

September 6, 2006

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Benjamin Grumbles
Assistant Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, MC 4101M
1201 Pennsylvania Ave, NW
Washington, DC 20460
Via Facsimile

Dear Ben:

The National Association of Clean Water Agencies (NACWA) has recently learned that the National Environmental Laboratory Accreditation Conference (NELAC) is requesting that the U.S. Environmental Protection Agency (EPA) partner with the Conference to implement a national lab accreditation program and mandate that all environmental compliance monitoring data be generated by labs accredited by the program. As you may know, many publicly owned wastewater treatment agencies operate their own laboratories, some of which are among the top environmental labs in the country. Accordingly, NACWA's members have tracked NELAC's efforts to develop a voluntary accreditation standard since the Conference was created with the financial and staffing support of EPA's Office of Research and Development. NELAC's recent efforts to establish itself as a self-sustaining organization and have EPA mandate a national accreditation program based on some form of the NELAC standard, are raising serious concerns among the NACWA membership.

The concept of a mandatory national lab accreditation program was initially outlined in a document entitled *A Proposed Partnership to Achieve Data Quality Assurance through a National Laboratory Accreditation Program*, dated May 25, 2006, and authored by a committee formed by the NELAC Board of Directors. Based on a review of this document and the input from its members who have spent the last ten years trying to improve the effectiveness of NELAC, NACWA believes that it would be premature for EPA to seriously consider this proposed national accreditation program.

NACWA is most concerned about the lack of municipal input into NELAC's proposal and the development of the current standard and believes that significant improvement is needed before a national accreditation program could be developed. NACWA is requesting that public wastewater treatment utility representatives be included in any future discussions regarding national laboratory accreditation to ensure that local government perspectives and concerns are adequately communicated.

NACWA's primary concerns with the proposal are as follows:

- The May 25, 2006, NELAC proposal claims that its authors represent “a broad spectrum of federal, state *and regulated community stakeholders.*” However, a review of organizations represented by the authors makes it clear that the input of municipal government labs was not included in the document. Municipal government laboratories are a significant part of the NELAC-regulated community, and the proposal does not represent the interests of municipal government or a majority of the stakeholders. The NELAC process, to date, has not been consensus-based. Only representatives of state and federal government have been allowed to vote on the laboratory accreditation standard now in place. Municipal representatives have never been allowed to vote on standards or be members of the NELAC Board of Directors and were rarely represented on NELAC committees during the years prior to standard adoption despite requests to participate.
- The current standard was developed based on the interests and perspectives of attendees at a series of conferences, dominated by commercial labs, proficiency test sample providers, as well as state and federal government officials. Municipalities were frequently under-represented at these conferences prior to development of the current standard.
- NELAC and the corresponding lab accreditation standard have never been quantitatively linked to data quality despite the claims of NELAC. NELAC has failed to confirm through any study that its products provide data of “known” quality or even quality higher than what already exists.
- The NELAC standard is not performance-based. The Environmental Laboratory Advisory Board, a Federal Advisory Committee, has communicated to EPA its support for the performance-based approach and countless comments have been provided at NELAC meetings defining the benefits of such an approach. Despite these comments, NELAC products are overly prescriptive and preclude broad adoption across states or national programs and implementation among small municipal labs.

NACWA believes that a national accreditation program based on the NELAC standard, or any standard developed and implemented in a similar manner, will fail to ensure the quality of environmental lab data and will create an unjustified burden for municipal laboratories. NACWA supports the concept of a national accreditation program, but such a program should be guided by EPA and based on a standard that adequately represents the perspectives and capabilities of all stakeholders, is strongly linked to data quality, and is truly performance-based. The current NELAC standard fails to meet these criteria.

NACWA is aware that NELAC is proposing a new standard, but sufficient detail on the nature of this new standard has again not been made available to all stakeholders. NACWA requests that municipalities be represented in any future discussions regarding national laboratory accreditation and welcomes the opportunity to meet with you and your staff on these issues. If you have any questions or would like to discuss this further, please contact Chris Hornback, NACWA's Senior Director of Regulatory Affairs at 202/833-9106.

Sincerely,



Ken Kirk
Executive Director

cc: Michael Shapiro, EPA