



ESTABLISHED 1850

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October 13, 2015

Submitted via Electronic Mail to:

Ms. Lara Phelps, (Chair to the ERP) – United States EPA, phelps.lara@epa.gov
Dr. Stephen Weisberg, (Coordinator to the ELAP/ERP) – SCCWRP, steve@scwrrp.org
Ms. Karen Larsen, Assistant Deputy Director of DDW, Karen.Larsen@waterboards.ca.gov
Ms. Christine Sotelo, Chief of ELAP – Christine.Sotelo@waterboards.ca.gov



Subject: Comment Letter to the Findings and Recommendations of the Expert Review Panel to the State of California Environmental Laboratory Accreditation Program

The City of Vacaville appreciates 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 Laboratory Accreditation Program (CA-ELAP). Since 1993, the City's Water Quality Laboratory has been certified by CA-ELAP to analyze samples for both our drinking water system and our two permitted wastewater treatment plants.

We would like to recognize the significant changes made in CA-ELAP's effort to improve performance since the program was transferred to the State Water Resources Control Board on July 1, 2014, while under the direction of the new CA-ELAP Chief Christine Sotelo. We would also like to thank both Cindy Forbes and Karen Larsen of the Division of Drinking Water for their support of CA-ELAP by employing Dr. Stephen Weisberg of the Southern California Coastal Water Research Project (SCCWRP), who coordinated the program evaluation efforts by the Expert Review Panel (ERP).

The City of Vacaville respectfully submits the following comments and recommendations in response to the Draft ERP Findings and Recommendations report (ERP report) in hopes that these comments and recommendations will be taken into consideration prior to the preparation of the final ERP report to the SWRCB.

1. **New Program Management for CA-ELAP.** This is the first step and one Ms. Sotelo has already committed to doing. We are extremely impressed and encouraged by the effort and progress made in this area this past year. Most of the ERP identified problems, such as inconsistency in the performance of audits, staffing resources, and training will be resolved under an improved internal management system. We do not feel CA-ELAP needs to be completely overhauled, as many of CA-ELAP's shortcomings are now being resolved with the hire of an effective program Chief to set standards and hold the staff accountable to those standards. Christine has already begun implementation of the ISO 17011 program elements and has taken control of the staff that previously appeared to have no common goal. Realizing it took years for the CA-ELAP program to decline in practice to what Ms. Sotelo inherited, we believe that the new CA-ELAP Chief need to be allowed sufficient time to fix the problem issues identified with the realization that many of these fixes will not happen

overnight. Making this the top priority recommendation from ERP, and allowing the time for it to happen, makes the most sense to us.

2. **Proposed Timeline for program changes is setting them up for failure.** A program overhaul, as desired by the ERP recommendations, requires multiple statutes and/or regulations to be updated, which will take far longer than the ERP timeline allows. We understand not all the ERP members have experience working in California, but nothing on the legal side will happen quickly, and CA-ELAP has no power to enforce quite a few of these changes until regulations are updated. 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. Therefore, the City of Vacaville makes the recommendation that the SWRCB only use elements of the ERP schedule and not to adhere to its idealistic timeline.
3. **Standards and supporting checklists need to be established.** Everyone agrees auditing standards need to be established as soon as possible by CA-ELAP, but we need to make sure we do it correctly and not just quickly. Current CA-ELAP regulations have basic laboratory quality assurance guidelines, that when followed, should produce quality data from quality labs. CA-ELAP should enlist the help of the SAC and new ELTAC (when formed) to review the auditing checklists. Having accurate, standardized checklists and proper staff training will eliminate the most common criticism from the certified labs in the CA-ELAP program, which is "lack of auditor consistency". We do recommend that CA-ELAP review the TNI standards and incorporate some program elements into the program, but strongly recommend against adopting a "one size fits all" standard.
4. **Keep the Program in House:** The recommendation of switching to Third Party Auditors (TPAs) is premature and disrespectful to the current auditors that have the ability to do a good job. If there are no established quality standards and standardized checklists, even the most experienced TPAs would also be ineffective and inconsistent in conducting their audits. Additionally, the ERP report recommends giving labs the option of directly hiring their own TPAs to audit their labs, which is a total conflict of interest. For the state to maintain and strengthen the CA-ELAP program, the existing program staff need to be competently trained and be held accountable to the new standards Christine is expecting of them. By contracting the work out, even with CA-ELAP hiring the auditors instead of the actual labs, program staff is not being effectively trained and utilized to use their abilities required upon hire. That being said, we do believe CA-ELAP should continue to recognize the labs that have TNI-NELAP accreditation and work in an acceptance of their certification to save CA-ELAP resources from audits of large multi-discipline, interstate, or specialty laboratories.
5. **Laboratory fees structure needs to be updated.** After last week's CA-ELAP fees workshop, we feel CA-ELAP is currently addressing this issue the best way they can, given the legal restrictions present. We look forward to working with CA-ELAP as a concerned stakeholder, as they begin the process to change regulations so that a "fairer" fee structure can be developed, one that is based on the number of test methods performed, not on the outdated Field of Testing categories in current CA-ELAP regulations.

Again, we really want to commend Christine Sotelo and her staff for the work she has already done to get the CA-ELAP back on track. Yes, CA-ELAP has had some shortcomings that had gotten worse over the last few years when they were without a strong leader, but the program is not broken and unfixable, and it does not need to be completely replaced, which is what we feel most of the ERP recommendations are trying to accomplish. While we all want the CA-ELAP back on track as soon as possible, taking it step by step to do it right, even if it is not the quickest way, is the best

City of Vacaville - Water Quality Division

Comments in Response to the ERP Findings and Recommendation of CA-ELAP

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approach for California's relatively large and diverse Environmental Laboratory Accreditation Program.

Should you have any questions, please do not hesitate to contact us at

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We look forward to continuously engaging with you in the process going forward.

Sincerely,



Tony Pironidini
Water Quality Manager



Mindy Boele
Water Quality Laboratory Supervisor

