

Laboratory Certification Standards Review Council Meeting Minutes From 5/5/2009

Attendance

Council Members: Sue Hill (Acting Chair), Steve Jossart (Secretary), Chris Groh, Randy Thater, Judy Tholen, Kirsti Sorsa Absent: Dave Kliber

DNR Staff: David Webb, Rick Mealy

Others in Attendance: Paul Harris (Davy Laboratories), Paul Junio (TestAmerica-Watertown), Tom Priebe (Northern Lake Service), Sharon Mertens (Milwaukee Metro. Sewerage District)

Summary and Action Items

At this meeting the Certification Standards Review Council:

- approved minutes of the February 10, 2009 meeting.
- reviewed program audit performance.
- voted to extend Dave Kliber, Sue Hill, and Chris Groh for a second term.
- tentatively scheduled the Council's next meeting for Tuesday, August 11, 2009.

Agenda Items

I. Check in/Agenda Repair

- A. No modifications were made to the agenda.
- B. Dave Webb proposed moving Council meetings to the DNR's Science Operations Center at 2801 Progress Road (a couple of blocks for the State Lab of Hygiene) and offering access via Microsoft LiveMeeting.

II. New Member Introduction

- A. A Kirsti Sorsa with the Public Health Dane County – Madison laboratory was introduced as the new council member representing public water utilities. She works closely with the Madison utility. Her background is in both environmental chemistry and biology.

III. Review and Approval of Draft Minutes from 2-10-09 Meeting

- A. A motion to approve the minutes with several minor changes discussed during the meeting was unanimously approved (Thater/Sorsa).

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

- A. Rick Mealy presented Council members with program audit statistics and backlog information. He noted that, with about 93% of the fiscal year completed, the audit goal for regional labs should be met. Progress has also been made for the labs designated as "central office", and we should be close to the goal as with 23 complete and at least 7 scheduled, we should complete at least 30 audits. There are two months to go before the end of the program's audit year and we average about 8 regional lab audits per month and 2-4 Central Office lab audits per month.
- B. Mealy pointed out the number of labs that have withdrawn from the program and also the number of labs formerly designated as "Central Office" (CO), which have been re-allocated to the regions (due to reduction in complexity of their accreditations). These actions bring the "CO" total to 104 and the regional labs to 295. This marks the first time in program history that the number of labs we audit has dropped below 400. In the early nineties, we had over 600 labs in the program.

FY2009 Cumulative Totals

CENTRAL OFFICE		REGIONAL	
Total YTD	Goals	Total YTD	Goals
Audits	23	38	100
Reports	26	38	100
Closures	27	38	100
Reports Due	10		5
Open Cases	33		48

(Goals based on audit every 3 years)

FY2009 Quarterly Totals

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
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CENTRAL OFFICE

Audits	5	6	9	3
Reports	3	15	6	2
Closures	9	7	7	4
	AUG	NOV	FEB	MAY
Pending Reports	15	16	4	10
Open Cases	37	30	29	33

REGIONAL

Audits	20	27	25	4
Reports	19	29	22	8
Closures	29	22	23	6
Pending Reports	9	12	7	6
Open Cases	45	51	48	48

<u>Total Labs by Responsibility</u>		<u>4/27/09</u>	<u>2/1/09</u>	<u>5/1/08</u>	<u>11/15/07</u>	<u>8/1/07</u>
CO	Central Office	103	109	110	113	118
RC	Regional/Central	----	----	----	----	----
NE	Northeast	61	62	65	65	66
NO	Northern	29	29	31	31	31
WC	West Central	60	60	62	61	61
SC	South Central	75	74	75	75	75
SE	Southeast	69	69	69	69	69
Total Regional		295	295	302	301	302
Total Audit Responsibility		398	404	414	420	423
O	Other/Reciprocity	8	8	7	7	8

- C. Mealy also noted the following aspects of the program data:
- ▶ The overall percentage of reports meeting the 30-day turnaround time (TAT) requirement dropped from 76% to 70% but note that this includes six regional reports and one CO report that were long overdue. This demonstrates that program staff are working diligently to release overdue reports.
 - ▶ For reference, a 5-year historical review of report TAT program-wide shows that only 49% of reports were issued within 30 days; therefore, even 70% is a significant accomplishment. Things can and will continue to improve.
- D. A discussion regarding how LabCert was handling the workload with the departure of Diane Drinkman. Some work assignments had to be shuffled (pending audits assigned to existing staff, responsibility for PT samples shifted to Mealy). The program also made a difficult decision to hold off on another issue of the program newsletter, LabNotes, until workloads improved.
- E. To the issue of audit workload, Webb clarified that the program really doesn't have the option of not doing audits, reports, or closures. The reality is that some turnaround times will suffer. The program also has three (3) cases in various stages of enforcement. Although it's difficult to focus attentions there, it simply has to be done.

V. Budget Variance Report

- A. Dave Webb began the discussion by pointing out that it's difficult to look at the budget numbers at this time because we are three-quarters through the agency fiscal year, and there is usually a rush during the last month to get everything in order. We could provide a more complete accounting after the close of the fiscal year at the end of June.
- B. Essentially there are three "pots" of money for the budget: Salaries, Fringes, and Supplies. As of the end of April, we have the following:
- | | | |
|------------------------------|-------------------|----------------------|
| ▶ Salary: | Budgeted \$391K | Spent \$236K (60%) |
| ▶ Fringes (~ 49% of salary): | Budgeted \$190K | Spent \$114K (60%) |
| ▶ Supplies: | Budgeted \$ 53.2K | Spent \$ 33.7K (63%) |
- C. Sharon Mertens asked if "supplies" includes travel. Webb responded that that is correct, but one cannot discern (at this point) whether or not out-of-state audit travel costs have been reimbursed.
- D. Dave Webb began the discussion by pointing out that it's difficult to look at the budget numbers at this time because we are three-quarters through the agency fiscal year, and there is usually a rush during the last month to get everything in order. We could provide a more complete accounting after the close of the fiscal year at the end of June.
- E. Webb explained that looking at the budget status is difficult in mid-year because the point at which one-time charges (like charges for PCs) are applied varies considerably. If they are applied at the beginning of the fiscal year, it can look as if we're spending at a pace that will exceed the budget, On the other hand, when they are applied at the tail end of the fiscal year, it can look like we have a surplus.
- F. Mertens then asked if the reduction in the number of labs in the program will affect fees. Mealy and Webb replied that fees for the 2009-10 fiscal year have been fixed and invoices will be sent out shortly. We'll need to assess this after bills go out and then ultimately, any shortfall would be addressed when fees are re-calculated for 2010-11.
- G. Paul Junio asked if labs could change their scope after bills have gone out. Mealy responded that, while that's not the best time for transactions of that nature, we can and have done that. And for labs, often these decisions don't become "real" until they see their fee invoice.

VI. Council Member Terms

- A. Dave Webb indicated that the terms of Dave Kliber, Sue Hill, and Chris Groh expire July 1; they each are eligible for a second term. Randy Thater asked if re-appointments had to come through the Department of Administration. Webb responded that the cleanest mechanism would be a motion to extend the terms of each followed by a Council vote. Kirsti Sorsa asked how that would affect Council officers. As Dave Kliber is not present today, Paul Junio offered to inquire as to Dave's willingness to serve for a second term.
- B. A motion to re-appoint Chris Groh for a second term (Hill/Thater) passed 6-0-1.
- C. A motion to re-appoint Sue Hill for a second term (Groh/Jossart) passed 6-0-1.
- D. A motion to re-appoint Dave Kliber for a second term (*pending Mr. Kliber's consent to serve an additional term*) (Hill/Thater) passed 6-0-1.

NOTE: Dave Kliber subsequently contacted David Webb and expressed his consent to serve for a second term.

VII. Other Program & DNR Business

- A. Vacancy – Webb stated that the Drinkman vacancy would not be filled in the very near future. The reality is that due to state budget picture, no matter how much money a program has, no matter the funding source, and no matter how much support (and from whom) there is for a vacancy, all positions are effectively frozen.

Because of the uncertainties, we have planned an audit pace to cover the backlog as best we can for the next 12 months. In the last week, Webb assigned auditors a number of lab audits each that will allow the program to keep pace or at least not dig a deep hole. Everybody has been assigned a little more. DNR regional lines have pretty much been disintegrated; modern times have effectively blurred these lines already for a number of reasons. We really don't have separate regional and Central programs any longer. Tom, Dave, and Camille each do some regional and some commercial lab audits.

The next step is to formulate a written analysis as a plan to deal with the vacancy. The analysis will evaluate the operational pros and cons of filling the position and offer simple options such as whether to simply cut it. Webb wants to proceed cautiously rather than simply jumping to fill it. This time will allow us to better ascertain what we need from the vacancy, i.e., do we move the position? Split it? Fill it with a biologist (for the bioassay component)?

Steve Jossart asked whether, due to the time it takes to fill a position, whether it would be best to move to fill it in case we lose another. Webb responded that, internally, now is not the time to submit a "Request to Fill"; Webb added that he would certainly do so if another vacancy were to arise. Webb clarified that the staffing level will never be perfect. He noted that when he took over the program there were almost 600 labs. An argument could be made that the steady reduction in labs equates to an FTE. It is not his intent to present that analysis, but we have to realistically plan for the possibility that the argument could be made and to rebut it.

We discussed the factors that would be indicative of better timing to request to fill the vacancy, which include: an internal "macro" thaw which could occur once the state budget is passed; we need to monitor renewals: once bills go out, this could prompt a number of labs to drop their accreditations; input/advice from the Council. Right now this all matters little; Webb indicated he had seen Requests to Fill denied despite clear support from the fee paying community.

Sharon Mertens asked whether Webb could consider using third party assessors to bridge the gap. Webb responded that he can and could do so if situations warrant it. He reminded Council members that in the past LabCert use to fund the time of non-LabCert staff in other programs to help us with the audit workload. Webb also pointed out that there is a great deal of non-audit workload that we need to accommodate, such as reviewing/assisting with promulgation of NR 528.

Kirsti Sorsa asked whether Webb could approve over-time for staff...or do you just get more efficient. Webb responded that overtime is difficult due to union contracts in place.

Webb closed the discussion by asking Council members to think about a recommendation regarding when and how to fill the vacancy and to what extent the Council wants to be involved in that. Webb stated that he would be working on the analysis and may have something available for the August Council meeting.

- B. Natural Resources Board Meeting (March) – Webb reported that the Lab-of-the-Year awards and the budget/fees presentation all went well. Both winners (Sparta and Sheboygan) commented on the value they derive from the program and relationship with LabCert staff. Based on the economy, Webb indicated that he was prepared for a volume of comments on our budget and the fees, but a motion was made to approve before he even gave his presentation.
- C. GIS – Webb informed the Council that the program has begin to think about how GIS could be incorporated and held a preliminary discussion. Our database has a significant volume of useful information it, and the IT folks indicate that it would not be difficult to convert it to layers of spatial data. We could use this to create maps of labs based on their audit priority, to help us coordinate lab audits and improve efficiency. Given staffing constraints the intent is not to over-engineer it.
- D. Electronic audit reports – Webb updated the Council that virtually all audit reports are now being submitted electronically.
- E. Variiances – Webb indicated that Alfredo Sotomayor has reviewed each of the variances previously approved by the program and determined whether or not they continue to be applicable. Some no longer apply; others still apply but require a different code reference. We are working to resolve all these and send letters as appropriate.

VIII. Council Member Issues

- A. Randy Thater indicated that he attended a regional WWOA meeting last week and has heard a number of concerns related to program consistency regarding ammonia analysis. Does a lab have to check each sample for pH after addition of the buffer [*The program has not established a formal position; in some cases there is concern that the addition of the buffer will not raise certain samples to the critical required pH*]? The method says to prepare standards as low as 0.1 ppm yet LabCert guidance is to have the low standard at 0.2 ppm [*We recommend calibrating with 0.2, 2, and 20 ppm standards*]. Is the LDO probe approved for BOD [**Yes**]? Mealy responded that these issues come up fairly frequently and will be addressed in an upcoming edition of LabNotes.
- B. Paul Harris asked if the program could re-open the possibility of offering wastewater microbiological parameter certification. Webb indicated that he would discuss this with internal customers and then could correspond with DATCP. This could be tied into the vacancy.
- C. Noting that discussions were to be held regarding reviewing the criteria for the Lab-of-the-Year awards, Harris also asked if the program would re-consider exclusion of certified labs for these awards. Harris commented that when it was first introduced, the use of the award by certified labs a a marketing tool would become a competitive advantage. Harris acknowledged that he was one of the biggest opponents, yet he would consider it now if the right criteria were developed. Webb indicated that conceptually he is supportive of awarding something for that category of labs, but there would have to be consensus on the criteria.

IX. Next Meeting Date

- A. The next Council meeting was tentatively scheduled for Tuesday, August 11, 2009 at the DNR Science Operations Center (2801 Progress Road, Madison).