



**City of Modesto**  
**Utilities Department**  
**Wastewater Division**  
*1221 Sutter Avenue*  
*Modesto, CA 95351*

September 15, 2016

Jeanie Townsend, Clerk to the Board  
California State Water Resources Control Board  
Environmental Laboratory Accreditation Program  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Comment Letter – ELAP Regulations Development/Laboratory Standard

Ms. Townsend,

On September 6, 2016 the State Board announced that they would be holding a workshop on proposed changes to the laboratory accreditation regulations. The deadline for submittal of comments is noon, Friday September 16, 2016. The focus of the proposed changes is the Environmental Laboratory Accreditation Program's (ELAP) proposal to use Volume 1 of the NELAC Institute's (TNI) 2016 documents as the basis for laboratory accreditation. The City of Modesto would like to respectfully submit the following comments to the Board for consideration on this topic.

- The timeframe between the announced proposal and the deadline for comments is very short and not even ten days long. Ten days is not nearly enough time to obtain a copy of the TNI standard, read the document thoroughly, and understand all of the impacts that these changes will have on the function of the lab.
- While there have been assurances from the State Board that there will be more opportunities for further comment at the end of the process, there is concern that "end of process" will be too late to make the necessary subtractions from the ponderous TNI document.
- The cost associated with purchasing the TNI standard for review just to participate in a discussion is unreasonable and could potentially exclude smaller laboratories from participating.
- The number of changes that the adoption of the TNI standard requires is insurmountable. The quantity of SOPs and written policies is very overwhelming and could further discourage small laboratories from participating in ELAP, not only limiting the laboratory's client base but also eliminating a competitive market of laboratories for clients to choose from.
- The TNI standard is intended to be used to promote and standardize interstate commerce. Many of the California laboratories most heavily impacted by the TNI standard serve local utilities. These utilities are primarily concerned with the health and welfare of the local citizenry and not out of state clients. These same laboratories perform analysis of process control samples for the utilities themselves.
- The subsequent closure of laboratories unable to participate in the proposed standard means that it will be difficult for remote locations to obtain laboratory services in a timely manner. Many permit required analyses have a hold time that is only hours and in some cases minutes long. Having to transport samples long distances or relying on package delivery services introduces many opportunities

for error ranging from missing deadlines for hold times to inadequate refrigeration or mishandling of samples during transport to transporting samples containing pathogens.

- Not only will obtaining the required services be difficult, but obtaining results in a timely fashion will be just as difficult. There are many times where an analysis with an immediate turnaround is essential to public health and safety. Having to send all samples to a subcontract laboratory not only delays the start of the analysis, but also gets in the way of immediate results needed to make decisions for the health of the public and for the overall function of the utility.
- The TNI standard does not take into account that many laboratories already have employment and purchasing policies written and enforced by the government agency that they serve. Employees typically cannot be terminated on the spot and are protected by unions or other employee associations that would uphold the employee's right-to-work even if they refused to sign documentation of ethics training.
- Under the TNI standard, laboratories would be required to perform proficiency testing (PT) samples twice a year. This begs the question of why would ELAP increase the frequency of PT samples when it is not reviewing the current annual samples?

The City of Modesto respectfully requests that ELAP reconsider its sole recommendation for the full TNI standard to State Water Resources Control Board and follow the "California Plus" recommendations of ELTAC. The City of Modesto also requests that ELAP allow more time for public comment now and throughout the process of adopting standards. Adopting standards simply because they are "canned", without consideration of their applicability to utility driven laboratories is unconscionable.

Thank you for your time and consideration.

Sincerely,



Angie Smigelski  
Water Quality Control Laboratory Supervisor