

Ours Thoughts on ELAP: (A TNI-Free Discussion)

Patrick Jones

January 31, 2017



Who We Are/ What We Do

- We are an ELAP-certified hazardous waste testing laboratory
- Two distinct business operations:
 - Small Stationary Laboratory
 - Analyze soil samples for heavy metals, SVOCs & VOCs
 - Analyze air/soil gas samples for VOCs & fixed gases
 - 4 Single Operator Mobile Laboratories
 - Analyze soil gas samples for VOCs
- 8 full-time, degreed chemists



Positive Changes in ELAP

- Transition to Water Boards from DPH has brought about very significant changes:
 - New management has put a large emphasis on transparency (**HUGE** change)
 - ELAP director will personally take calls regarding agency problems/concerns
 - ELAP realizes the status quo is not acceptable, and has been working hard to bring about changes



Positive Changes (cont.)

- ELAP realizes their lack of technical expertise
 - The Board has devoted significant funds to bridge this gap
- ELTAC is now a functioning body
 - Has a diverse array of expertise for assisting ELAP with program improvements



Concern #1

- Organizational Mandate
 - The Division of Drinking Water certifies non-drinking water labs
 - Needs of hazardous waste labs secondary to drinking water concerns
 - Audit process focuses on drinking water
 - Training contract appears to exclusive to drinking water
 - Drinking water concerns overwhelm ELTAC meetings



Concern #2

- ELAP is not managing an effective PT program
 - The one pending complaint is ours 😊
 - No confirmation to laboratories when PT results are submitted
 - No clear mechanism by which labs can check if results have been accepted
 - ELAP has not clarified criteria by which PT samples should be scored



Concern #2 (cont.)

- We have attempted to seek clarification on scoring criteria
 - Concern brought to ELAP's attention (Nov.'15)
 - Unclear what the phrase “acceptance limits” in their regulations means
 - Some labs (like us) are not calibrated for every compound in a PT sample, and do not report them
 - We have found three different regulatory interpretations, all of which result in a different score



Concern #2 (cont.)

- Attempting to find a resolution has required significant follow-up on our part
 - Concern was again brought to ELAP's attention in June '16
 - Technical details of PT scoring were presented to ELTAC in July of 2016, and a sub-committee was formed
- Current Status (Jan '17)
 - No official guidance as to how PT samples will be scored
 - Problem will likely be fixed by moving to NELAC standard, but that will take years
 - What is to be done in the meantime?



Concern #3

- ELAP does not certify important methods
 - DTSC has offered various statements regarding ELAP's progress in establishing certification for soil-gas testing
 - ELAP progress to begin offering SG certification unclear
 - Matter has not been brought up at past ELTAC meetings
 - DTSC sets screening levels and SG uses data to evaluate inhalation risks
 - No officially approved method in CA for performing this analysis
 - Little to no regulatory oversight
 - Labs are free to create own process, and regulatory agencies do not have a clear path for holding labs accountable



Concern #3 (cont.)

- Statements from DTSC appear to indicate they believe this certification exists:
- 2003 DTSC Soil Gas Advisory Statement
 - “Although the California Department of Health Services, Environmental Laboratory Accreditation Program (ELAP) does not currently require certification for soil gas analytical laboratories...”



Concern #3 (cont.)

- 2012 Update to DTSC Soil Gas Advisory
 - “The California Department of Public Health, Environmental Laboratory Accreditation Program (ELAP), offers certification for soil gas analysis. ”
 - Then states, “As of the date of this document, the development of a laboratory certification program for soil gas is in progress in California. Once a certification program is available by the California Department of Public Health, laboratories should apply to be certified.”



Concern #3 (cont.)

- 2015 Update to DTSC Soil Gas Advisory
 - Identical to 2012 version with one exception:
 - All mentions of “The California Department of Public Health” have been updated to “The State Water Resources Control Board”
 - ELAP informed us nothing in progress for SG
 - Unclear if ELAP has effectively communicated with DTSC regarding this certification
- Should Drinking Water Division be creating standard for soil gas testing?



Summary

- We are encouraged by preliminary steps taken thus far and are grateful for the efforts of ELAP's current management and staff (truly, we really appreciate you all)
- We desire greater communication between concerned parties regarding the methodology and accreditation framework around SG



Summary (cont.)

- In the long term we remain very concerned about ELAP's ability to service all environmental laboratories instead of just drinking water laboratories
 - Specifically, does the Drinking Water Division organizational mandate effectively prioritize needs of other regulatory/lab partners
 - Resources from only the Water Board may be insufficient to meet needs of industry/regulatory partners



Questions?

