

# Coalition of Accredited Laboratories



## VIA EMAIL

February 8, 2019

Mr. Darrin Polhemus, Deputy Director  
California State Water Resources Control Board  
Division of Drinking Water

Via Email to: [Darrin.polhemums@waterboards.ca.gov](mailto:Darrin.polhemums@waterboards.ca.gov)

[RE: 3<sup>rd</sup> Draft of ELAP's Proposed Regulations](#)

Dear Mr. Polhemus:

The Coalition of Accredited Laboratories (CAL) is an organization representing the community of laboratories accredited in the State of California for compliance testing as required by California environmental regulatory agencies. CAL is dedicated to safeguarding public health and the environment; bridging the gap between regulatory agencies and accredited laboratories; and providing education, training, and outreach to the community of accredited laboratories. CAL represents both large and small laboratories, those that are publicly owned as well as investor owned, and laboratories in all parts of the state.

ELTAC held a scheduled meeting on December 13, 2018. At this meeting, Amber Baylor, William Ray and Steven Jepsen gave a presentation on their TNI-lite rewrite of the ELAP regulations that would be ostensibly more cost-effective to ELAP-certified laboratories, compared to ELAP's 3<sup>rd</sup> Draft Proposed Regulations (DPR). ELTAC voted to form a sub-committee, which is subject to the Bagley-Keene Open Meeting Act, to develop a recommendation to ELAP regarding the proposal.

During this meeting, the DELAPO Christine Sotelo, stated that ELAP is 'not married' to TNI and is open to an acceptable alternative that has all the critical elements for a quality management system. ELAP would require an ELTAC consensus to present the alternative proposal to the State Water Resources Control Board. Ms. Sotelo stated that the proposal would have to be vetted by ELTAC and approved by the Board prior to the start of the rule-making process. Since then, the sub-committee has met and is working diligently to develop their recommendation to the proposal.

However, on December 18, 2018, the third draft regulations were released and the (extended) deadline to submit public comments from the public is February 8, 2019. It is concerning that ELAP went ahead and released the draft regulations without the input of the ELTAC sub-committee, which was voted upon just five days prior. Moreover, the third DPR does not include any of the recommendations from

the ELTAC sub-committee that was formed specifically to develop an alternative proposal to the draft regulations.

Mr. Polhemus, we sincerely request that you allow the time needed for the ELTAC sub-committee to submit their recommendations that they were requested to prepare. The DPR is simply not workable. With the ELTAC sub-committee working together, as directed by Ms. Sotelo and ELTAC, a truly workable and agreeable set of draft regulations can be brought forward, if given the time to do so. Ms. Sotelo has mentioned many times that the success of this effort relies heavily on stakeholder buy-in and support. The next ELTAC meeting is April 17, 2019. That would be an excellent opportunity for the sub-committee to present their work to the Division of Drinking Water and the broader laboratory community.

We thank you for your careful attention to the issues raised in this letter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "D. Kimbrough". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke extending to the right.

David Eugene Kimbrough, Ph.D. President, CAL