

Laboratory Certification Standards Review Council Meeting Minutes From 8/20/2008

Attendance

Council Members: David Kliber (Chair), Sue Hill (Vice-Chair), Chris Groh, Judy Tholen, Randy Thater *Absent: Steve Jossart Vacany: Water Utility Representative*

DNR Staff: Camille Johnson, Rick Mealy, Alfredo Sotomayor

Others in Attendance: Paul Harris (Davy Laboratories), Paul Junio (TestAmerica – Watertown), Tom Priebe (Northern Lake Service)

Summary and Action Items

At this meeting the Certification Standards Review Council:

- o approved minutes of the May 8, 2008 Council meeting.
- o reviewed program audit performance.
- o informed the program that the Council is concerned about open audit cases and recommends that stronger action be taken close audits more expeditiously.
- o requested that the "Open Issues" spreadsheet be updated for the November meeting.
- o tentatively scheduled the Council's next meeting for Wednesday, November 12, 2008.

Agenda Items

- I. Check in/Agenda Repair
 - A. No changes were made.

- II. Introduction of New Council Member
 - A. Randy Thater introduced himself as the new representative for "large (>5 MGD) wastewater treatment plants. Randy is currently the Process Control Supervisor for the city of Waukesha's wastewater Treatment Plant is a Director on the WWOA (Wisconsin Wastewater Operators Association) board of directors.

- III. Review and Approval of Draft Minutes from 5-8-08 Meeting
 - A. A motion to approve the minutes, with correction of several minor typographical errors, was unanimously approved (Thater/Hill).

- IV. Program Audit Status Report for FY08 Final and FY09 Year-to-Date
 - A. Rick Mealy presented Council members with program audit statistics and backlog information. He noted that the central office portion of the program exceeded goals for audits and reports, while the regional aspect of the program came very close to meeting similar goals.

The final tallies for the fiscal year show that a concerted effort was made to focus on releasing reports, and secondarily to achieve audit goals. In focusing these efforts, a slight, but not unusual, lag was observed in meeting goals for audit closures in both aspects of the program

FY2008 Cumulative Totals

	CENTRAL OFFICE		REGIONAL		
	Total YTD	Goals	Total YTD	Goals	
Audits	41	38	92	100	(Goals based on audit every 3 years)
Reports	40	38	96	100	
Closures	27	38	81	100	

FY2008 Quarterly Totals

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
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CENTRAL OFFICE

Audits	4	10	12	15
Reports	6	12	8	14
Closures	8	3	5	11

REGIONAL

Audits	23	22	19	28
Reports	24	24	22	26
Closures	21	17	24	19

<u>Total Labs by Responsibility</u>		<u>5/1/08</u>	<u>11/15/07</u>	<u>7/31/07</u>	<u>4/30/07</u>
CO	Central Office	110	113	118	121
RC	Regional/Central	----	----	----	37
NE	Northeast	65	65	66	----
NO	Northern	31	31	31	----
WC	West Central	62	61	61	88
SC	South Central	75	75	75	86
SE	Southeast	69	69	69	91
O	Other/Reciprocity	7	7	8	8

- B. Dave Kliber was pleased to see that audits and reports are ahead of goals. He urged the program to continue to press on closures and specifically identify the limiting steps affecting audit closure.
- C. Kliber also noted that a couple of WELA members have expressed concern about the length of time between audit and closure. An informal poll of WELA membership determined that about one-third of members have audits which need to be closed.
- D. Sue Hill asked if responsibility for closure delays falls on the labs or the program. Camille Johnson responded that typically it's a shared responsibility. Johnson added that Dave Webb needs to be informed if labs are not hearing from their auditors. Hill then inquired as to whether auditors have their own spreadsheets to monitor open cases. Rick Mealy responded that at the end of each month, a report is prepared for Dave Webb, and shared with all staff, that details specific audit reports that are due and audits that have not been closed out. It's up to each auditor to manage all of their laboratories.
- E. Dave Kliber suggested using status reports on open cases, and perhaps as a standing agenda item, noting that peer pressure generally has shown success in similar situations.
- F. Paul Harris commented that open audits can be an issue when working with clients.
- G. Tom Priebe asked if the program has a breakdown of labs that required a longer time to reach closure due to external issues such as his lab's recent situation requiring resolution from the EPA. Johnson responded that the particular situation in question was a rare exception.

- H. Kliber requested that the minutes reflect that the Council is concerned about open cases and recommends that stronger action be taken. Sue Hill agreed but added that the program should also be commended for working to get overdue reports generated.
- I. Camille Johnson presented and explained the program's plan for scheduling audits to address the audit backlog and meet the 3-year cycle defined in 2008 revisions to NR 149. Johnson emphasized that the schedule assumes a full complement of staff. Any staff downtime will hinder the ability of the program to meet the projected timetable.
- J. Dave Kliber asked whether there is anything the Council, as representatives of the various sectors, can do to help the program. Johnson responded that Council members should encourage labs to hold auditors and the program to deadlines imposed by NR 149. Labs should contact their auditor if there is a delay in response and if they can't get resolution, they should contact Dave Webb.
- K. Mealy noted that with the availability of many new technologies and analytes, the program should expect a surge of new applications. Some of these applications may prompt an audit which the backlog management plan does not consider.

V. Reciprocity Status

- A. Alfredo Sotomayor handed out the statutory language regarding reciprocity. He noted that the key to reciprocity is that the reciprocal entity must recognize our program. Sotomayor also noted that the program currently retains reciprocal agreements for one or more regulatory program with the states of Georgia, Michigan, North Carolina, North Dakota, South Carolina, Tennessee, and Washington. Some of these agreements are weaker (e.g., the agreement with Georgia is actually more a letter of acceptance) and others are stronger (e.g., Michigan - SDWA) than others.
- B. Sotomayor also pointed out that we don't know which labs are actually doing work in these states; we don't obtain that information.
- C. At present, the LabCert program has seven (7) laboratories fully certified through reciprocity, one (1) lab that maintains a partial reciprocity supplemented by certification for some parameters, and one (1) lab that is also "mixed" reciprocity, but which is transitioning to direct certification. Many of these labs are NELAP approved.
- D. Sotomayor indicated that the program is working to contact each state with which an agreement is held. He has spoken with representatives from North Carolina, South Carolina, and Washington. He has not been able to contact anyone from Tennessee or North Dakota. He is also having some ongoing conversations with Georgia. Georgia signed a letter indicating that they would accept our SDWA certification but they do not directly certify labs; they contract with A2LA for the certification. There is only one lab in the program certified through Georgia, and (as mentioned previously) Sotomayor is working to convert that lab to direct certification.
- E. Sotomayor noted that prospects to update and maintain agreements with North Carolina, South Carolina, and Washington are encouraging. Michigan should also not be a problem. He expects, within a month or so, to begin reviewing regulations and making a determination.
- F. As for states that we do not currently have agreements with, Sotomayor first noted that the program previously had an agreement with Minnesota. The agreement was rescinded several years ago when Minnesota significantly updated their rules. Now, Wisconsin's NR 149 is more in-line with the Minnesota rules. Upon inquiry, Sotomayor received positive feedback from Minnesota. Minnesota is currently revising its statutes to allow for broader acceptance. They are even looking into Microbiology and re-evaluating a separate audit. There is a caveat, however. Sotomayor stated that Minnesota is likely to become a NELAP accrediting body within two (2) years. That development would pose a problem with reciprocity.
- G. Sotomayor also noted that Iowa is a possibility. Paul Junio added that Iowa already accepts audits performed by Wisconsin.
- H. Sotomayor concluded by summarizing that a letter was sent to all reciprocity labs on August 19, 2008. The letter states that our program is re-evaluating reciprocity, but their certification remains valid and we will inform them of any changes. Dave Webb wanted the Council to advise us on the extent to which the program should pursue agreements with other states.

- I. Paul Junio commented that our agreement with North Dakota is posing some difficulties because we don't certify by method (except for SDWA). Sotomayor added that a similar situation is occurring with South Carolina. The solution in that case is that audit reports specifically indicate each of the methods that was reviewed during the onsite evaluation.
- J. Following a discussion during which it was clarified that either a state or the program can initiate reciprocity discussions and that there are some cost issues involved with reviewing and initiating an agreement, Sotomayor suggested that agreements with Iowa and Minnesota are worth pursuing due to the number of labs involved.
- K. Paul Harris asked what "substantially equal" means. Sotomayor responded that we try to match programs as best as we can, but the fit does not have to be perfect. As an example, he noted that Minnesota audits its labs every two (2) years, while Wisconsin's frequency is every three (3) years. However, Minnesota has stated that it doesn't feel that this discrepancy is significant. Paul Harris added that Minnesota is more method and PT driven.
- L. Sotomayor also noted that NELAP is moving to add more accrediting bodies. As many as seven (7) states are considering becoming NELAP accredited, including Minnesota, Maine, Virginia, North Carolina, South Carolina, and Kentucky. Word is that four (4) of these states are almost certain to move towards NELAP.
- M. Paul Harris asked if there was any sense of the cost of evaluating other states' codes and entering into agreements. Sotomayor responded that it should be a fairly brief task to assess major differences between our program and another. Sotomayor's concern is the time it takes to work with bureaucrats. For example, he noted that he hasn't even been able to identify a contact in Tennessee and he has been trying for a week.

V. Variance Requests

- A. No variance requests were received or processed this past quarter.

VI. NR149 Training Sessions and Implementation Update

- A. Mealy informed the council that eight (8) full-day training sessions were conducted regarding changes to NR 149. Attendance was excellent, with at least 25 attendees at each session, and three of the sessions had over 50 attendees each.
- B. Mealy also updated the Council on the implementation of Status Update Forms and revisions to the LabCert database to accommodate changes to NR 149. The Council was shown draft samples of new certificates and application forms.
- C. Mealy and Johnson asked the Council how best to present certificates for analyte "groups", whether all the analytes that make up the groups should be printed on the certificate, or to just print the group name and refer labs/end users to dynamic "group" lists maintained on the website. The latter option represents the most flexibility, makes certificates more brief, and revised certificates would not have to be printed every time a "group" list is revised. Dave Kliber indicated that his preference would be to adopt whatever is most simple, accessible, and adaptable.
- D. Randy Thater suggested that perhaps, once we have some experience working with the changes, the program could share information with the lab community regarding things we've encountered. Camille Johnson added that we can use LabNotes for that purpose as well. Dave Kliber suggested that the program critique itself in what was done right and things that could be improved upon. Judy Tholen noted that she's had a lot of comments about the difficulty in keeping up with all the acronym changes.
- E. Tom Priebe asked if it would be possible to print out what a lab is certified for vs. those test for which the lab is not certified. Mealy responded that that would be a difficult query to assemble and would have to be lab specific. It's likely easier for a lab to compare their certificate to the application attachments to make this determination.
- F. Paul Junio asked if the program could update the sample certificate which lists everything for which a lab could possibly be certified.

VII. Alternate MDL Procedures

- A. Randy Thater brought this issue forward, noting specifically that ammonia by ISE poses a problem due to the unrealistically low LODs that labs typically obtain using the standard EPA procedure for MDL determination.
- B. Mealy noted that the EPA is working to develop a new MDL procedure, but that is likely years away (if it happens at all).
- C. Mealy added that unrealistic MDLs are not unusual, and the Department's LOD Guidance document addresses options for determining a more realistic MDL. Mealy suggested that Thater work offline with his auditor or others in the program to review his specific situation and discuss alternatives.

VIII. Open Issues Review

- A. Dave Kliber asked about any progress on the issues of *E. coli* testing or "Reporting Non-Target Compounds". Mealy reported that there have been no new developments. Kliber also requested that the "Open Issues" spreadsheet be updated for the next Council meeting, and that a column or line be added to indicate the status of each issue (e.g., "Closed" for the NYDoH PT issue).
- B. The group also discussed the sunset of the "Reporting of Non-Target Compounds" issue with the revisions to NR 149. For PCBs in drinking water, EPA method 508A is the only method which the DNR's Drinking Water & Groundwater program will accept.

IX. Other Program & DNR Business

- A. NR 219 Revision – Camille Johnson reminded the Council that NR219 hearings will be held next week (Aug. 27) in Madison and Stevens Point. Mealy reported that Steve Jossart wanted the Council to know that he was submitting comments regarding the '15-minute' rule. Randy Thater asked about BOD and Luminescence DO (Dissolved Oxygen). He believes that Luminescence technology (LDO) is only amenable to DO, not BOD methods. Mealy responded that the LabCert program was moving forward with the understanding that BOD involves measurement of dissolved oxygen (DO) and since the EPA has approved Luminescence technology for DO measurement, LabCert will allow it for BOD. Paul Junio commented that it is Standard Methods' position that BOD cannot be performed using DO measurements by LDO. Mealy responded that while that may be Standard Methods' interpretation, it is not shared by the LabCert program, or area states..
- B. Council Vacancy: No news to report. The goal would be good to have someone nominated by the end of August. Judy Tholen suggested that Kerry Gloss, with the Kenosha Water Utility, would be a good candidate.
- C. Implementation Guide: Johnson reported that much of the program's NR 149 "Implementation Guide" is now available on the website. More items will be included as they are finalized. The key is that these documents will not be static, so users should check the site frequently for updates.

X. Council Issues

- A. Dave Kliber requested that the LabCert program again have representation at the Midwest Environmental Symposium (Chicago) in December.
- B. Paul Junio announced that the 4th edition of SW-846 is slated for release in 2009. Highlights will be reformatting methods to look the same and add more or improved quality control measures.

XI. Future Meeting Date

- A. The next Council meeting was tentatively scheduled for Wednesday, November 12, 2008 at the State Laboratory of Hygiene.