessa Soto E: Vanessa.sotocontreras@flhealth.gov	no
IL	Millie Rose T: 217-557-0220 E: mildred.rose@illinois.gov	Yes
	For information purposes: Dave Reed E: Dave.Reed@Illinois.gov	No
KS	Carissa Robertson Carissa.Robertson@ks.gov (785) 291-3162	Yes
	Alternate: Paul Harrison paul.harrison@ks.gov (785) 296-1656	No
	For information purposes: Amy Suggitt Amy.Suggitt@ks.gov	No
LA DEQ	Tramecha Rankins E: tramecha.rankins@la.gov 225-219-3247	Yes
	Paul Bergeron E: paul.bergeron@la.gov	Yes
MN	Lynn Boysen E: lynn.boysen@state.mn.us	Yes
	Alternate: Stephanie Drier T: 651-201-5326 E: stephanie.drier@state.mn.us	No
	For Information only: Windsor Molnar Windsor.Molnar@state.mn.us	Yes
NH	Brian Lamarsh (603) 271-2998 F: (603) 271-5171 Brian.M.Lamarsh@des.nh.gov	Yes
	Alternate: Bill Hall T: (603) 271-2998 E: george.hall@des.nh.gov	No

NJ	Michele Potter T: (609) 984-3870 F: (609) 777-1774 E: michele.potter@dep.nj.gov	No
	Alternate : Rachel Ellis E: rachel.ellis@dep.nj.gov	No
NY	Amy Steuerwald 518-473-0748 E: amy.steuerwald@health.ny.gov	Yes
	Alternate: Gretchen Welfinger Gretchen.Welfinger@health.ny.gov	No
	For Information only: Derek Symula derek.symula@health.ny.gov	No
OK	Taryn Hurley Taryn.hurley@deq.ok.gov (405) 702-1006	Yes
	Alternate: Ryan Lerch Ryan.Lerch@deq.ok.gov (405) 702-1020	No
OR	Travis Bartholomew T: 503-693-4122 E: travis.j.bartholomew@dhsoha.state.or.us	No
	Alternate: Lizbeth Garcia 971 865 0443 E: Lizbeth.garcia@dhsoha.state.or.us	No
	Included for information purposes: Ryan Pangelinan E: Ryan.pangelinan@dhsoha.state.or.us	No
PA	Annmarie Beach E: anbeach@pa.gov T: 717-346-8212	Yes
TX	Jody Koehler (512) 239-1990 Jody.Koehler@tceq.texas.gov	No
	Steve Gibson (512) 239-1316 Steve.Gibson@tceq.texas.gov	Yes
UT	Kristin Brown T: (801) 965-2540 F: (801) 965-2544 E: kristinbrown@utah.gov	Yes
VA	Cathy Westerman T: 804-648-4480 ext.391 E: cathy.westerman@dgs.virginia.gov	Yes

	Alternate: Shane Wyatt shane.wyatt@dgs.virginia.gov	No
NELAP AC PA and EC	Lynn Bradley T: 540-885-5736 E: lynn.bradley@nelac-institute.org	Yes
EPA Liaison	Michella Karapondo Karapondo.michella@epa.gov	Yes
CA	Christine Sotelo Christine.Sotelo@waterboards.ca.gov	No
	Christopher Hand Christopher.Hand@Waterboards.ca.gov	Yes
NV	Michael Antoine mantoine@ndep.nv.gov	No

Attachment 2

Recommendation of LASEC to NELAP AC TNI Standard V1M3 Final Standard: Asbestos Testing Recommendation Approved by LASEC September 7, 2023

The LASEC has reviewed the Final Standard for Asbestos Testing, Volume 1 Module 3, with particular attention to the suitability criteria itemized in the LASEC Standards Review for Suitability SOP 3-106, which are that it is:

- Auditable
- Implementable
- Understandable
- Improvement over previous version
- Clearly written -- only one possible interpretation of the language
- Enforceable
- Clearly defined responsibilities
- Economically advantageous to labs and/or ABs

Based on this review, LASEC finds that the Final Standard V1M3 is suitable for adoption and implementation by the NELAP Accreditation Council, once incorporated into the Final Volume 1 when the other modules of V1 are finalized.