

Laboratory Accreditation Advisory Committee Meeting
May 23, 2023 9:00 am
Bureau of Laboratories – Room 206
2575 Interstate Drive
Harrisburg, PA 17110

MEMBERS PRESENT

Danielle Cappellini, A.E. Kirby Memorial Health Center (Commercial Environmental Laboratory)
Cristin Geletei, US Steel Clairton Works Lab (Industrial Environmental Laboratory)
David Kohl, CWM Environmental (Environmental Laboratory)
Justin Matincheck, Skelly and Loy (Environmental Engineer)
Molly Campbell, Sharon Sanitary Authority (Wastewater System Member)
Joel Jordan, PA Rural Water (Community Water Supply Member)
Andrew Yench, Penn State University (General Public Member)
Rich Stump, Suburban Testing Laboratories (Environmental Laboratory)
John Stoltz, Duquesne University (Academic Laboratory)
Anita Martin, Chester Water Authority (Water System Member)
Terry Obal, Metiri Group (General Public Member)

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) STAFF PRESENT

Pamela Higgins, Bureau of Laboratories Director
Annmarie Beach, Laboratory Accreditation Program Chief
Yumi Creason, Laboratory Accreditation Program
Virginia Hunsberger, Laboratory Accreditation Program
Ron Houck, Laboratory Accreditation Program
Dawn Hissner, Bureau of Safe Drinking Water
Ezra Thrush, Policy Office
Laura Griffin, Policy Office
High Garst, Policy Office
Leda Lacomba, Bureau of Regulatory Counsel
Jason Minnich, Bureau of Safe Drinking Water

CALL TO ORDER AND ATTENDANCE

The meeting was called to order by Dave Kohl at 9:07am.

REVIEW AND APPROVAL OF 11/22/2022 MEETING MINUTES

Rich Stump called for a vote on the minutes from the November 22, 2022 meeting. The number of members present (9) was sufficient for a quorum. The November 22, 2022 meeting minutes were corrected to mark John Stoltz as present. The corrected minutes were unanimously approved.

NOMINATION OF NEW CHAIRPERSON AND VICE-CHAIRPERSON

Dave Kohl was nominated as the Chair by Anita Martin and, seconded by Rich Stump. The Committee voted to name Dave Kohl the Chairperson Rich Stump was nominated as the Vice-Chair by Dave Kohl and seconded by Cristin Geletei. The Committee voted to name Rich as the Vice-Chairperson

PFAS MCL RULE OVERVIEW

Dawn Hissner, Acting Director of the from the Bureau of Safe Drinking Water (BSDW) gave a presentation on the Commonwealth's PFAS Maximum Contaminant Level (MCL) Rule. Dawn Hissner stated that water systems do not need to start reporting DWELR results until January 2024 Dawn said that if the proposed federal PFAS regulation is promulgated, EPA will allow PA 2 to 3 years for PA to update their current regulations. A member of the public recommended that all stakeholders should make a public comment on the proposed EPA rule. A member of the public asked if labs are analyzing for compliance purposes, do labs report values below 5 ng/L if their reporting limit is below 5 ng/L. Dawn stated that labs should report values below 5 ng/L as 0 but should keep striving to lower their reporting limits in case EPA's reporting limits will be below 5 ng/L Rich Stump asked for a clarification on Dawn's statement. He also stated he feels that reporting 0 if your RL is lower than 5 ng/L is "going backwards".

Dawn stated that all water systems need to be playing on a level playing field. Andy Yencha asked if Pennsylvania has enough capacity to handle all required PFAS monitoring. Dawn stated that the Commonwealth currently has enough capacity but may not if the proposed EPA regulation becomes finalized. Andy Yencha asked if the cost of testing will go down in the future. A member of the public stated that labs will not be adding PFAS testing because PFAS testing is very expensive. A member of the public asked if labs have combined their methods to perform Safe Drinking Water Act (SDWA) compliance testing and Unregulated Contaminant Monitoring Rule (UCMR) testing at the same time. Rich Stump said that Suburban Testing has not because of the differences in the requirements. A member of the public asked if clarification will be sent to water systems if UCMR data can be used for monitoring. Dawn stated that an email will be sent out to clarify by the end of this year.

SAMPLE COLLECTION FOR DRINKING WATER

Jason Minnich Program Manager Bureau of Safe Drinking Water (BSDW) gave a presentation on sample collection for Drinking Water (DW) testing. Laboratory Accreditation Program (LAP) Chief, Annmarie Beach stated that stakeholders with questions can send them to the EP, Labaccredit resource account. She also stated that she and BSDW will meet to revise the Qualified Drinking Water Results Application and include deadlines for review and decisions. A member of the public asked what regulation gives BSDW the authority to inspect laboratories. Dawn Hissner stated that Chapter 109.304 and 109.701 does. The member of the public stated that they do not feel that BSDW understands what is involved when LAP does an assessment of a commercial laboratory. Jason Minnich said that samples which are not collected or documented properly are of no value for compliance testing. Dawn Hissner stated that sample collection requirements are not new. Rich Stump stated that 90% of what is on the BSDW checklist is the same as what LAP reviews during. Dawn Hissner stated this review is about making sure that samples are being properly collected and collected at the proper locations. Rich Stump stated that most sampling plans are not accurate and that this may be part of the problem with sample collection. Dawn Hissner stated that these sample collection inspections are a fluid process and that the process

will be changed and improved over time. Dawn Hissner stated that BSDW wants feedback from sample collectors to improve sample collection. Dawn Hissner stated that some labs have good sample collection SOPs and some have none. A member of the public asked if there will be a mechanism for labs to make comments/recommendations on the sample collection inspection process Jason Minnich stated that there will be a meeting in the future for BSDW to collect comments and recommendations for improving the process. Danielle Cappellini asked if there will be required sample collection training. Dawn Hissner stated that they would like to have training, but that would involve a new rulemaking. Danielle Cappellini stated that the public water systems (PWSs) must also take responsibility for knowing what their sampling requirements are and stated that some of the problems are caused by the members of the water system that are collecting samples. Dawn Hissner stated that the PWSs are being held responsible because if there is a monitoring violation, the water system would receive the Notice of Violation or fines, not the laboratories. A member of the public stated that most of the questions on the checklist have been asked by LAP and noted that it could be redundant for BSDW to ask the same questions. The member recommended that the BSDW send out a questionnaire. A member of the public asked if citations can be put on the checklist and commented that some of the questions have more to do with analysis than sample collection. Dawn Hissner stated that those questions are for getting a better way to process requests to report qualified SDWA samples. A member of the public stated that it would be helpful to have uniform sampling instructions from DEP. Dawn Hissner stated that this information should be in the method. Christin Geletei stated that sampling information is not consistent from source to source. A member of the public stated that AWWA has sampling information. Dawn Hissner stated that DEP can't require labs to use those documents because they are not public documents and they must be purchased. Danielle Cappellini asked if sample site plans can be put into DWELR or available on-line. Jason Minnich stated that they are not in DWELR and that the best place to get them is the District Offices. He also stated that DEP is looking into electronic submission of sampling site plans A member of the public stated that the Department of Agriculture has a sampler certification program. Jason Minnich stated that DEP has talked about that internally, but it would require a change in regulation. A member of the public stated that the water systems are already training and certifying sample collection and that samplers must take a test and that samplers must take training quarterly. A member of the public stated that DEP needs an "enforcement branch for sample collection". Jason Minnich stated that DEP has the Bureau of Investigations for this kind of thing. A member of the public stated that we are all in the business of protecting public health. He also stated that he feels that all labs are being thrown in with the "bad labs". Jason Minnich stated that not all labs are bad but DEP needs to have a program to monitor all labs and all labs must be treated the same. A member of the public stated that some of the water systems his lab deals with refuse to provide them with a sampling site plan. Jason Minnich stated he can reach out BSDW if they are having problems getting sampling site plans from the water supplies or DEP District Offices. BSDW is looking into having sampling site plans to be submitted through OnBase. A member of the public stated that it will be difficult for BSDW to talk with samplers because they are out in the field very early in the morning. A member of the public stated that she knows that some water systems provide them with samples that she knows are collected from the incorrect sites and asks how labs can prove that this is the case to DEP. Jason Minnich stated that it may not be possible without direct evidence. Dave Kohl stated that it seems like BSDW is coming after the labs and that BSDW should use their resources to make sure the water systems have accurate sampling plans. Jason Minnich stated that this is a two-part process and that inspecting the labs is the second part of this process. A member of the public asked how they can bridge the gap between a lab

uploading results to DWELR and the water system getting the emails confirming the upload. Jason Minnich stated that they are looking at changing DWELR so that the person uploading the results get the notifications as well.

OTHER BUSINESS

Annmarie Beach stated that LAP will start to periodically send out email blasts about changes in the Code of Federal Regulations (CFR). Annmarie Beach stated that she received clarification from EPA about EPA 537.1, rev. 2.0. LAP will start accrediting labs to this method because this is the version that EPA will require for PFAS monitoring. She stated that all labs doing PFAS testing will need to apply for and get accreditation for this version. Labs can also be accredited for EPA 533. A member of the public requested clarification on whether or not EPA 537.1, rev. 1.0 can be used. Annmarie Beach clarified that only rev. 2.0 can be used. Annmarie Beach addressed some feedback the Department received from laboratories for the assessment process. She stated that LAP will try to make assessment reports more consistent so that laboratories won't need to address the same finding repeatedly. Annmarie Beach stated that more minor findings will be made recommendations in the assessment report and then follow up with them at the next assessment. If they haven't been corrected then, they will be deviations. Annmarie Beach gave an update on the Chapter 252 regulations. She stated that LAP is working on the fee schedule to include "Basic" categories that cover the accreditation by rule parameters in Chapter 252.6. She also stated that the fees for each "Basic" category will be the same. Annmarie Beach stressed that the LAP wants feedback from labs on the proposed changes to Chapter 252. Danielle Cappellini asked if labs will receive a copy of the revised Ch. 252 proposed regulations. Annmarie Beach stated that the LAAC would review and discuss the proposed changes and send the draft document for public comment.

Annmarie Beach stated that LAP will clarify the ownership transfer section of Chapter 252 to include needed updates to certificates. She also stated that if purely administrative changes will not require the \$350 fee. A member of the public asked when Chapter 252 will be open to public comment. Annmarie Beach stated that it will most likely be in 2025. A member of the public clarified that she is asking when the public comment period will open. Annmarie Beach stated that it will be in 2024.

LABORATORY ISSUES

Rich Stump gave a presentation on his thoughts related to issues being faced by laboratories. Rich Stump stated that the lab community feels the LAP assessment process is holding large labs to a different standard than smaller labs. Rich Stump stated that the lab community feels that they are at the mercy of the LAP assessors and have no recourse. Rich Stump stated that there are types of categories that concern him. The first concern was deviations that labs have no access to the LAP's interpretation of a requirement. The second example is deviations that are not statistically relevant. Rich Stump proposed that a subcommittee be created for labs to work with the LAP to correct those types of deviations. Annmarie Beach stated that she wants the LAP and the labs to work together to improve the labs and LAP's assessment process. She also stated that she welcomes labs contacting her to discuss these issues. Annmarie Beach stated that she is reworking the Assessment Appraisal form to make it more anonymous and more useful for improving the assessment process. Annmarie Beach agreed that these things need to be addressed and that the labs and the LAP need to work together and not against

each other. Aaron Alger stated that the National Environmental Laboratory Accreditation Program (NELAP) evaluation teams will be evaluating assessors more consistently. She also stated that NELAPs overhauling the Accrediting Body (AB) evaluation process. Aaron Alger stated that a proposal to create an ombudsman between labs and NELAP ABs has been made. Dorothy Love stated if “administrative” findings will be deviations if they are found the second time, they are no longer recommendations. She also stated that there should be a “statute of limitations” for repeat deviations. Annmarie Beach asked why repeat deviations are not corrected by the labs. Dorothy Love stated that deviations are written so broadly that repeat deviations are almost inevitable. Dave Kohl recommended that the LAAC try to form a subcommittee outside of the meeting through the EP, Labaccredit resource account.

CLOSE OF MEETING

Dave Kohl asked for a motion to adjourn. Rich Stump seconded the motion. The Committee unanimously voted to adjourn. The meeting was adjourned at 12:10 PM. The next meeting is scheduled for November 14, 2023 at 9 am.