

Laboratory Certification Standards Review Council Meeting Minutes From 2/7/2012

Attendance

Council Members: Dave Kliber (Chair), Sue Hill (Vice-Chair), Chris Groh, Kirsti Sorsa, Kurt Birkett, Randy Thater [via LiveMeeting]
DNR Staff: Camille Turcotte, Rick Mealy
Others in Attendance: Paul Harris (Davy Labs), Sharon Mertens (Milwaukee MSD), Karri Warnock and Brian DeJong (TestAmerica – Watertown), Mike Linskens (ECCS)
Others via LiveMeeting: Tom Hungerford (S-F Analytical)

New Member Introductions

- Kurt Birkett was introduced as the new representative for small wastewater facilities; he will complete the rest of Judy Tholen's term. Kurt comes to us with 20 years of wastewater experience at Fort Atkinson. The plan is to appoint Ms. Tholen to fill the seat for the Council representative for farmers actively engaged in livestock production.

Officer Elections for 2012

- **Action:** *A motion (Kliber/Hill) to approve Randy Thater as Council Chair, Kirsti Sorsa as Vice-Chair, and Kurt Birkett as Secretary was unanimously approved. The new officer slate will assume duties at the May 2012 meeting of the Council..*

Minutes from November 17, 2011 Meeting

- **Action:** *A motion (Thater/Groh) to approve the minutes with no corrections/changes was unanimously approved.*

FY2013 Budget & Fee Proposal

- Turcotte announced that budget information is incomplete at this time due to the discovery that the program has been operating under a significant deficit which has been accruing for at least eight years. The discovery resulted when the program sought to obtain the amount of program unencumbered balance as has been done in years past. We have a new group of individuals in the Finance Department, and they reviewed program revenues and expenditures going back to 2000.
- We have subsequently learned that the program has not been budgeting sufficiently to cover "allocable" costs, which relate to indirect expenses often referred to as "overhead". The "rollover" used in past budgets to reduce fees was determined to be an artificial surplus resulting from the program's collection of over 85% of revenues needed for the upcoming fiscal year prior to the close of the current fiscal year.
- After a series of internal discussions, the Bureau will absorb the deficit that has been created, allowing the Program to enter fiscal 2013 with a zero balance. Further discussions will occur regarding the cumulative allocable charges assessed, which are believed to be inordinate for a program as small as LabCert. Moving forward, we will establish a plan to address allocable charges within the budget, something which has not previously been either suggested or required.
- In addition to the deficit, the program experienced a 2.8% reduction in RVUs from fiscal 2012. This means that with no change in revenues or expenses, fees would have to be increased by 2.8% due solely to the reduced RVUs over which the fees are allocated. The program plan is to keep the projected 2013 fee increase as minimal as possible.
- **Action:** *A formal meeting to review the FY2013 budget and fees package was scheduled for Thursday February 16th at 1:30 PM via teleconference..*

Program Performance Status Report for FY 2012 Year-to-Date

- Audits - Commercial/Public Health: **10** (34); Municipal/Industrial: **43** (94)
- Reports - Commercial/Public Health: **12** (34); Municipal/Industrial: **42** (94)
 - Reports Due - Commercial/Public Health: **2**; Municipal/Industrial: **4**
- Closures - Commercial/Public Health: **18** (34); Municipal/Industrial: **56** (94)
 - Open Cases - Commercial/Public Health: **10**; Municipal/Industrial: **38**
- For the fiscal year to-date, **67.3%** of reports for audits conducted were issued within 30 days

Budget Variance Report

- o The following information was reported to the Council for the current 2012 fiscal year:

	<u>Spent \$</u>	<u>Budgeted \$</u>	<u>% of Budget</u>
FY 2012 BUDGET	\$ 246,585	\$ 598,259	41.2%
Salary/Fringe	\$ 212,781	\$ 514,059	41.4%
Supplies & IT	\$ 33,804	\$ 84,200	40.1%

Auditor Consistency

- o Checklist generation has been slowed due to staffing issues. Turcotte reported that feedback from auditor surveys is good and the overall tenor is to continue to work on consistency.

Other DNR Business

- o Variances - No variance requests were received.
- o NR 700 changes – Work still progresses on this rule. The desire is for the changes to take effect September 1, 2012. Tom Trainor is monitoring the situation; we'll inform the Council and update the website as we receive information.
- o Program Vacancies - Turcotte announced that interviews were completed two weeks ago; the intent is to hire one Advanced Chemist to start in March. Due to budget considerations, the current thinking is to re-advertise the second vacancy as a Senior Chemist, at a lower pay range. Further, the program will hold off hiring until the second half of FY2013. In the interim, George Bowman will remain on as a contract auditor.
- o Council Vacancies - Turcotte reported that Kurt Birkett assumes the remainder (expires July, 2013) of Judy Tholen's initial term as the Small Wastewater Facility representative. If Tholen waits until July 2012, she could serve a 3-year term as the Agricultural representative. DOA made an appointment for the Industrial representative, however, the individual is no longer employed at the firm. The program is seeking, prior to July 1, individuals to represent: the State Lab of Hygiene, Commercial Labs, Industrial Facilities, and "a Demonstrated Interest in Lab Certification". The State Lab of Hygiene representative is appointed by the UW Chancellor; all others are appointed by the secretary of the DOA. Dave Kliber indicated that WELA is submitting a nomination for Paul Junio to serve as Commercial Lab representative.
- o Lab-of-the-Year Awards - Turcotte shared that the Whitewater Wastewater Treatment Plant has been selected as the Large facility and Saukville Wastewater Treatment Facility selected as the Small facility.
- o Enforcement Update – Turcotte indicated that three labs had been issued NONs for performing testing without the requisite certifications; most of these occur due to oversight. Program policy is to issue a NON in every instance of performing work without proper accreditation, regardless of circumstances. An NOV has been issued to a lab for falsification and significant laboratory deficiencies. The workload associated with these cases is not considered in program metrics.
- o NR114 update – Jack Saltes is leading this effort, with the plan to go before the NRB in May or June. The revision calls for converting a 4-tiered operator certification system to a 2-tiered one ("Basic" and "Advanced"). There will be opportunities to achieve "Advanced" status without passing exams. A new "Collection Systems" certification will be added, with a 7-9 year phase-in period.
- o NR149 update – Turcotte hopes to be able to start this process in the spring.

Council Member Issues

- o LOD/MDL discussion – Mike Linskens (ECCS) raised a concern about the need to serve several masters (NR149, NELAC, and DOD) with differing viewpoints regarding what constitutes an LOD, or method detection limit (MDL). Linskens indicated that a lab may have to generate as many as three different LODs to satisfy regulatory agencies. A healthy technical discussion ensued, but no motions were made for formal action.

Next Meeting Date

- o **Action:** *The next Council meeting was tentatively scheduled for Tuesday, May 8, 2012 at the DNR Science Operations Center (2801 Progress Road, Madison).*

The business meeting was adjourned at 11:40 CDT