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Summit Partners:
- Bay Area Clean Water Agencies (BACWA)
- California Association of Sanitation Agencies (CASA)
- Central Valley Clean Water Association (CVCWA)
- California Water Environment Association (CWEA)
- Southern California Alliance of Publicly Owned Treatment Works (SCAP)

September 6, 2018

Felicia Marcus - Chair, Board Members, and ELAP Team Members
California State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Subject: State Accreditation

Dear Chairperson Marcus, Board Members, and ELAP Team Members:

The Clean Water Summit Partners write to express our support for exploring the option of a dual laboratory accreditation program that offers state accreditation as well as TNI accreditation within the Environmental Lab Accreditation Program (ELAP). The Clean Water Summit Partners are the state and regional wastewater associations committed to working together on issues of critical importance to our collective memberships. The Summit Partner associations include the Bay Area Clean Water Agencies (BACWA), the California Association of Sanitation Agencies (CASA), the California Water Environment Association (CWEA), the Central Valley Clean Water Association (CVCWA), and the Southern California Alliance of Publicly Owned Treatment Works (SCAP). Together, our member agencies provide wastewater collection, treatment, and water recycling services to millions of Californians.

As you are aware, the ELAP program provides administrative oversight and serves as a mechanism for community trust in the high-quality scientific data that is utilized for the protection of safe drinking water supplies and the protection of the environment. In 2015, ELAP began development of updated regulations to enhance their administrative oversight. The Summit Partners have been tracking the ELAP regulation development process for nearly three years now, and over that time period we have submitted several comment letters, provided representation on the Environmental Laboratory Technical Advisory Committee (ELTAC), and met with Water Board members and staff on several occasions. Despite significant concerns from the regulated community, ELAP quickly settled on a single standard for the entire state, TNI with two modifications related to proficiency testing and the Technical Manager and has been pursuing that route ever since. The second draft regulations provided to the ELTAC maintain this single track for all of the state's labs. The more reasonable and feasible dual accreditation approach, supported in concept by the Summit Partners, still has not been incorporated or fully considered by ELAP.

Over the last few years, the Summit Partners and our members within the laboratory community have been able to review the administrative requirements of the TNI standard in detail. We have reached the conclusion that requiring TNI for all labs in the state would cause a significant shift in investment from scientific personnel to administrative staff. As we have mentioned in previous comments, this places a substantial burden on all water and wastewater labs, particularly smaller labs with fewer resources, and does little for the protection of water quality and public health. Laboratory work is governed by the underlying statutory requirements that each laboratory is required to meet or seeks to gain proficiency in for commercial purposes. These requirements are at the heart of oversight by ELAP, but fundamentally, laboratories meet these statutory challenges through investment in scientists and technology, not administrative personnel. We have concluded that TNI alone is not the solution for laboratory accreditation in the state of California. For some labs, the administrative burdens and complexities for compliance with TNI simply are unaffordable and will drive them to close entirely.

Instead, we believe that the hundreds of laboratories that our member agencies represent should be governed by the accreditation system that works best for their services to public health and the environment. Larger labs with a wider range of responsibilities and sufficient resources to implement the administrative burdens of TNI should be free to pursue that course. Other labs should be allowed to seek state accreditation without undergoing all of the steps required by TNI. There is already precedent for this approach within State Water Board programs. A dual laboratory accreditation system would mimic the State Water Board's operator certification program, where a tiered requirement structure is flexible to meet the many types of staffing needs at the various levels of drinking water and wastewater treatment and conveyance facilities. Laboratory staffing and certification are not dissimilar from operator certification. The tiered operator certification system works well in California because it addresses the multitude of treatment requirements in the various communities throughout the state, while the regulatory implications of the singular administrative system imposed by TNI does not. Moreover, a dual accreditation system is also in alignment with ELAA §100829(a), which authorizes the State Water Board to "[o]ffer both state accreditation and TNI accreditation, which shall be considered equivalent for regulatory activities covered by this article."

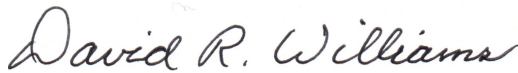
We understand that a dual accreditation could be somewhat costlier to implement, and this may be one reason why it has not been fully considered as part of the new regulatory process. The laboratory community recognizes that ELAP may need more financial resources to provide adequate administrative oversight for a dual accreditation system. The Summit Partners and our agency members could potentially support a reasonable increased fee structure as authorized in the Environmental Laboratory Accreditation Act (ELAA), Health & Safety Code § 100829(f)(1), for the advancement of the state accreditation system. If the development of a fee structure for the ELAP program proceeds simultaneously

with regulation development, we would request that the fee structure options include the fees needed to support a dual (state and TNI) accreditation system.

At present, the second draft regulation that ELAP released to the ELTAC includes the provision for a one size fits all TNI standard alone. We implore you to revise current draft regulations to be in alignment with the ELAA and feature a dual accreditation system that can be supported by the water and wastewater community. The agency members and laboratories represented by the Clean Water Summit Partners are engaging in cutting edge science that will be needed to meet the water quality requirements of the future. Further, the dual accreditation standard will provide for more scientists to meet these challenges while still providing sufficient resources for ELAP to provide ample administrative oversight of California's labs.

We thank you for your time to consider the importance of this proposal, and again offer the resources and experience of the large and robust laboratory community comprising our memberships who stand ready to assist ELAP with drafting an effective state accreditation standard.

Sincerely,



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BACWA Executive Director



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