



Pasadena Water and Power

Concerns with using third parties?

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Presented to

EXPERT REVIEW PANEL
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Visible Problems With ELAP

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- 1) The regulations are badly out of date and unenforceable
- 2) The fees are inequitable
- 3) The budget insufficient to support the program
- 4) The On-Site Assessments (OSAs) are inconsistent between assessors and inconsistent with existing standards
- 5) Performance Testing Samples (PTSs) are not being assessed
- 6) Record Handling and Management – disorganized process for handling paperwork, lack of standard procedures.

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Statutes & Regulations

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Article 6. Required Test Methods

§64811. Test Methods.

- (a) Laboratories certified for any Subgroup within **Fields of Testing 1 through 6**, as identified in Section 64823, shall employ those methods found in 40 Code of Federal Regulations Part 141 as amended **July 17, 1992**, 57 Federal Register 31776.
- (b) Laboratories certified for any Subgroup within Fields of Testing 9 through 14, as identified in Section 64823, shall employ those methods found in Article 5, Section 66260.11, Title 22, California Code of Regulations.
- (c) Laboratories certified for any Subgroup within Fields of Testing 8 or 16 through 19, as identified in Section 64823, shall employ those methods found in 40 Code of Federal Regulations Part 136, amended September 11, 1992, 57 Federal Register 41830, or methods stated in any permit issued by a California Regional Water Quality Control Board. If no method is stated in the permit and there is no method cited for the substance in Part 136, the laboratory is to seek approval for the use of the method from the Regional Board issuing the permit.

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Core Problems With ELAP

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Using Contractors?

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**If ELAP Management
Cannot Make Its Own
Employees Conduct
Consistent OSAs, It Will
Not Be Able to Make
Contractors Do It Either**

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Using Contractors?

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- 1) Without Standardized OSAs, Contractors will be Just as Inconsistent as Staff Is
- 2) Using Contractors Just Adds a Layer of Bureaucracy

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Training

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- 1) There are 700 Labs in the ELAP Program
- 2) Most TPAs Already Have Jobs and Do not Live in California
- 3) Contractors Still Need to be Obtained, Trained, Maintained.



Numbers

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- 1) **If it is Not Cost-Effective to Hire More Staff, It will Not be Cost-Effective Retain More Contractors.**
- 2) **Contractors are not Cheaper than Staff**



Standardized OSAs

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- 1) ELAP Does not Have a Standardized OSA Procedure
- 2) There is No Way to Know How Many Staff or Contractors are Needed without Knowing How Much Staff Time is Needed to Conduct an OSA



It is Not That Complicated

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The Lab Field Service routinely Accredits Many More Clinical Labs Than ELAP Does Environmental Labs with its Own Staff. It is Possible.



California Department of
Public Health



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Laboratory Field Services

The Mission of Laboratory Field Services (LFS) is to ensure quality standards in clinical and public health laboratories and laboratory scientist inspection, education, and proficiency testing.

LFS is the primary link between the health of California citizens and quality oriented, accurate and reliable clinical laboratory testing. LFS prov laboratory operations and for the licensed and certified scientists and other testing personnel who perform testing in clinical laboratories.

[Welcome to LFS - Robert J. Thomas, Acting Branch Chief, LFS](#)

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Frequency of OSAs

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There is No Federal or State Law Requiring an OSA Every Other Year

§ 142.10 Requirements for a determination of primary enforcement responsibility.

A State has primary enforcement responsibility for public water systems in the State during any period for which the Administrator determines, based upon a submission made pursuant to §142.11, and submission under §142.12, that such State, pursuant to appropriate State legal authority:

...

(3)(i) The establishment and maintenance of a State program for the certification of laboratories conducting analytical measurements of drinking water contaminants pursuant to the requirements of the State primary drinking water regulations including the designation by the State of a laboratory officer, or officers, certified by the Administrator, as the official(s) responsible for the State's certification program. The requirements of this paragraph may be waived by the Administrator for any State where all analytical measurements required by the State's primary drinking water regulations are conducted at laboratories operated by the State and certified by the Agency. Until such time as the Agency establishes a National quality assurance program for laboratory certification the State shall maintain an interim program for the purpose of approving those laboratories from which the required analytical measurements will be acceptable.

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Frequency of OSAs

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Change the ELAP Regulations

Article 2 Certification and Amendment Process.

Section 64803.

- (a) Certification. A laboratory and its auxiliary or mobile laboratories shall be certified for a 24 month period in the Subgroups within each Field of Testing applied for when all the following have occurred:

ELAP Can Inspect at Any Time If they Need to

100834. (a) In order to carry out the purpose of this article, the department may do all of the following:

- (1) Enter and inspect, on an announce or unannounced basis, a building, premises, equipment, materials, records, or information at a reasonable time to secure compliance with, or prevent violation of, this article or the regulations adopted pursuant thereto.

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2011 ELAP Database

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A. Government

- 1) 190 Public Utility
- 2) 67 Municipal
- 3) 44 County
- 4) 10 Federal
- 5) 10 State
- 6) 3 Special District
- 7) 3 Academic lab
- 8) 1 Tribal
- 9) 1 County Hospital
- 10) Total 329



2011 ELAP Database

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B. Private

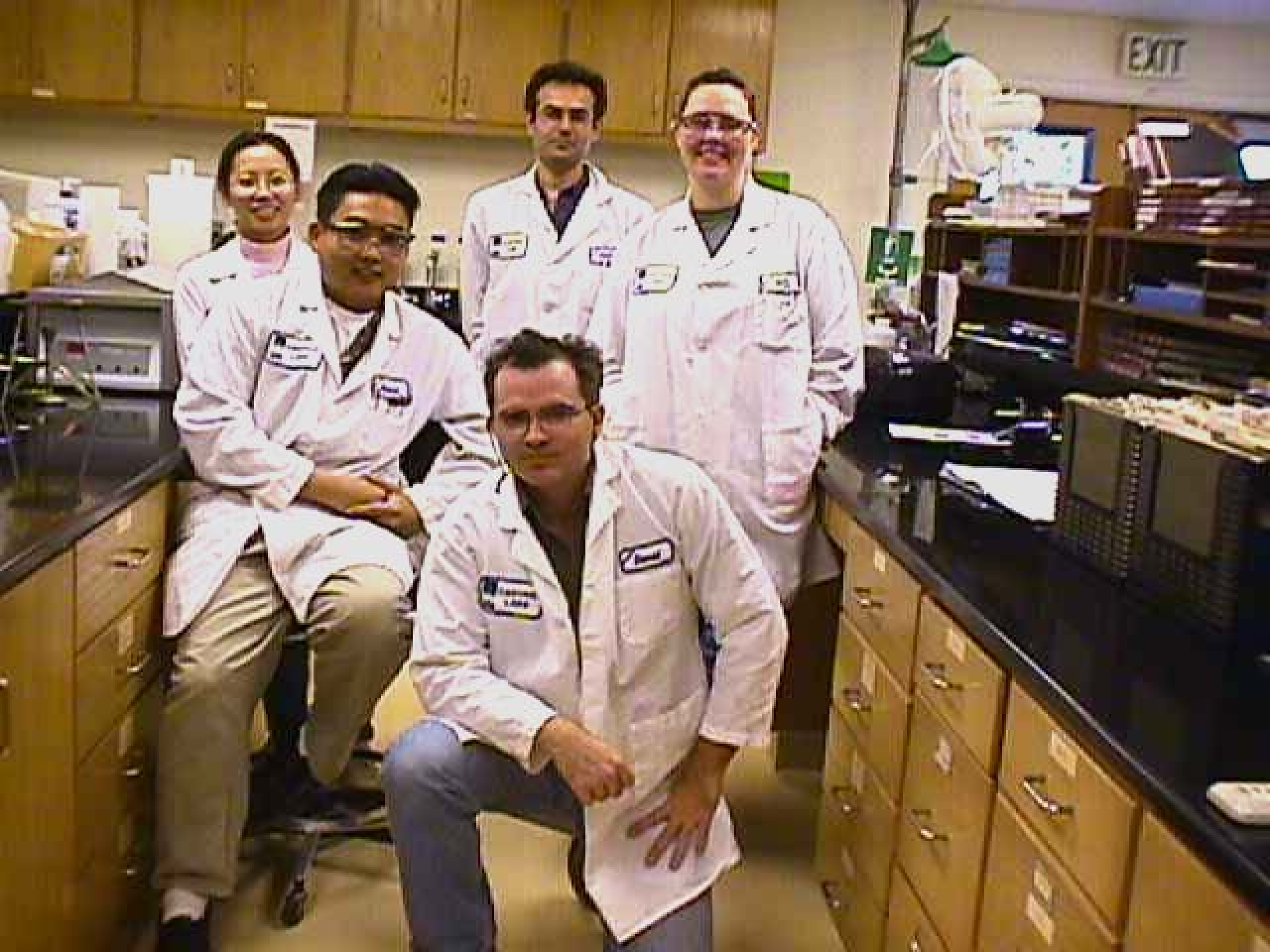
- 1) 238 Commercial (49 Out of State)
- 2) 40 Industrial
- 3) 11 In-House (1 Out of State)
- 4) 6 Private
- 5) 4 Other (2 Out of State)
- 6) Total 299



Typical Labs

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- 1) Same Tests
- 2) Same Equipment
- 3) Same Samples
- 4) Same Staff
- 5) Same Facilities





Distance – Virtual OSA

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Have the Lab Open a Laptop Top and Use Skype or FaceTime



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On-Line Applications?

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Why are We Still Printing Out Forms on Dead Trees and Snail-Mailing them to ELAP?



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Newfangled Stuff

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We are 1/6th of the Way through the 21st Century



*Let's Get on
the Trolley*

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Third Party Accreditors

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Hiring a Chauffeur is NOT the Solution

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SEE OVER

1912?

#13

City of Toronto Archives, Fonds 1244, f1244_10061

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