

ENVIRONMENTAL LABORATORY TECHNICAL ADVISORY COMMITTEE BY-LAWS

Mission Statement:

ELTAC serves to facilitate transparency, as an inclusive conduit for the fair and balanced exchange of information and dialogue between the laboratory community, California regulatory agencies, data users, and ELAP. ELTAC works to provide support, critical stakeholder review, scientifically valid advice, and unbiased guidance to ELAP on technical issues and the foreseeable effects that ELAP regulatory decisions may have, to ensure public health and environmental protection. ELTAC partners with ELAP to create and maintain a high-quality accreditation program to meet the needs of the laboratory community, California regulatory agencies, and data users.

ARTICLE I – Name

The name of this Committee shall be the Environmental Laboratory Technical Advisory Committee (ELTAC).

ARTICLE II – Bagley-Keene Open Meeting Act

All meetings shall be conducted in accordance with the provisions of the Bagley-Keene Open Meeting Act ([Government Code, Title 2, Division 3, Chapter 1 \(commencing with Section 11120\)](#)). Each member is subject to the provisions of the Bagley-Keene Open Meeting Act. No provision of these By-Laws is intended to nor may be interpreted to conflict with or supplement the Bagley-Keene Open Meeting Act.

ARTICLE III – Objectives and Functions

ELTAC serves to implement objectives and requirements authorized in [Section 100863 of the California Health and Safety Code](#).

ELTAC is established in law to "assist, advise and make recommendations regarding technical, scientific, and administrative matters concerning the accreditation or certification of environmental laboratories." (Health and Safety Code Section 100863) The law further provides that: "Subcommittees of the committee may be appointed consisting of committee members and other persons having particular knowledge of a subject area, for the purpose of assisting the ... [State Water Resources Control Board] on special problems and making recommendations to the Committee for consideration in the establishment of rules and regulations."

ELTAC shall assist the State Water Resources Control Board, Division of Drinking Water (hereafter referred to as "Division"), Environmental Laboratory Accreditation Program (hereafter referred to as "ELAP") by providing advice and making

recommendations regarding technical and scientific matters for the establishment of rules and regulations that will ensure the proper administration and enforcement of provisions pursuant to Health and Safety Code, sections 100825-100920 as well as provisions in other statutes that impact environmental laboratory activity.

The Committee shall also function as a means of exchanging information and opinions related to environmental laboratory technology, methods, and practice. In support of this function, ELAP may request ELTAC member laboratories participate in outreach and education efforts and allow assessors the ability to tour their laboratories in order to learn about technologies the assessors have not previously witnessed.

ELTAC shall assist ELAP in:

- A. Developing scientifically rigorous recommendations regarding issues that impact the regulated laboratory community, regulatory agencies, and data users
- B. Improving communications and outreach between ELAP and its stakeholder communities
- C. The improvement of ELAP
- D. The implementation of a performance based, transparent accreditation program that is accountable to ELAP stakeholders

ARTICLE IV – Membership

A. Types of Members

1. Voting Members

A. Representative Member (Representative)

- A Representative is an individual who is appointed by the Deputy Director of the Division (hereafter referred to as “Deputy Director”) to speak on behalf of a group, organization, or any other recognizable group of persons having an interest in matters before ELTAC. Representatives must belong to a laboratory which holds ELAP accreditation.

B. Chairperson

- This position shall be held by a current Representative elected by the voting Representatives. The Chairperson shall solicit and create agenda items for ELTAC meetings and submit the agenda to the DELAPO at least 30 days before the scheduled ELTAC meeting for approval. The Chairperson is highly encouraged to be present at all meetings held in Sacramento. Voting for the Chairperson shall follow voting procedure as outlined in Article V. The DELAPO may require the Chairperson or Vice-Chairperson to present a summary of ELTAC’s activities to the State Water Board.



C. Vice-Chairperson

- This position shall be held by a current Representative elected by the voting Representatives. The Vice-Chairperson may fulfill any of the duties of the Chairperson as necessary.

2. Non-Voting Members

A. Designated Environmental Laboratory Accreditation Program Officer (DELAPO)

- A full-time employee of ELAP shall be appointed as the DELAPO by the Deputy Director or ELAP Program Manager. The DELAPO or a designee shall be present at all of the meetings of the Committee. Meetings may not be conducted in the absence of the DELAPO or designee. Each meeting shall be conducted in accordance with an agenda approved in advance by the DELAPO. The DELAPO is authorized to adjourn any meeting when they determine it is in the public's best interest to do so. The DELAPO is not a voting member of ELTAC.

B. State Regulatory Agency Employee (SRAE)

- SRAEs are appointed by the Deputy Director to speak on behalf of a California State board, department or office by which they are currently employed. SRAEs are non-voting members of ELTAC.

C. Scribe

- The Scribe shall be an ELAP staff member who is appointed by the DELAPO or ELAP's Program Manager. The Scribe is responsible for the meeting minutes or meeting recording, which shall highlight discussions and decisions made on agenda items and other orders of business. The Scribe shall make the minutes available to the public after the committee approves them, or the meeting recording available after the conclusion of the meeting. The Scribe is not a voting member of ELTAC.

B. Composition

ELTAC shall be comprised of ten voting members and approximately 15 total members, including the DELAPO, Scribe, and SRAEs, who will speak on behalf of interested parties and environmental laboratories subject to the Environmental Laboratory Accreditation Act. The Committee shall consist of a broad range of individuals who come from interested parties and environmental laboratories that have a wide range of expertise that include ELAP's current or future Fields of Accreditation. Representatives shall represent the general laboratory community, including from both Northern and Southern California, publicly and privately-owned laboratories, and laboratories of all sizes. Those serving on ELTAC shall be selected by the Deputy Director based upon their expertise and knowledge of: conformity and standards development, laboratory

quality systems and accreditation, analytical methods and methods development, overall analytical laboratory operations, and familiarity of regulatory framework and requirements for compliance needs. The committee members of ELTAC shall be constituted such that no one set of stakeholders shall have dominance over ELTAC and every Representative has substantive knowledge of ELAP services and environmental laboratory operations.

Where possible, ELTAC members shall fit in a general category of members that best represents the kind of expertise the member brings to the ELTAC. While this composition may not always reflect ELTAC's makeup, and each member may have significant overlap with each category, appointments will try to fill these general categories:

1. Scientific Advisors (5)

These are experts in a specific type of analysis that ELAP offers for accreditation. The ideal composition would include Representatives who are experts in Organic Chemistry, Inorganic Chemistry, and Microbiology, and at least one of the more specialized fields of Whole Effluent Toxicity, Radiochemistry, or Asbestos testing.

2. Community Implementation Advisors (3)

These are members of laboratories who have connections with laboratory support or advocacy groups and can distribute information to a wide audience. The ideal composition would include Representatives from both commercial and public laboratories.

3. Accreditation Advisors (2)

These are members of laboratories who have experience with accreditation or quality system requirements from other states or accreditation bodies.

C. Terms for ELTAC Members

1. The membership term for Representatives shall be three (3) years.

Representatives may not be appointed for more than six (6) consecutive years of service unless the Representative holds a substantive role within the committee, when an ongoing activity requires the Representative's participation, or when the Representative brings a unique expertise to ELTAC and there are no other qualified candidates available.. The Deputy Director may extend Representative's membership, with the consent of the incumbent member, until replacements are seated.

2. SRAEs may serve on ELTAC as needed, provided they maintain employment at the agency they are representing. As SRAEs are non-voting members, term limits are not applicable. SRAEs may designate their replacement at their agency should their role change.

3. The term of the Chairperson shall be three (3) years. The Chairperson shall not have restrictions on the amount of terms that can be served, provided the Chairperson is re-elected by the committee. The Chairperson can vacate their role at any time, with the vice-chair assuming the Chairperson role.
4. The term of the Vice-Chairperson shall be three (3) years. The Vice-Chairperson shall not have restrictions on the amount of terms that can be served, provided the Chairperson is re-elected by the committee. Should the Vice-Chairperson role become vacant, a new nomination/election shall occur at the next available meeting.

D. Expectations

Representatives and SRAEs must have the resources and technical expertise to support participation on ELTAC. Representatives and SRAEs are expected to attend and participate in all ELTAC meetings. Meetings should be attended in person and may be attended via a virtual connection with prior notification to the DELAPO, however, all ELTAC members should attend in person for a majority of the sessions during their term. Failure to attend ELTAC meetings may result in dismissal as outlined in Section E of this Article.

E. Absences and Dismissal

In the event a Representative or SRAE cannot attend an ELTAC meeting, they may choose an alternate to attend the meeting. An alternate may vote on behalf of a Representative if notification of the alternate's attendance is made to the DELAPO and Chairperson at least 48 hours in advance of the meeting. If the Chairperson cannot attend an ELTAC meeting, the Vice-Chairperson may act as the Chairperson for the meeting. Any ELTAC member may be removed by the Deputy Director or by a 2/3 vote by the voting members on ELTAC. In the event a Representative or SRAE obtains work in a new field or misses three consecutive ELTAC meetings within that person's term, a new Representative or SRAE shall take his/her place in accordance with the process outlined in Article V.

ARTICLE V – Appointments, Elections and Voting

A. Representative and SRAE Appointments

ELTAC shall consist of members appointed by the Deputy Director. Applications for Representatives shall be submitted annually in writing to the DELAPO by a date specified by ELAP. Vacancies will be advertised by ELAP to the laboratory community. A complete package will include:

1. The applicant's/nominee's full name, title, institutional affiliation, and contact information.

2. The applicant's/nominee's area(s) of expertise.
3. A summary of qualifications (1-2 sentences) outlining the individual's technical expertise and who they would represent. Inclusion of a curriculum vitae or resume is desirable.
4. Letter of recommendation or written endorsement from an organization, association, etc. (optional)

The Deputy Director shall appoint all Representatives and SRAEs after evaluating nominations. The DELAPO, ELAP Program Manager, and the Deputy Director shall evaluate all nominees for eligibility and make their selection based on the most qualified candidate(s). In selecting committee members, executive personnel shall consider candidates who represent the different technical fields within the laboratory community, regulatory agencies, and data users. All appointments shall be made public.

B. Nominating the Chairperson or Vice-Chairperson

Before proceeding to the election for the Chairperson or Vice-Chairperson, one or more candidates must be nominated by a current Representative or SRAE at or before the Fall ELTAC meeting. The nominee must be willing to serve as the Chairperson/Vice-Chairperson in order to be considered as an eligible candidate in the voting process. When nominations are completed, the voting members, as provided for in these By-Laws, shall elect the Chairperson/Vice-Chairperson. Nominations may occur either during the meeting with a verbal nomination process, or may be nominated by email

C. Electing the Chairperson/Vice-Chairperson

Voting for the Chairperson/Vice-Chairperson shall be conducted during the Fall ELTAC meeting by secret ballot. Each Representative shall be allowed one vote, and shall be decided by a simple majority vote. Voting is non-binding and the Deputy Director may appoint a different Chairperson/Vice-Chairperson if they deem it necessary.

ARTICLE VI – Operational Procedures

A. Quorum

The presence of one-half plus one of the total number of currently appointed Representatives shall constitute a quorum for the transaction of business. As SRAE's, the DELAPO, and Scribe are non-voting members, their presence is not counted for the establishment of a quorum. In the absence of a quorum, no official action or voting may be taken by the ELTAC.

B. Meetings

1. ELTAC shall meet at least two (2) times a year, but the DELAPO may schedule additional meetings.
2. Scheduled meetings should occur on or near the 2nd Wednesday of May (Spring Meeting) and November (Fall Meeting), unless otherwise decided in a prior ELTAC meeting or by the DELAPO. Additional meetings may be scheduled outside of the designated timeframe as needed or necessary, by a request from the Chair, Vice Chair, or DELAPO.
3. All meetings are noticed to the public and held in accordance with Article II.
4. Unless otherwise scheduled by the DELAPO, all ELTAC meetings shall occur via teleconference with a physical location in Sacramento. Meetings scheduled to occur at another location must be available for the public to attend.
5. Meetings shall be joinable via remote connection, or attendable in-person.
 - a. When meetings have a remote option and the connection is unstable, the meeting shall be put to recess until the connection is re-established or adjourned.
 - b. Any member who will connect remotely shall notify the DELAPO as soon as is feasible, no later than 48 hours prior to the scheduled meeting time, consistent with Government Code section 11123.5.
 - c. Any member who connects remotely shall connect with the ability to appear on camera. Members are expected to leave cameras on for the duration of the meeting, with exceptions specified in Government Code section 11123.5.
6. The proceedings of ELTAC shall be called to order and adjourned by either the Chairperson, Vice-Chairperson, or DELAPO..
7. Time must be made available for the public to provide comments on each agenda item.

C. By-Laws

1. Changes to these By-Laws may be proposed by either voting or non-voting members of ELTAC.
2. By-Laws may be amended by a two-thirds (2/3) majority vote of Representatives, pending final approval from the Deputy Director.
3. The Deputy Director reserves the right to make amendments to these By-Laws without ELTAC's consent.

D. Recommendations

1. Recommendations are formal requests from ELTAC for ELAP to take a specific, recommended action.
2. Any recommendation(s) made to ELAP must be submitted in writing through letter or email to the DELAPO. The Chairperson must submit the pre-vote Recommendation to the DELAPO consistent with other agenda items in Article IV.A.1.B.
3. Recommendations must be available to the public to review prior to ELTAC voting to submit the Recommendation to ELAP. Voting on Recommendations shall be consistent with Article VI.E. Non-substantive or formatting changes may be made to the Recommendation after voting to meet web accessibility requirements.
4. The DELAPO will respond no later than thirty (30) days after the recommendation has been received. Both the Recommendation and ELAP's response shall be posted to the website, and ELAP's response will include the acceptance, rejection, or plan to address the Recommendation. ELAP's plan may identify additional time that is needed.

E. Voting on Agenda Items During ELTAC Meetings

If any Representative is attending the meeting remotely, votes will be cast via a roll call vote. Voting cannot occur on items not identified with a topic on the agenda, consistent with Gov. Code sections 11125 and 11125.7(a). Only Representatives may vote for items on the ELTAC agenda.

It shall be a goal of ELTAC to reach a consensus on each agenda item. During the first round of voting, any "no" votes from any member shall trigger further discussion, except for voting for Chair or Vice Chair roles. Subsequent to discussion, votes may pass via a simple majority during the second round. Recommendations (Article IV.D) that do not receive a unanimous vote shall include a breakdown of each member's vote. ELAP may request "no" votes to include additional information from the dissenting member be included with the Recommendation.

F. Subcommittees

Subcommittees may be established by ELTAC as needed by a vote under Article VI.B. Each member of a Subcommittee could include persons who have not been appointed as or designated as Representatives or SRAEs of ELTAC; however, all Subcommittee members must comply with the provisions stated in Article II. The Subcommittee may only have a maximum of one half minus one ELTAC Representatives to maintain less than a quorum and comply with Article II. The restriction on Subcommittee members

does not extend to additional persons who are not appointed to a role on ELTAC. Subcommittee members shall be confirmed by the DELAPO. Membership on such Subcommittees may include members of the public; however, there must be a minimum of one Representative or SRAE on any Subcommittee. All Subcommittee meetings shall be conducted in accordance with Article II and Article VI B. Only confirmed Subcommittee members may vote on items or issues before the Subcommittee, and may not designate an alternate to vote on their behalf. The DELAPO, Chairperson or Vice-Chairperson may request Subcommittee Members to present information at a meeting of ELTAC or a meeting of another Subcommittee.

G. Workgroups

ELTAC may establish a Workgroup, a small group of Representatives or SRAEs to participate in informal discussions or development of language to be included in a Recommendation. Workgroups may only have a maximum of one half minus one ELTAC Representatives to maintain less than a quorum and comply with Article II. ELTAC does not need to vote to establish a Workgroup, as Workgroup deliberations are intended to create products to be presented to and discussed by ELTAC or a Subcommittee. Workgroups are not subject to Bagley Keen requirements.

H. Regulations

Where possible, ELAP shall seek advice from ELTAC on all regulations and fees developed by ELAP related to environmental laboratory technology and practice. Recommendations made by ELTAC may be included as part of a rulemaking package if made in a timely fashion, or included as a formal comment during a comment period. Individual members of ELTAC retain their right as a member of the public to submit comments on proposed regulations, but may not imply that their individual comment speaks on behalf of ELTAC.

I. Minutes

A record shall be made by the Scribe of actions taken at each meeting by ELTAC and Subcommittee(s), and confirmed during the subsequent meeting of ELTAC or the Subcommittee(s). Alternatively, the entire recording of the ELTAC meeting may be published to ELAP's website after the meeting, in which case, the recording may substitute formal minutes.