Public Comment
ELAP Regulations Development/Laboratory Standard
Deadline:10/20/16 12:00 noon

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SWRCB Clerk

SONOMA COUNTY WATER AGENCY

CF/70-700-11 Environmental Laboratory
Accreditation Program (ELAP) Sonoma Valley
& Russian River (ID 1733)

September 16, 2016

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P. O. Box 100, Sacramento, CA 95812-2000
1001 I Street, 24th Floor, Sacramento, CA 95814

RE: Comment Letter – ELAP Regulations Development / Laboratory Standard

Dear Members of the State Water Resources Control Board:

I am writing this letter in opposition to the proposed application of the 2016 The NELAC Institute (TNI) Standards to all laboratories accredited by the California Environmental Laboratory Accreditation Program (CA ELAP). The application of TNI Standards would be onerous without significantly improving the overall quality of lab data. This is especially true for small laboratories and may drive many of them out of business, as demonstrated by the TNI implementation experience of other states.

I have great concern that CA ELAP is proposing this action with an extremely inadequate comment period and in direct opposition to the Environmental Laboratory Technical Advisory Committee (ELTAC) recommendation not to endorse TNI and instead adopt a "California Plus" model that would add to and improve current regulations and procedures already in place. The ELTAC recommendation was made based on the excessive cost and resource drain this would cause to water quality laboratories, especially those with limited staff.

The Sonoma County Water Agency has two ELAP accredited laboratories (4 Chemists, 1 Laboratory Services Coordinator) which support the following permits:

- Sonoma Valley Treatment Plant Laboratory – ELAP 2293
  Sonoma Valley County Sanitation District – NPDES Order No. R2-2014-0020
- Russian River Treatment Plant Laboratory – ELAP 2292
  Russian River County Sanitation District – NPDES Order No. R1-2014-0002
  Occidental County Sanitation District – NPDES Order No. R1-2012-0101
  Airport-Larkfield-Wikiup Sanitation Zone – WDID No. 1B841240SON Order No. R1-2001-69
  Geyserville Sanitation Zone – WDID No. 1B77117OSON Order No. 97-67

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In a letter dated September 1st of this year, Christine Sotelo Chief of ELAP to ELTAC members, stated the adoption of the TNI standard would provide the following benefits:

- Standards applicable to a broad scope of environmental laboratories
- Readily available educational and training resources from TNI
- Basis for sound enforcement

I respectfully submit the following comments in rebuttal to these statements.

Standards applicable to a broad scope of environmental laboratories

The vast majority of laboratories in California are smaller labs, with five or fewer employees. These laboratories, many located in remote locations, provide testing that cannot be efficiently provided by off-site commercial laboratories. In many cases, laboratory work is done by treatment plant operators where such work is part of their job description.

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. Greater than 80% of the CA-ELAP 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.

Readily available educational and training resources from TNI

The TNI documents are not publically available. They have to be purchased from TNI for $130 . It is unfair to use public rate payer monies to purchase documents in order to simply comment on a proposed change to regulation.

The 2016 TNI document is nearly 200 pages long. It is unreasonable to expect potentially impacted parties to first purchase this document, read it, and then prepare intelligent comments in so short a period of time. It is extremely difficult for small laboratories to commit the resources needed to read such a large document at all.

Examination of the TNI website shows several training webcasts on various subjects. The cost for non-members ranges from $35 to $250 per person. TNI training in the standard is usually given at one of the semi-annual meetings where the costs per person can range from $300 - $400 for the event, however, the cost of travel to the event (usually held out-of-state) and the potential that the course is in addition to the event costs significantly raise the price. Most available training in the standard given outside of the semi-annual meetings is given by companies outside of California and the cost per event can be in the neighborhood of $8,000.

If it is really so important to adopt the TNI standards, as opposed to less-expensive alternatives, then is the State Water Resources Control Board ready to help pay the costs for adopting them?

Basis for sound enforcement

Some may argue that even though more detailed standards makes it easier to describe the desired action, it still does not reduce any of the effort necessary to conduct effective enforcement. Effective enforcement is about knowing the standard and the many ways a laboratory could comply with a standard.

Burdensome TNI requirements do not necessarily directly relate to better or more reliable data. Many of the requirements are focused on documenting irrelevant items. For example, Module 5 in TNI requires documented quarterly monitoring of glassware volumes. Class A glassware comes accompanied with a Certificate of Accuracy and glassware volumes do not change over time. This is just one example of an extensive list of items that will unnecessarily consume laboratory time and energy, but will not improve data quality.

In summary, updating ELAP regulations to 21st 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.

The water quality laboratory community values data integrity and quality. I strongly urge the SWRCB to significantly postpone this workshop and 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.

Best Regards,

Ellen Simm

Ellen Simm
Water Agency Coordinator – Laboratory Services
Sonoma County Water Agency

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