September 15, 2016

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P. O. Box 100, Sacramento, CA 95812-2000
1001 I Street, 24th Floor, Sacramento, CA 95814

City of Antioch Water Quality Laboratory, CA ELAP #1383
Drinking Large Water System Permit No: CA 0710001
City of Antioch Population Served: 112,000

Subject: **Comment Letter – ELAP Regulations Development / Laboratory Standard**

Dear Members of the State Water Resources Control Board:

I am writing this letter to express my concerns about the proposed selection of the 2016 The NELAC Institute (TNI) Standards for all laboratories accredited by the California Environmental Laboratory Accreditation Program (CA ELAP). The unnecessarily complicated TNI Standards will not significantly improve the overall quality of lab data, yet will place heavy burdens on smaller laboratories, resulting in loss of timely public health water quality information and end with much higher laboratory testing costs.

ELAP has already significantly increased their annual fees, and has made it clear that fee increases will continue. Renewal fees for the City of Antioch Water Quality Laboratory increased over 50% from 2015 to 2016. Implementing TNI will simply compound the rising budget needs of maintaining a water quality laboratory. For example, the requirement to double the frequency of PT Studies from once per year to twice per year is enough to cause some agencies significant financial hardship. That does not even take into account the considerable hours that will be required to develop new SOPs, laboratory manuals, laboratory documents and bench sheets. It has been quoted that it could take a year and a half to two years of full-time hours dedicated to getting all of the initial documentation established. In addition, labs will likely need to purchase LIMS and document-tracking software, another considerable expense. Educational and training needs and the associated costs will also increase if TNI is implemented

Alternatively, I urge the Water Board to adopt a more simplified set of laboratory standards, ones that include only the essential data quality elements necessary to support high quality laboratory testing, yet recognize the limited resources of laboratories and organizations with only a few employees, which comprise nearly half of the certified laboratories in California. This may be accomplished with a simpler set of standards for all laboratories, or with application of TNI or ISO Standards for commercial laboratories only, allowing exception for non-commercial utility laboratories.

I am also very concerned about the lack of time allowed, less than 10 business days, for the affected public to read and comment on the newly published 2016 TNI Standards, which must be purchased from TNI. These Standards were not made available for public access and review until early August 2016, and the proposed changes will have enormous implications on laboratory operations and the communities they support. I request that the SWRCB extend the public comment period from less than 10 days to 30-45 days, which will allow time to purchase, review and comment on the new 2016 TNI Standards.

TNI standards were designed by and for medium to large commercial labs, with the main intent of having one set of laboratory standards for all States to support interstate commerce. While the goal of using one comprehensive lab standard (such as TNI) seems achievable, the few States (ex. Florida, New York) that have fully implemented the use of the full TNI standard without exceptions have resulted in multiple lab closures, which has forced many agencies and organizations to contract out their lab work to commercial laboratories. Contracting out critical data analysis to outside laboratories leaves a delay in communication of results and creates a disconnect between water/wastewater operators and the laboratory, potentially compromising operational processes and public or environmental health. This is an undesirable outcome in most situations, as the contracting out of lab work reduces the timeliness of lab results, which decreases the ability of these organizations to recognize potential public health risk situations.

With regard to CA ELAP, more than 80% of the certified laboratories do *not* conduct complex tests on out-of-state samples, and therefore, do *not* need the added paperwork to support data quality that is defined by and followed in test methods. At present, only a small minority of labs in CA have elected to reference the TNI Standard, and most of them only wanted TNI Accreditation for use as a marketing tool to bid on large commercial and government contracts. This small minority of the labs that are already TNI-certified appear to have a vested interest to force unnecessary mandates on the rest of the certified lab community to reduce competition and force lab closures, which will ultimately result in higher lab costs. This process appears to be a power play, which will benefit only a few large entities while doing significant harm to most small communities that rely on real time lab data for day-to-day operational and compliance assessment of facilities.

The water quality laboratory community values data integrity and quality, and updating ELAP regulations to 21st century lab standards is needed. However, choosing and trying to implement the 2016 TNI Standards to apply to all ELAP accredited laboratories equally is undesirable and unnecessary to achieve high data quality. Furthermore, the likely resultant loss of local smaller utility laboratories would lead to less timely water quality information being provided to the public, which is undesirable and would put the health of the general public at risk. ***Instead, I urge the Water Board to consider supporting new ELAP regulations that recognize the differences between commercial-for-profit and non-commercial utility laboratories, by supporting either a simplified single laboratory standard or a two-tier standard approach that focuses on the actual needs for both types of laboratory operations.***

Respectfully submitted,

Lori Sarti

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City of Antioch