



California  
Water  
Environment  
Association

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September 15, 2016

California State Water Resource Control Board Members  
P.O. Box 100  
Sacramento, CA 95812-0100

**Subject: California Water Environment Association (CWEA) Comments on ELAP Regulations Development/Laboratory Standard**

Dear Members of the State Water Board:

The California Water Environment Association (CWEA) appreciates the opportunity to provide comments on California Environmental Laboratory Accreditation Program (ELAP) Regulations Development and Preliminary Staff Recommendations. CWEA is an organization of wastewater professionals dedicated to education and training of our members in all aspects of wastewater treatment, regulation, and environmental protection. As part of its mission CWEA provides technical certification to qualified wastewater professionals in a variety of specialties, including laboratory analysts. We currently have more than 9,800 members with 806 individuals holding CWEA Laboratory Analyst certification and classified as Lab Analysts, grades I-IV.

On September 1, 2016 the Environmental Laboratory Accreditation Program (ELAP) informed the Environmental Laboratory Technical Advisory Committee (ELTAC) that ELAP will recommend to the State Water Resources Control Board (SWRCB) the adoption of the 2016 (The) NELAC Institute Standard (TNI 2016). This standard would be used to certify all wastewater labs in California to analyze their regulatory required samples. By recommending adoption of this standard, ELAP set aside the ELTAC recommendation to adopt a Quality Management System (QMS) building on the USEPA Quality Management System guidelines and adding in elements that the agency partners desired, referred to as "California Plus."

On September 6, 2016 the SWRCB sent a notice of opportunity for public comment and notice of public workshop for October 6, 2016 regarding ELAP regulations development and preliminary staff recommendation for laboratory standard. The deadline to submit

written comments is noon on September 16, 2016, only 9.5 business days from being noticed.

- We feel the comment period is entirely too short given the complexity of the TNI document, the unavailability of the document to review (must be purchased from TNI for \$130) and the importance of the matter at hand. TNI just made the 2016 TNI standard document available only last month (in August 2016); as yet there has not been any significant external vetting or review of these standards. We are requesting a **comment period of at least 30 days** to allow sufficient time to obtain and review this newly published document. These written comments are an extremely important opportunity for members of the affected laboratory community to review these standards and raise specific concerns, as travelling in person to the workshop is difficult or impossible for many, especially smaller agencies. The written comment period may be their only opportunity to have their voices heard and to advise the California ELAP on the areas of greatest compliance concern. One smaller agency, Nevada County Sanitation District, has already closed their lab and laid off their analyst because of the possibility of going to the TNI standard.
- Another area of concern is the lack of technical certification recognition in the TNI document. The 2016 standard does require a Bachelor's degree for top lab staff, but past regulations have recognized technical certifications. The 2016 standard does not. The technical certification is currently recognized as equivalent (as currently stated in Title 22, ELAP regulation, Article 9) and both CWEA and AWWA certifications serve this purpose for Utility labs. Wastewater testing and documentation procedures are not specifically included or required within any major in college. We feel that recognizing CWEA technical certifications is a critical component in any standard for wastewater labs the state adopts to ensure that lab staff have the requisite knowledge, skills and abilities in the very specific field of wastewater analysis. The CWEA Technical Certification Program is the backbone of the CWEA, providing employer's confidence that employees are competent. The certificate holders must possess the appropriate degree of work experience and education in addition to passing competency exams to gain their certifications. CWEA strongly recommends having lab analyst certification as part of the requirement for wastewater laboratories in the new lab standard the SWRCB will adopt.

- CWEA also feels that the existence of more labs, not fewer, is better for the environment. The TNI standard is overly complex for California's hundreds of small labs. We feel the adoption of this standard will force the closure of labs due to increased (unattainable) staffing needs, as has been documented in the few states that have adopted TNI standards without exception for non-commercial municipal laboratories. This is a major reason why the ELTAC recommended the "California Plus" option to ELAP at the August 24<sup>th</sup> ELTAC meeting and rejected the TNI standard.

An adoption of a new lab standard by which to certify labs is a watershed moment in California's environmental lab history. The process of choosing and evaluating the potential impacts of implementing a new lab standard should be carefully and thoughtfully undertaken, without being rushed through the public review period. The impact on lab staff, wastewater treatment plant process control, regulatory monitoring and reporting and the environment would be better served by a thorough review and comment period. Please give the regulated community of laboratories time to properly review these proposed standards and advise the State ELAP on areas of likely difficulty and recommend improvements to better serve wastewater treatment facilities, environmental laboratories and the health and well-being of California's citizens and its environment.

Regards,



Elizabeth Allan, FASAE, CAE  
CWEA Executive Director

Cc: CWEA Board of Directors  
CWEA Laboratory Committee Leaders