

September 16, 2016

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
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Permits supported by the University of California, Davis, Waste Water Treatment Plant Laboratory,  
ELAP #2343:  
NPDES Order No. R5-2014-0152, Main Wastewater Treatment Plant

**Subject: Comment Letter – ELAP Regulations Development / Laboratory Standard**

Dear Members of the State Water Resources Control Board:

I am writing this letter to express my deepest concerns about the proposed application of the 2016 The NELAC Institute (TNI) Standards to all laboratories accredited by the California Environmental Laboratory Accreditation Program (CA ELAP). I am convinced that the application of unnecessarily complicated and bloated TNI Standards would not significantly improve the overall quality of lab data, yet would place heavy burdens on small laboratories, driving many of them out of business, ultimately resulting in loss of timely public health water quality information and end with much higher laboratory testing costs.

Alternatively, I urge the Water Board to adopt a more simplified set of laboratory standards, ones that include only the essential data quality elements necessary to support high quality laboratory testing, all the while recognizing the limited resources of laboratories and organizations with only a few employees, which comprise nearly half of the certified laboratories in California. This may be accomplished with a simpler set of standards for all laboratories, or with application of TNI or ISO Standards for commercial laboratories only, allowing exception for non-commercial laboratories.

I am also very concerned about the lack of time allowed, amounting to less than 10 business days, for the affected public to read and comment on the newly published 2016 TNI Standards, which must be purchased from TNI for \$130 per single user. As these Standards were not made available for public access and review until early August 2016, and considering the scope of the proposed changes will have enormous implications on laboratory operations and the communities they support, I plead with the SWRCB to significantly extend the public comment period from < 10 days to 30-45 days, which will allow time to those who wish to purchase, review and comment on the new 2016 TNI Standards.

The "One Lab Standard" Approach Is Problematic

It is very important to understand that the TNI standards were designed by and for medium to large commercial labs, with the main intent of having one set of laboratory standards for all States to support interstate commerce. While the goal of using one comprehensive lab standard (such as TNI) seems achievable, the few States (ex. Florida, New York) that have fully implemented the use of the full TNI standard without exceptions have resulted in multiple lab closures, which has forced many agencies and organizations to contract out their lab work to commercial laboratories. This is an undesirable outcome in most situations, as the contracting out of lab work reduces the timeliness of lab results, which decreases the ability of these organizations to recognize potential public health risk situations. The University of California, Davis Main Waste Water Treatment Plant Lab is ran by a two-person team. We find that for the scale of work and budget allowed for our department we currently encounter at our lab

the 2-person team works very effectively. We feel that by simplifying standards rather than making them more cumbersome, our lab's efficiency and quality assurance would be further improved.

With regard the CA ELAP, greater than 80% of the certified laboratories do not conduct complex tests on out-of-state samples, and therefore, do not need the added paperwork to support data quality that is defined by and followed in test methods. At present, only a small minority of labs in CA have elected to reference the TNI Standard, and most of them only wanted TNI Accreditation for use as a marketing tool to bid on large commercial and government contracts. In short, this small minority of the labs that are already TNI-certified appear to have a vested interest to "handcuff" the rest of the certified lab community to reduce competition and force lab closures, which will ultimately result in higher lab costs. This process appears to be a power play, which will benefit only a few large entities while doing significant harm to most small communities that rely on real time lab data for day-to-day operational and compliance assessment of facilities.

In summary, updating ELAP regulations to 21<sup>st</sup> century lab standards is needed. However, choosing and trying to implement the 2016 TNI Standards to apply to all ELAP accredited laboratories equally is undesirable and unnecessary to achieve high data quality – and it will lead to lab closures, lost jobs, and higher analytical costs with loss of competition. Furthermore, the likely resultant loss of local small laboratories would lead to less timely water quality information being provided to the public, which is undesirable and would put the health of the general public at risk. So, instead, I urge the Water Board to consider supporting new ELAP regulations that recognize the differences between commercial-for-profit and non-commercial non-profit laboratories, by supporting either a simplified single laboratory standard or a two-tier standard approach that focuses on the actual needs for both types of laboratory operations.

Thank you for your attention. If you or your staff have any questions regarding this matter, please contact me by phone at (707) 469-6439 or via email at [tony.pirondini@cityofvacaville.com](mailto:tony.pirondini@cityofvacaville.com).

Best regards,



Cristina R. Ramirez

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