

# CONNECTICUT ENVIRONMENTAL LABORATORY ADVISORY COMMITTEE

## MEETING MINUTES

March 10, 2006

<b>Attendees:</b> Abdel Halim El-Sayed	MDC – Microbiologist
Phil Rusconi	Premier Laboratories
Jeffrey Curran	Dept. of Public Health
Kim Maloney	Town of Wallingford
Barbara Obert	Baron Consulting Co.
Dermot Jones	Dept. of Public Health
Kevin Miller	Fuss & O’Neill Inc.
Bert Gueser	ACT
Peter Frick	STL Connecticut
Greg Lawrence	EAS Laboratories
Donna Ruokonen	Northeast Laboratories

### **Administrative:**

1. The meeting was called to order at 9:33 AM.
2. Introduction of new members – Greg Lawrence. Donna Ruokonen attended in place of Dr. Ullman.
3. Acceptance of January meeting minutes. Minutes accepted and seconded.

### **Old Business:**

4. Committee will be working on rewriting Environmental Laboratory regulations as the main agenda item.

### **DPH Update**

5. (Jeff) Preservation of volatiles in soil method has been finalized. You can read the guidance and public comments on the EPOC website. SPLP and TCLP type samples can use EnCore samplers with freezing. Committee met to discuss alternatives. They will also do an evaluation study in which they will assess methods that would minimize handling and the loss of volatiles.
6. (Kevin) Would like to see a less expensive method. A thirty foot core with a sample taken every two feet would need \$150.00 worth of disposable samplers.
7. (Bert) SW846 method 5035 is a good method but good to very good should be good enough. It is far better than not having the site get cleaned up at all.
8. (Jeff) Would like emails with ideas on this subject.
9. (Jeff) There is a bill raised in a legislative committee in which an amendment is proposed to the statutes on private wells. The Bill, #5792, proposes that if private wells are to be tested then the CERCLA Hazardous Substance list be used. The

- bill is not intended for use in real estate transactions. The DPH is against using the entire CERCLA list, however, is recommending testing for volatiles.
10. (Abdel) This amount of testing is not required for nontransient noncommunity water systems. It would appear to be over burdensome.
  11. (Kevin) Fuss & O'Neill developed a map for the DEP in which highly susceptible areas are identified.
  12. (Jeff) Art Clark, EPA Region 1 office, in a correspondence with Mike Shapiro, EPA Office of Water, stated that ELAP recommended that states drop the Drinking Water Laboratory Certification manual in favor of the NELAC manual. If Connecticut DPH were to adopt NELAC, it would have to hire another inspector or drop its soil and hazardous waste programs. This would be a step back for the state.
  13. (Bert) Even if the state doesn't use NELAC in its entirety, it could still use the checklists and tools.
  14. (Dermot) NELAC incorporates more document review than face-to-face interviews.
  15. (Peter) Money spent on NELAC would be better spent giving it to the DPH.
  16. (Greg) NELAC must be followed entirely or not. It is not conducive to small labs and it doesn't improve data quality.
  17. (Donna) NELAC certification is very cumbersome, more now than at the start. It does support and overlap pharmaceutical, dairy and some industrial programs. It is also very valuable for court justifiable results.
  18. (Peter) The program looks more involved than it actually is. The lab still does the same amount of quality controls; they are just looked at on a more consistent basis.
  19. (Abdel) Other industries use more in-depth programs. Environmental standards are a bit less developed.
  20. (Dermot) Two tiers still exist for NELAP. For example, lead in drinking water by ICP only has NY approval.
  21. (Jeff) It is still only a proposal.

**New Candidates:**

22. (Phil) There are ten standing members and only one open position. The committee discussed the resumes and candidates.
23. (Jeff) Should Richard Kobylenski wish to resign his position, then a motion to accept his resignation is proposed. Motion accepted.
24. (Phil) Donna is accepted as a new member. Terry and Xie are both acceptable candidates; when an opening becomes available, they will be notified.
25. (Jeff) Will send letters of acceptance to the new committee members.
26. (Kim) Will email the by-laws and 2006 meeting schedule to the new members.

**Update of making CTELAC committee a private organization:**

27. (Jeff) This is pending. This subject will be brought up at a later date.

## **New Business:**

### **2006 Officer Elections**

28. (Phil) Kevin Miller for Chair, Phil R. for Vice Chair and Kim Maloney for Secretary. All officers are accepted

### **Re-Write Environmental Lab Regulations**

29. (Jeff) Last revision to the enabling statutes was in 1994.
30. (Adel) The statutes dictate that if there is a change in director in the laboratory, then a full renewal application is necessary.
31. (Dermot) The Public Health Code further defines jurisdiction and details on these issues. Aquatic toxicity labs fall under DEP.
32. (Jeff) Dairy labs must be approved by an FDA inspector, which the DPH doesn't have.
33. (Bert) Industrial Hygiene laboratories should be looked at because of air testing. They have a strong accreditation program but the statutes say that they should be environmental laboratories.
34. (Kevin) There is a disconnect between actual PELs, detections limits and environmental labs for air testing due to OSHA regulations. Ninety percent of OSHA regulations carry a risk for human health.
35. (Abdel) Section e. of the statutes states that if information is only used within the company. This should mean that the MDC should not have to be DPH certified.
36. (Dermot) The MDC's data is sent to the state and therefore must be certified.
37. (Jeff) Using Massachusetts' regulations as a guideline, the re-write task can be broken down into sections. The regulations should be not too specific but more specific than just "adequate facilities to perform analysis".
38. (Bert) Might want to refer to "standards" stating that they could be occasionally revised.
39. (Dermot) We don't want the regulations challenged at a later date. Rhode Island has a subsection of Technical Standards, which only needs a Commissioner's approval.
40. (Bert) Has there been instances where the DPH needs to take legal action against a laboratory and wasn't able to?
41. (Jeff) Nowhere does it state that the DPH has the authority to close down a facility; only revoke their certification.
42. (Dermot) In section 25-40 of the statute, all the DPH can do is fine \$100.00 and only for water and sewer.
43. (Jeff) The biennial fee structure could be changed to cost per matrix.
44. (Abdel) The fee is for registration only. A laboratory could be surcharged for the number of analyses performed per year.
45. (Phil) The record keeping work could cost more than the fee.
46. (Dermot) Fee changes would have to go to legislation.
47. (Jeff) *Project Overview of the Regulation Re-Write*
  - Actual changes to the statutes can be tackled at another time.
  - Attack regulations first. Break it up into pieces, (facilities, proficiency testing, qualifications of personnel).

48. (Bert) Adding more regulations may actually hamper the DPH's job. The DPH already has a good working system.
49. (Jeff) The department would like to have the authority to force a lab to comply when substandard work is being performed. For next meeting, let's get an outline of the sections and add bullets to them. Will email Massachusetts regulations to all committee members.
50. (Dermot) Will email Rhode Island regulations to committee members.
51. Meeting adjourned at 12:00PM. Next meeting is April 3rd at 9:30AM at the MDC Training Center.

#### 2006 Meeting Dates

April 3<sup>rd</sup>  
May 3<sup>rd</sup>  
June 2<sup>nd</sup>  
July 7<sup>th</sup>  
August 4<sup>th</sup>  
September 1<sup>st</sup>  
October 13<sup>th</sup>  
November 3<sup>rd</sup>  
December 1<sup>st</sup>

Submitted by: Kim Maloney