

Laboratory Certification Standards Review Council Meeting Minutes From 11/12/2008

Attendance

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

DNR Staff: David Webb, Rick Mealy, Diane Drinkman

Others in Attendance: Paul Harris (Davy Laboratories), Paul Junio (TestAmerica – Watertown), Tom Priebe (Northern Lake Service), Kirsti Sorsa (Public Health Madison-Dane County Laboratory)

Summary and Action Items

At this meeting the Certification Standards Review Council:

- o approved minutes of the August 20, 2008 Council meeting.
- o concurred with the Department's decisions regarding PT requirements.
- o concurred with the Department's decisions regarding additional technologies and analytes.
- o reviewed program audit performance.
- o requested that the "Open Issues" spreadsheet be updated annually.
- o tentatively scheduled the Council's next meeting for Tuesday, February 11, 2009.

Agenda Items

- I. Check in/Agenda Repair
 - A. Members agreed to move the agenda item related to PT samples to the top of the agenda.

- II. Review and Approval of Draft Minutes from 8-20-08 Meeting
 - A. A motion to approve the minutes, with correction of several minor typographical errors, was unanimously approved (Thater/Groh).

- III. NR 149 Shakedown Report - PTs
 - A. Diane Drinkman noted that with changes to NR149, some changes to PT requirements are in order and NR149.22 (2) specifies that advice of the Certification Standards Review Council must be sought before making such changes.
 - B. Drinkman handed out draft PT requirement tables indicating whether a PT will be required for a given Matrix-Technology-Analyte combination. Pending Council concurrence, these tables will be cleaned up and posted to the website.
 - C. Randy Thater asked for clarification on whether labs can use "WS" or "WP" PT samples for those analytes that fall under both matrices. Drinkman responded that "WS" PT samples may only be used for Method-Analyte combinations under the Drinking Water matrix. "WP" PT samples may only be used for Technology-Analyte combinations under the Aqueous & Solid matrices. The rationale for this dichotomy is based on different test methods, acceptance criteria, and PT concentration ranges between the "WS" and "WP" PTs.
 - D. A motion to concur with the Department's PT lists was unanimously approved (Thater/Jossart).

IV. Program Audit Status Report for FY09 Year-to-Date

FY2009 Cumulative Totals

CENTRAL OFFICE			REGIONAL		
	Total YTD	Goals		Total YTD	Goals
Audits	7	38		32	100
Reports	3	38		27	100
Closures	13	38		32	100
Reports due	16			12	
Open Cases	30			51	

(Goals based on audit every 3 years)

30-day Audit report turnaround:

Central office: 3 audits, 0 reports issued. 0 of 1 reports met 30 days

Regional labs: 20 audits, 8 reports issued. 6 of 10 reports met 30 days

Program-wide: 6 of 11 reports (55%) met 30 days

FY2009 Quarterly Totals

1st Quarter	2nd Quarter (to date)	3rd Quarter	4th Quarter
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CENTRAL OFFICE

Audits	5	2		
Reports	3	0		
Closures	9	4		

REGIONAL

Audits	20	12		
Reports	18	9		
Closures	29	3		

Total Labs by Responsibility

		<u>5/1/08</u>	<u>5/1/08</u>	<u>11/15/07</u>	<u>7/31/07</u>	<u>4/30/07</u>
Total CO	Central Office	109	110	113	118	121
RC	Regional/Central	-----	-----	-----	-----	37
NE	Northeast	62	65	65	66	-----
NO	Northern	29	31	31	31	-----
WC	West Central	60	62	61	61	88
SC	South Central	74	75	75	75	86
SE	Southeast	69	69	69	69	91
Total Regions		294				
O	Other/Reciprocity	8	7	7	8	8

- A. Dave Kliber felt that the audit consistency measures and report turnaround times are valuable additions to the regular data.
- B. Dave Webb commented that audits performed since September 1 indicate two general weaknesses: (1) Quality manuals do not contain all required elements and (2) SOPs lack required detail.

- C. Chris Groh asked if audit staff members are willing to help labs by reviewing Quality Manuals prior to an audit. Webb responded that auditors will do so to the extent that they are able given their schedules.
- D. Steve Jossart asked if it would make sense to send something out to labs prior to an audit to remind them of common deficiencies which are being encountered during on-sites. Webb indicated that the program could look into issuing a brief list...perhaps a "Top 10 Citations" list.
- E. Sue Hill asked if—for a given deficiency—the report indicates where, specifically in the lab, the deficiency was identified. Rick Mealy responded that in most cases, if a deficiency is encountered in one area of the lab but not in others, the auditors are sensitive to this and the report will reflect this through inclusion of a narrative or in the "Supplementary Information" section.
- F. Webb communicated his desire that audit staff be seen as more collaborative in working through audit issues. Dave Kliber indicated that he still hears comments reflecting reluctance to contact the program or auditors. Labs want to get closure for their audits but are hesitant to call due to the perception that their calls will strain relations with the auditor.
- G. Paul Junio asked if any thought had been given to develop an updated "Common Deficiencies" list.
- H. Dave Kliber recommended that the program develop a list of perhaps the top five reasons that prevent audits from being closed in a timely manner. That will allow the program to more clearly address resolution. He enquired whether other council members felt that a recommended metric was in order. For example, is having 55% of reports issued within 30 days good enough? Kliber also indicated that he'd like to see the ">6 month" audit backlog piece be reduced. In addition, he noted that 1/3 of WELA membership labs have open audits.
- I. Steve Jossart asked if labs with long term open audits are all commercial labs. Dave Webb indicated that that is not necessarily the case. Currently the report indicates a significant number of smaller labs with open audits. Jossart wondered whether cases should be treated differently if the reason for the delay is not simply due to the auditor's personal backlog. Webb indicated that these are issues that can be discussed internally so that the program can essentially establish "in whose court the ball lies" in these situations.
- J. Paul Junio wanted members to understand a real world example. He noted that over the past 18 months TestAmerica Watertown submitted three separate applications to add capability for low level mercury, ICP-MS, and PCBs. Each of these applications resulted in 1-day audits having to be scheduled.
- K. Webb thanked all members for the feedback received and indicated that he'd share the information with program staff and work on addressing these concerns.
- L. Sue Hill commented that in looking at the Central Office list, she had made a comment at the August Council meeting that it was nice to see a lot of overdue audit reports released. Now she sees audits from February through June for which no audit report has been issued. She also noted that for most of the open cases for Central Office labs, it has been a year or more since the audit. That is not the case for regional labs. It has also been 6 months with no report issued for many of these labs. There was a brief period when this issue was being addressed, but it did not continue. Hill emphasized that the code now requires reports to be issued within 30 days. Perhaps even 60 days is OK, but six (6) months should not be acceptable. In these situations, perhaps the individual needs to stop doing further audits and focus their efforts on issuing reports.
- M. Webb agreed that late reports continue to be a concern. He noted that 3-4 reports from older audits have been released in the last couple of weeks. He encouraged the council to continue to bring the issue up and he will continue to reinforce the message to audit staff. He assured the council that he is fully and acutely aware of their concerns and is working on a plan to more permanently address the issue.
- N. Dave Kliber stated that council members need to know if their sector labs are not doing their part. Paul Harris commented that perhaps the missing metric here is: *Is the laboratory the reason for the delay in closing a particular case?* Webb responded that occasionally a report gets delayed because of some dialog between the auditor and the lab.

V. Variance Requests

- A. No variance requests were received or processed this past quarter.
- B. Webb confirmed with the council that bringing variances up after they have been granted rather than holding approvals or denials until after gaining council concurrence is the preferred approach.
- C. Sue Hill recommended that with future revisions to NR149, the wording be changed to clarify the sequence of events.

VI. NR 149 Shakedown Report – Analyte Groups and Additional Analytes

- A. Rick Mealy informed council members of unanticipated changes to the analytes and technologies available for certification subsequent to the September 1 implementation date:
 - a. The LabCert program identified at least 24 laboratories that requested certification for a large number of individual analytes in lieu of selecting an available analyte group. Program staff is currently contacting these laboratories to evaluate whether or not certifying for an analyte group would be more appropriate for the laboratory.
 - b. Mealy also informed the council of additional technologies and analytes that had to be created due to omissions in the Appendices to NR 149. If labs would have been eligible for the new technologies and/or analytes as a result of the conversion process, then no application will be required. A complete listing of all available tests will be posted to the program website.
 - c. Mealy displayed copies of the new application form and application attachments for council members.

VII. Other Program & DNR Business

- A. Council Vacancy: Dave Webb reported that one self-nomination has been received for the Council vacancy representing public water utilities.
- B. NR528 Update – Dave Kliber asked if there was any update on the new rule related to storm water retention ponds, a new covered program for lab certification. Webb indicated that he was not aware of that rule on the agenda for the December Natural Resources Board meeting. Kliber followed by asking when the rule might be expected to take effect assuming it is approved. Webb responded that initially the program is seeking authorization to go to public hearing. On average from the time that hearings are authorized to effective date of a new rule is typically 12 to 24 months, and can be shorter or longer depending on how much effort is required to reconcile public input (if any is received).
- C. NR219 Update – Webb also reminded the Council that revisions to NR219 are on the agenda for final adoption at the December Natural Resources Board meeting. A set of electronic public hearings were held. Randy Thater asked if any changes were made as a result of the public hearings. Paul Junio stated that some modification was made to requirements for preservation of samples for cyanide. Webb added that he understood that all input received was satisfactorily addressed. All comments and responses should be included as part of the green sheet package.
- D. Auditor Receives Certification – Webb reported that Dave Ekern, an auditor working out of the Central Office received his certification as a drinking water certification officer from Region V EPA.
- E. Remote Video-conferencing – Webb announced that the DNR is very close to launching the ability to video-conference. We have the technology (known as “the Roundtable”) at our Science Operations Center. This Microsoft product allows anyone with a webcam and a microphone equipped headset to download some software and participate. The software is able to identify who is speaking and shift the active camera view to that individual.

- F. Reciprocity – Dave Kliber noted that reciprocity agreements were discussed at the August meeting. WELA's recommendation is to focus on the agreements that we currently have in place. Next steps would be to investigate agreements within a radius that includes the Great Lakes region rather than use a scattered approach to pursuing additional agreements. Paul Harris added that due to the fixed nature of drinking water certification requirements across the nation, drinking water certification lends itself well to a reciprocal certification system.

VIII. Open Issues Review

- A. Dave Kliber wanted to be sure that these issues are re-visited regularly as it highlights accountability of both the LabCert program and the Council. He suggested that we do this annually to review and update program progress on difficult issues.
- B. E. coli status- Dave Webb reminded the group that, like everyone else, the Department is struggling with its budget. Since Toni Glymph left the agency, he is unsure whether the Watershed program has the staff to keep up with the issue or push the region on it.

Dave Kliber commented that Laura Traas (DATCP, Microbiology certification program) will be at the Midwest Summit to speak about breaking down these state-EPA barriers. It would be a good idea to have a LabCert program representative at the meeting.

Paul Harris commented that Iowa is a case where the state is forging ahead on the issue; Minnesota is indicating they will switch to *E. coli*. as well.

Webb responded that the DNR has issued permits which include *E. coli* testing. Perhaps the requirements are only for monitoring, but it's clear that Wisconsin is slowly moving in that direction.

- C. Reporting of Non-Target Compounds (SDWA) – Dave Kliber asked to re-visit this issue which is reflected as "Resolved" because, with the 2008 revisions to NR149, the issue is outside of the LabCert program's scope. Dave Webb noted that he fully understands the concerns here regarding the need for a level playing field. Tom Priebe noted that clients get angry with labs when the labs report more than what they were asked to report because the lab identifies a compound which the client did not request. He added that the presence of phthalates in water samples after installation of plastic pipes frequently leads to labs having to report detects for phthalates even when phthalates are not requested by the client. These situations then potentially require additional monitoring for the client. Webb acknowledges the frustration from the lab community and noted that he had sent correspondence to the Drinking & Groundwater program just this week regarding the issue.

IX. Council Issues

- A. Midwest Lab Summit – Dave Kliber reminded Webb that he'd like to see a LabCert representative attend this meeting held in Chicago in early December.
- B. Certified Lab lists/ PT Lists – Paul Junio asked if the certified lab lists on the web will be updated soon. Rick Mealy responded that with changes to the certification structure effective September 1, some programming time is required to re-design the lists. Junio also asked about status of updated PT requirement lists on the web. Mealy responded that the draft lists presented by Diane Drinkman earlier today are the basis for these updates. As soon as the lists are completed, they will be posted to the website. Junio added that it would be nice to include an e-mail contact to the certified lab lists.
- C. Long Range Trends – Dave Kliber inquired about potential issues the lab community should be aware of (e.g., future trends, such as nanotechnology). Webb responded that he gets information regarding potential increases in non-traditional testing (e.g., viruses, pathogens). He also hears a great deal about pharmaceuticals and hormones that the USGS has detected in streams, lakes, and oceans.

X. Future Meeting Date

- A. The next Council meeting was tentatively scheduled for Wednesday, February 11, 2009 at the State Laboratory of Hygiene.

NOTE: Meeting date and location have subsequently been changed to Tuesday February 10, 2009 to be held at the WI DNR Science Operations Center on 2801 Progress Road, Madison.