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PUBLIC WORKS DEPARTMENT

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Public Comment
ELAP regulations Development/Laboratory Standard
Deadline: 9/16/16 12:00 noon

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board

To the Members of the State Board



COMMENTS ON THE PROPOSED ADOPTION OF NEW ELAP STANDARDS

I am writing this letter to express my grave concerns regarding the proposed adoption of the 2016 TNI Standards to all laboratories accredited by the California Environmental Laboratory Accreditation Program (CA ELAP). It is our professional opinion that the application of this standard would not improve the overall quality of lab data, but would place a heavy burden on small laboratories, like ours, possibly driving some out of business and ultimately resulting in loss of timely public health water quality information. It would also cause a huge increase in laboratory testing costs.

We also take issue with the way ELAP is attempting to push these new standards through. We have a 3 person lab that doesn't have the staffing time to read and absorb this large, complex document in a matter of 10 days. It is also highly objectionable that we can't access this document without paying large fees for all the manuals and guides needed to be successful. Stakeholders have always had a chance to access proposed changes without paying a fee. The most troubling part of this whole process though, is the rejection of ELTAC's recommendation. To create an advisory committee such as this and then to reject their proposal, makes ELAP appear to have a hidden agenda to many stakeholders.

ELAP states it intends to adopt The NELAC Institute (TNI) 2016 standard as the standard for the certification of environmental laboratories. In a letter dated September 1st of this year, Christine Sotelo Chief of ELAP to ELTAC members, stated the adoption of the TNI standard would provide the following benefits

- Standards applicable to a broad scope of environmental laboratories
- Readily available educational and training resources from TNI
- Basis for sound enforcement

However these supposed benefits do not take into account the extensive additional work necessary for compliance without demonstrated benefit in data quality, an incomplete data quality system, the differences in type of laboratory used as the model for TNI's standard versus the most common laboratory currently certified by ELAP, the increased costs born directly by the laboratory and through

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increased fees, and the continued problem of ELAP's inability to conform to the protocols necessary for enforcement actions.

It is very important to understand that the 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. 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 the CA ELAP, greater 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. In short, this small minority of the labs that are already TNI-certified appear to have a vested interest to "handcuff" 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.

In summary, 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 – and it will lead to lab closures, lost jobs, and higher analytical costs with loss of competition. Furthermore, the likely resultant loss of local small 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. So, instead, I urge the Water Board to consider supporting new ELAP regulations that recognize the differences between commercial-for-profit and non-commercial non-profit 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.

Thank you for your attention. If you or your staff have any questions regarding this matter, please contact me by phone at (707) 441-4363 or via email at mphansen@ci.eureka.ca.gov.

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