



September 16, 2016

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ELAINE R. BOEHME
Secretary of the District

VIA EMAIL

Subject: Comment Letter – ELAP Regulations Development/Laboratory Standard

Dear Ms. Townsend:

The Central Contra Costa Sanitary District (District) appreciates the opportunity to submit comments on the proposal to use Volume 1 of The NELAC Institute's (TNI) 2016 documents (Standard) as the basis for the Environmental Laboratory Accreditation Program (ELAP) in California.

The District's laboratory values data integrity and quality and agrees there is room to improve the current California standard. The District's laboratory has held approved water laboratory status since its initial certification by the State of California Department of Health Services in 1979. It provides analytical services for the District's NPDES permit, Title V permit, the collection system, and pretreatment program.

The District has serious concerns with the administrative resources that will be required to fully implement the Standard. The requirements will not improve data quality, will not ensure consistent enforcement, and will increase operational costs. We encourage the State Water Resources Control Board (SWRCB) to consider and provide more information on other options available, such as the TNI Standard "Light" version or the California Plus Standard, as proposed by the Environmental Laboratory Technical Advisory Committee (ELTAC). We respectfully submit the following comments to the SWRCB for consideration:

Comment Period

The comment period should be extended to 45 days. The current comment period allows only 10 days for review and comment preparation. It is unreasonable to expect potentially impacted parties to purchase this document, thoroughly review its nearly 200 pages, assess the implications, and prepare a comprehensive set of comments in such a short time frame.

Loss of Reliability with Increased Cost

Maintaining reliable treatment and regulatory compliance is essential to protecting public health and the environment, and is best served by keeping the current number of ELAP certified laboratories in operation. Many of the laboratories that will be affected by the adoption of the Standard are small and are associated with local government (e.g., wastewater treatment plants and drinking water purveyors). These agencies will likely experience increases in operational costs, which could drive their laboratories to outsource work, leaving them without the ability to respond quickly and effectively to meet treatment challenges.

No Demonstrated Improvement to Data Quality

Adoption of the Standard will not improve the quality of data being reported. The Standard is a set of procedures used to set up a data quality management system and does not have data quality objectives. Poor quality data can be reported, as long as it is properly qualified. Until the SWRCB or its partners establish data quality objectives to prevent the reporting of poor quality data, it is unlikely that the quality of data they receive will improve.

The NELAC institute estimates that laboratories will need 12 to 18 months to implement the standard. During this time, a laboratory would draft the new policies, procedures, checklists, worksheets, and reporting templates required to prove that the quality system is in place, while not necessarily providing improvements to data reported. Related additional administrative burdens will continue for the lifetime of the laboratory.

Additionally, the costly requirement to analyze two performance test samples per year will not demonstrate an improvement in data quality. It only will show that a laboratory is able to measure an analyte within the range of values measured by peer laboratories. Conducting this analysis twice annually will not contribute to the overall quality of data reported. This lack of improvement in data quality has been addressed in the past by the American Water Works Association (AWWA). In a 2006 letter from AWWA to the EPA they write, "*NELAP accreditation does not improve the quality of the reported results over those obtained under the existing accreditation programs. NELAC accredits the same methods and QA/QC requirements as the current system of accreditation. NELAC uses a systems approach, whereas state programs are typically based on a technical and analytical methods-based approach. Both approaches are capable of generating high quality data with documentation sufficient to support SDWA and CWA programs.*"

Consistent Enforcement Not Ensured

The Standard uses vague language, such as, "ensure," "document," and "adequate" to describe compliance requirements throughout Module 2 Quality Systems General Requirements. Leaving such terms undefined can lead to an inconsistency in enforcement of the Standard. Inconsistencies in audits have been seen in the past due to variations by auditors in the use of acceptance metrics. The District requests that

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ELAP modifies sections of the Standard to provide more specific requirements that can be consistently enforced, or develops a standard of its own.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lori Schectel', with a stylized flourish at the end.

Lori Schectel
Environmental and Regulatory Compliance Division Manager

ecc: R. Bailey
A. Sasaki
JM. Petit
M. Esparza

