



## commentletters

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**From:** Joan Kelly <jkelly@cityofukiah.com>  
**Sent:** Thursday, October 29, 2015 11:26 AM  
**To:** commentletters  
**Cc:** Weisberg, Steve@SCCWRP; phelps.lara@epa.gov; Larsen, Karen@Waterboards; Sotelo, Christine@Waterboards  
**Subject:** Attention to all SWRCB Members for consideration on Item 4 – Findings and Recommendations of the Expert Review Panel of the State of California – ELAP.  
**Attachments:** Comment Letter to the Findings and Recommendations of the Expert Review Panel to the State of California Environmental Laboratory Accreditation Program  
**Importance:** High

Dear Dr. Weisberg, Ms. Phelps, Ms. Larsen and Ms. Sotelo:

I appreciate the opportunity to submit comments in response to the Draft Report of the Expert Review Panel (ERP) on Findings and Recommendations of the State of California Environmental Accreditation Program (CA-ELAP). I am the lab director and sole analyst for the City of Ukiah WWTP Laboratory. The lab is ELAP-certified for 14 procedures in 3 fields of testing. Thank you for considering the following comments and recommendations.

- Program management needs improvement for CA-ELAP to be effective. Most ERP identified problems, such as inconsistency in the performance audits, would be resolved under an improved internal management system. A “comprehensive overhaul” of CA-ELAP is not necessary if CA-ELAP is managed effectively. I recommend that the SWRCB support a significant update of CA-ELAP’s internal management systems.
- Timeline for program changes is too ambitious. The current timeline to update CA-ELAP is far too aggressive, appearing to have been developed to meet the schedule for the ERP. As most of the recommendations being considered require major management system changes within CA-ELAP, the timeline for change needs to incorporate time for stakeholder and public input, not to mention time for staff to implement changes. I recommend that the SWRCB does not adhere to the idealistic timeline of the ERP schedule, but rather allow time for changes to be incorporated.
- Updated regulations and statutes likely needed to support program changes. Many of the ERP recommendations require support of the updated CA-ELAP regulations, which has its own course and timeline. I recommend that any significant changes to CA-ELAP be vetted through the California regulatory process, allowing flexibility to adapt to changing needs of the laboratory community and not be implemented as short term “quick fix” solutions.
- Standards and supporting checklists need to be established before use of Third Party Auditors (TPAs). Initially, auditing standards need to be established as soon as possible by CA-ELAP. TPAs should not be employed, even temporarily, due to the lack of established quality standards and supporting checklists. These documents need to be developed first as a product of an effective stakeholder process. Only after these standards and checklists are developed can TPAs be employed, regardless of long-term individual TPA experience. All auditors should follow the same auditing standards in order to conduct defensible and consistent audits. Further, CA-ELAP needs to have full managerial control over all audits conducted, including those that would be performed by TPAs.

- CA-ELAP should recognize TNI-NELAP accreditation. As the CA-ELAP may not be afforded the resources or personnel to support audits of large multi-discipline, interstate, or specialty laboratories, CA-ELAP should recognize the NELAC Institute-National Environmental Laboratory Accreditation Program (TNI-NELAC) accreditation for the types of laboratories aforementioned.
- Laboratory fees structure needs to be updated. After the present CA-ELAP budget shortfall is resolved with a near-term fee increase, the SWRCB must require and ensure that CA-ELAP be efficiently managed to support reasonable laboratory fees. I recommend that a “fairer” fee structure be developed, that is based on the number of test methods performed, not solely on the Field of Testing categories in the current CA-ELAP regulations.
- Fairer stakeholder representation is needed. The recent changes to ELTAC by-laws overlook the need for proper stakeholder representation for the 40% of the small laboratories (ERP defined as employing <5 analysts) accredited under CA-ELAP. Past ELTAC membership has mostly represented large commercial and large publicly owned laboratories. Therefore, I recommend that the draft ELTAC bylaws should include seat(s) to represent laboratories of different sizes, including the smaller labs in California.

I would like to acknowledge the significant improvements made in the ELAP’s performance since the program was transferred to the State Water Resources Control Board, while under the direction of the new CA-ELAP Chief Christine Sotelo. I recognize and appreciate the many hours devoted by the expert review panel to incorporate stakeholder recommendations and findings and refine them into draft format. Lastly, I would like to thank all current CA-ELAP staff on their courage to endure the critical findings of the ERP report, and continued dedication to ensure the success of California’s ELAP.

Should you have any questions, please do not hesitate to contact me at [jkelly@cityofukiah.com](mailto:jkelly@cityofukiah.com).

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