

commentletters

From: Bruce Godfrey <bruce.godfrey@ctberk.com>
Sent: Wednesday, November 25, 2015 11:57 AM
To: commentletters
Subject: 12/1/15 Board Meeting Item 7



To: Chairperson, Felicia Marcus, and members of the California State Water Resources Control Board

Subject: Dec. 1 Agenda Item 7 of the CA SWRCB Meeting to Consider Increasing ELAP Fee Schedules

Thank you for the opportunity to provide comments on the proposed resolution to increase ELAP fees. Curtis & Tompkins Labs (C&T) is the oldest testing laboratory in the country, established in 1878 in San Francisco for the purposes of testing wine. C&T is now part of the Montrose Environmental Group (MEG, Irvine, CA) that operates C&T and Enthalpy Analytical labs in Orange CA. Together the two MEG labs provide employment for a staff of 140 employees that test nearly 100,000 samples of soil, air and water for hazardous constituents and radiological hazards. We at C&T involved in and concerned about environmental laboratory accreditation in California. We provide valuable public health and environmental quality measurement services to the citizens of California.

C&T and our sister laboratory Enthalpy Analytical in Orange understand the costs and impacts of increasing labor and benefits costs on businesses in California. To remain competitive we must constantly focus on operational excellence and process improvement. Lower cost laboratories from others states are a primary concern. While we appreciate the ELAP leadership's arguments in support of a fee increase, an "across the board" fee increase is inequitable, impractical, and an unfair burden on commercial testing labs of all sizes.

Because California cannot provide credible, consensus standards based accreditation services, our two laboratories must secure accreditation services from alternative suppliers and pay California fees for the same services. The "across the board fee increase will result in significant fee increases for ours and other California commercial labs that places undue economic strain on an already expensive operation climate. Licensing fees for labs that obtain their accreditation services from recognized third party suppliers is a key component that is not being considered here.

We urge the Water Board to consider the more equitable and reasonable approach of a significant increase in the base fee and a more modest increase in the fees for FOTs. As has been noted by ELAP staff and the Expert Review Panel, the majority of the operating budget is consumed by administrative overhead rather than laboratory audits and review of FOTs. Increasing the base fees is a more equitable approach as it spreads the burden of the program fairly between all laboratories in the program.

We are troubled by ELAPs current state of operational dysfunction. The proposed fee increase is several years ahead of any likely or substantive improvement in the California's ELAP. We suggest that implementing the following two recommendations of the Expert Review Panel; 1) recognition of 3rd party accreditation, and; 2) collection of licensing fees to offer laboratories a reasonable credit, as rapid means to improve the effectiveness of California's program.

We strongly encourage the State Water Resources Control Board to reconsider the proposed increase by significantly increasing the base fee and modestly increase the FOT fees to reflect a fee structure that is equitable, fair, and consistent with the recommendations of the Expert Review Panel.

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