



February 16, 2022

Christine Sotelo  
Environmental Laboratory Accreditation Program (ELAP)  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

VIA EMAIL: [Christine.Sotelo@waterboards.ca.gov](mailto:Christine.Sotelo@waterboards.ca.gov)

**Subject: Request for ELAP Guidance on Proficiency Testing Requirements**

Dear Christine Sotelo:

The Bay Area Clean Water Agencies (BACWA) is reaching out to you to request clear guidance regarding proficiency testing (PT) requirements under the Environmental Laboratory Accreditation Program (ELAP). In recent weeks, our members have expressed uncertainty over ELAP's requirements regarding PT reporting to obtain accreditation for specific Fields of Accreditation (FOAs), which is contributing to increased costs and uncertainty for laboratories. BACWA believes that ELAP should work quickly to issue additional guidance and improve transparency, as explained below.

BACWA is a joint powers agency whose members own and operate publicly-owned treatment works and sanitary sewer systems that collectively provide sanitary services to over 7.1 million people in the nine-county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health. BACWA's Laboratory Committee is one of nine committees that meets regularly to share information among BACWA members. The BACWA Laboratory Committee also hosts training opportunities for members, including a monthly training session devoted to implementation of TNI standards. The BACWA Laboratory Committee has enjoyed a positive working relationship with ELAP, and is grateful for the time that ELAP staff have contributed to our committee – for example, by presenting to the committee at our February 2021 virtual meeting. This letter is provided in the spirit of collaborating with you on improving laboratory quality and procedures.

As explained above, BACWA has identified two specific issues where additional ELAP action is requested.

- 1. Improved guidance on how to choose and report the method by which laboratories analyze a PT sample.**

Several BACWA member laboratories have recently been notified by ELAP that they did not correctly report the method associated with a PT result. This issue was identified after these laboratories had submitted their renewal applications and close to the end of ELAP's 90-day review period. This did not provide much time for the laboratories to perform and report another PT, putting their accreditation for an FOA at risk. In addition to complying with state and regional requirements regarding laboratory analyses used for regulatory purposes, laboratories must also comply with federal requirements such as those prescribed in 40 Code of Federal Regulations part 136 (40 CFR 136). As a result, laboratories may think it prudent to report PT results by federally approved methods, such as those listed in 40 CFR 136, the expression of which may or may not exactly match that in ELAP's FOA tables. This discrepancy is at the root of the confusion that many laboratories have regarding PT method reporting. This confusion is further amplified when ELAP's FOA table methods are out of date compared to the versions prescribed in current federal regulations, as is currently the case with 40 CFR 136. While ELAP has previously issued statements that laboratories must report PT results by the methods exactly as they are listed with the FOAs, these statements may not have reached all BACWA member laboratories, and therefore additional support and specific guidance would benefit the laboratory community.

## **2. Improved guidance on how to report PT results when ELAP's FOA tables are revised during a laboratory's certificate renewal year.**

ELAP has recommended that laboratories perform PT sample analyses well ahead of their application due dates during renewal years. Most recently on January 25, 2022, ELAP provided BACWA with an Excel spreadsheet ('ELAP Timeline Guidance\_1.0.xlsx') suggesting that PTs should be performed approximately nine months in advance of certificate expiration dates. This allows ample time for laboratories to perform corrective action and PT reanalysis if there is a failure.

However, this also means that there is a multi-month period between PT reporting and the submittal of a complete renewal application to ELAP. Laboratories are concerned about the acceptability of the methods used to report PT results in the scenario in which ELAP revises FOA tables during this multi-month period. Laboratories will have complied with the requirement to report PT results by the methods listed with the FOAs at the time of PT reporting, but not all of these methods will match those in the revised FOA tables the laboratories must submit with their renewal applications. ELAP has not issued clear guidance on what is expected of laboratories in this situation.

In response to the two issues described above, BACWA requests that ELAP take the following actions:

- a. Perform an initial review of renewal applications, specifically a review of a laboratory's PT results for acceptability, and as a courtesy notify laboratories of any discrepancies at the beginning of the 90-day review period. Given the uncertainty due to the two issues described above, ELAP should give laboratories an opportunity to rectify errors and avoid unnecessarily jeopardizing a laboratory's accreditation status.

- b. Provide ample advance notice if the method listed with an FOA is going to change (e.g., 60 or 90 days) and communicate what will be expected of laboratories in each year of their accreditation period to acceptably report PT results.
- c. Provide revision history for FOA tables to clearly indicate the revision number, date, and changes made. Revision dates should be clearly identified on Excel FOA tables, not just in a footer that is only visible when printed. Revision dates listed on the website sometimes do not match the dates internal to the FOA table, adding uncertainty to the application process. For example, the website lists [Table 109: Metals and Trace Elements in Non-Potable Water](#) – updated August 31, 2021, but when the Excel file is printed the revision date is listed as 8/27/2021.
- d. Provide greater transparency about the schedule for implementing EPA’s 2021 Method Update Rule (MUR) to 40 CFR 136, so that laboratories can consider this when planning PT analyses. ELAP has been slow to implement the 2021 MUR, and while BACWA’s preference is for ELAP to move with greater speed, we understand that delays can be inevitable. Our request for greater transparency will mitigate the impact of this delay on laboratories.
- e. Create new “Frequently Asked Questions” on ELAP’s website that would address common PT problems that have come up in the past, including when laboratories should report PT results using the method listed on the laboratory’s current certificate and when to use the FOA reference on ELAP’s website.

We appreciate your attention to our comments. If you have any questions or would like to discuss further, please contact our Laboratory Committee leadership, Nicole Van Aken ([nvanaken@fssd.com](mailto:nvanaken@fssd.com)) or Samantha Bialorucki ([samantha.bialorucki@cityofpaloalto.org](mailto:samantha.bialorucki@cityofpaloalto.org)).

Respectfully Submitted,



Lorien Fono, Ph.D., P.E.

Executive Director

Bay Area Clean Water Agencies

cc: BACWA Executive Board  
Nicole Van Aken, Chair, BACWA Laboratory Committee  
Samantha Bialorucki, Vice Chair, BACWA Laboratory Committee  
Christopher Hand, ELAP  
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