

March/April 2010

ACIL



In This Issue

NIST's Role in Standards

Value of Independent Testing

Environmental Lab
Accreditation

Upcoming Section Meetings

This issue contains coverage of the ACIL-NACLA Mid-Winter Meeting. If you were not able to join the 80 plus participants, or need a refresher on information that impacts your business, below are synopses of this year's presentations with links to presentation materials. In 2011, this meeting will move to March as the ACIL Spring Meeting.

Standards and Conformity Assessment Issues in Legislation, Regulation and Trade

Deputy Assistant Secretary for Manufacturing and Services at the U.S. Department of Commerce's International Trade Administration (ITA), Mary Saunders, briefed the membership on her role as an advocate for business, enforcing trade compliance and increasing export opportunities with the current focus on Brazil, Russia, India and China, China, China.

Mary noted the U.S. government's increased interest in standards and testing of imports, especially after the problems encountered with seafood and toys, while minimizing technical barriers to trade and building confidence in U.S. testing, so that our results are more readily accepted in foreign markets. ITA is working with U.S. Trade Representative (USTR) Ron Kirk on a special report on foreign technical barriers due out later this year.

To further expand exports, USTR also intends to begin negotiations on an Asia-Pacific trade agreement know as the Trans-Pacific Partnership (TPP), initially including Australia, Brunei, Darussalam, Chile, New Zealand, Peru, Singapore and Vietnam. President Obama's National Export Initiative includes cabinet-level coordination and increased funding aimed predominantly at small- and medium-sized businesses to double exports in 5 years and support 2 million jobs.

For those interested in expanding operations into other countries, ITA provides support, including a sustainable manufacturing portal on its website and lists of government assistance programs. ITA's Office of Competitive and Economic Analysis needs data to determine the effect of domestic and foreign policy on business

ACIL's On the Move Again

Our new mailing address is 1875 I St. NW, Suite 500, Washington, DC 20006. Effective March 15, we will begin noting on all invoices and the website (where applicable) to mail **payments** to: ACIL, P.O. Box 223591, Chantilly, VA 20153-3591. This new arrangement will keep costs low and allow us to provide you with the most value for your dues dollar.

ACIL Database Upgrade Nears Completion

Your ACIL staff is busy migrating data into our new database and getting trained on new software to better serve you. Expect to receive a personalized email regarding the software upgrade along with your new username/password in the coming weeks.

competitiveness. Mary hopes to expand the data captured with help from ACIL and its members.

Mary told the group to look for increases in exports in clean energy, including renewable energy, advanced machine tools as specific markets improve and electrical and electronic products, specifically in the telecommunications and information technology areas. For more information on Mary's presentation, [click here](#).

NIST's Role in Documentary Standards and Conformity Assessment

According to Gordon Gillerman, Chief of the Standards Branch for the National Institute of Standards and Technology (NIST), the nexus of Federal government standards, industry and trade is causing a challenge for NIST. The dynamics of trade during the last decade continues to fuel rapid change. Combined with the increasing number of applicable standards per device, managing the approach to testing and certification becomes extremely complicated. NIST faces this daunting task during an economic downturn, which strains resources to develop standards and policies.

NIST works with the private sector to make sure that standards meet industry needs, putting private sector standards first before developing government ones as noted in the National Technology Transfer and Advancement Act (NTTAA). To facilitate trade, NIST advocates the use of international standards on which to base testing and certification.

Since the toy recall in 2007, testing redundancy is on the rise with new ASTM, ISO EN and Federal government standards and retailers doing additional testing. NIST wants a single proficiency testing program for all laboratories. The Toy Industry Association is developing a comprehensive safety program that adds hazardous analysis and pushes redundant resources further upstream to catch problems earlier.

Smart Grid is cropping up internationally, and the Energy Independence and Security Act (EISA) specified NIST to coordinate Smart Grid standards. NIST has drafted a road map, created a standards panel and convened its first testing and certification committee meeting in mid-February. Interoperability issues led to multi-tiered testing approach as conformance testing alone is inadequate. NIST will also publish a request for comments in an upcoming Federal Register for both an initial and sustaining approach for the testing and certification of software for interoperability of health records.

NIST receives information from NAFTA and WTO about changing standards. This information is available via automatic e-mails through the Notify U.S. program. To register to receive these e-mails, go to <https://tsapps.nist.gov/notifyus/data/index/index.cfm>, sign in, then specify sectors and countries.

ACIL/NACLA 1825 Guide Available for Purchase

This guidance on laboratory accreditation and standards comparison with ISO/IEC 17025, AASHTO R-18 and NISTR 7012 facilitates laboratory accreditation, and includes requirements of U.S. specifiers. ACIL members enjoy the reduced price of \$25 for an electronic copy and \$50 for a hard copy. Non-member prices are \$100 for an electronic copy and \$200 for a hardcopy. To purchase this document, [click here](#).

International Opportunities

William Jones from Zephyr International opened his company's first overseas office in Dubai, starting as a subcontractor and growing to become a substantial revenue source for his company over the last 6 years. In Dubai, part of the United Arab Emirates, Americans are viewed as superior to other nationalities, many of whom perform jobs poorly in comparison.

Since we are seen as extremely competent, other countries are eager to hire Americans, but you have to show that you are interested in their region. To do so, the U.S. Commercial Service offers a Gold Key, which is like a personalized trade mission, at a minimal cost.

To view Gordon's presentation, [click here](#).

Concerns for Business in the Second Session of the 111th Congress

John Satagaj, president of the Small Business Legislative Council, shared his insights on the politics of Capitol Hill and predictions on future business trends. According to John, we have a dysfunctional Congress right now.

The Democrats, and Harry Reid (D-NV) in particular, hope to pass the smaller 35-page tax relief bill that increases the direct expense reduction to \$250K, includes highway spending, promotes buying American savings bonds and gives a job tax credit. He anticipates a job tax credit passing eventually as well as an R&D credit, but does not see other tax relief. In fact, he predicts that the President's commission to study the deficit will recommend a tax increase likely hitting the high end of personal incomes.

On the Consumer Product Safety Improvement Act, John predicts a course correction because the act is unenforceable based on the language in the current legislation. But now that the government is in charge of safety standards, expect them to continue in that role.

John predicts that after this recession subsides, jobs will move permanently overseas. Future generations will need to leave the U.S. to find work. We abandoned domestic manufacturing as part of our trade policy and now our manufacturers are struggling to stay afloat. They have cut staffing levels, so our workforce is no longer competitive in that sector.

Value of Independent Testing Promotion

Walter Poggi (Retlif), Chair of the Government Relations Committee, noted the willingness of the Federal government to learn about the capabilities of third party independent testing laboratories. This is needed to combat the manufacturers' push for self declaration and maintain a balance between third party testing and self declaration of conformity.

The promotion positions testing laboratories as a national resource with interviews from many ACIL members detailing laboratory contributions to public health and safety and outlining ways to improve the dialog with regulators. At the Mid-Winter Meeting, The McLean PR Group recorded stories from many of you to be used in the final 5-minute video.

ACIL plans to release the video this Fall, perhaps in conjunction with World Standards Day, followed by Congressional outreach. Phase Two of this project will include interviews with laboratory customers, discussing ways that third party testing supports their businesses. To view Walter's presentation, [click here](#).

For more information on this presentation, [click here](#).

Peter Gourlay from the Maryland-Asia Environmental Partnership assembles groups of government personnel, companies, scientists and academia to go to Asia because funding is easier to get this way. Focusing on economic development, such as tourism, provides opportunities to guide countries toward minimizing the environmental impact of industrial development. For more information on this presentation, [click here](#).

Water Missions Helps in Haiti

Water Missions International (WMI) sent a 6-person immediate response team following the devastating earthquake in Haiti, and have since gotten many Living Water Treatment Systems up and running to provide clean water to the Haitian people. Any ACIL members interested in assisting with the ongoing need for help in Haiti, please contact Molly Greene with WMI.

In Memoriam

Roger W. Crecey (Brandywine Research Laboratories) passed away

Green Marketing

Discussing this up-and-coming market for testing services, Joshua Mooney, an attorney for Ballard Spahr, noted the increased pressure on the FTC to monitor green claims as Congress strives to ensure that the public receives value when purchasing eco-friendly products.

At a recent Congressional hearing, ANSI stressed the importance of standards and independent testing to verify green claims. Currently, it is unclear whether the government or private sector will provide accountability or standards development, but independent tests will be required to substantiate green claims and mitigate the liability of suppliers.

In 2011, Walmart will require suppliers to provide the "cost to the environment" for its products with spot audits to verify claims. The Green Building Council runs a voluntary program to certify green or LEED buildings, and the FTC publishes Green Guides, which interpret the laws administered by the FTC.

For more information on this new market for laboratory services, [click here](#).

on January 17, 2010 peacefully at his home in Newark, DE. Roger and his wife Karen, both PhD chemists, were strong supporters of ACIL and especially the Eastern Division. Both held various leadership positions in the division and both hosted and co-hosted several Eastern Division meetings. Roger maintained close ties with the University of Delaware, where he was at the forefront of Magnetic Resonant Imaging research. May Roger rest in peace, especially now that he is with Karen, who passed away several years ago.

News on Environmental Laboratory Accreditation

At the January Forum on Laboratory Accreditation and Environmental Laboratory Advisory Board (ELAB) meetings in Chicago, over 190 people participated in discussions to foster the generation of environmental data of known and documented quality. At this meeting, The NELAC Institute (TNI) decided to provide templates for laboratories to use in developing their quality manuals and standard operating procedures.

Since the TNI standards slated for implementation in 2011 are based on ISO 17025, laboratories must have a continuing improvement program. Assessors noted acceptable ways to demonstrate continuing improvement, such as process mapping, control charts, internal audits and tracking corrective actions when deficiencies are found.

TNI established a Small Laboratory Advocacy Group (SLAG) to serve as a voice for the small laboratory community. Laboratories are characterized as small by limited staffing, limited number of methods performed, limited scope of testing, etc. More information on SLAG can be found at <http://nelac-institute.org/slag>.

David Spies (Accutest) continued his work at this meeting as chair of an ELAB work group collaborating with U.S. Environmental Protection Agency (EPA), Office of Resource Conservation and Recovery (ORCR) to reduce redundancy in accreditation for essentially identical SW-846 methods. Specifically, this group currently seeks to clarify when revised methods are technical improvements over the original method versus improvements to

Congratulations Allison!

Congratulations to Allison MacKenzie (E.S. Babcock & Sons, Inc.) for winning the 2009 Spirit Award as Service Industry Entrepreneur presented by Cal State San Bernardino for leadership, innovation and business acumen of entrepreneurs.

Scenes from the Mid Winter Meeting

encourage the regulated community to use the revised test.

Other topics at the meeting included:

-
- Determining whether two proficiency testing studies per year, per method is justified
- Ensuring that all state Accrediting Bodies (ABs) meet the 2003 NELAC standard, and provide consistency in the quality of assessments
- Clarifying the requirements and amount of flexibility given to the laboratory when employing Clean Water Act and Safe Drinking Water Act methods, and problems in the consistency of method modification approvals across EPA Regions
- Expanding national accreditation to address field sampling and measurement organizations (e.g., stack testing)

The next TNI meeting is scheduled for Washington, DC on August 9-13, 2010 as part of the Environmental Measurement Symposium with the National Environmental Monitoring Conference (NEMC), followed by Savannah, GA on February 4-7, 2011. ELAB public meetings will also be held in conjunction with these two meetings. For more information on this meeting, [click here](#).



Upcoming Section Meetings

Section	Date	Time
CMET	Thursday, March 11	2:00pm EST
	Thursday, April 8	2:00om EDT
FSS	Wednesday, March 17	3:00pm EDT
	Wednesday, April 14	3:00pm EDT
ESS	Thursday, March 18	11:00am EDT
	Thursday, April 15	11:00am EDT
CAS	Monday, March 29	11:00am EDT
	Wednesday, April 21	11:00am EDT

Construction Materials and Engineering Testing (CMET) Section

The CMET section assembled leaders from several CMET accrediting bodies (ABs) for this meeting, including Dave Savage from CMEC, Bob Lutz from AASHTO, Pete Unger from A2LA and Doug Leonard from NACLA. After reviewing their current activities, which included Bob Lutz providing ACIL members with a preview into the upcoming revisions to R-18 in 2010, Doug Leonard reviewed the ACIL-NACLA Guide 1825. This led to a discussion on the accreditation program as a whole and how R-18 and ISO 17025 will affect future accreditation as well as NACLA's overall role in the accreditation process, resulting in a better understanding by all. The ABs and section members also discussed how to handle laboratory violations and the legal implications of their actions.

Mike Rafalowski gave some insight into the activities of FHWA for 2010 and anticipated spending levels. The meeting concluded with a preliminary discussion on the Testwell legal case in New York. The CMET Section plans to further discuss this at a future meeting once the court case and judgements are final.

Conformity Assessment Section (CAS)

The panel at the CAS meeting featured Mike McCabe from the Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy, Mark Menzer from Intertek and formerly, the Air Conditioning and Refrigeration Institute with moderator John Hodges of Wiley Rein. In addition to discussing DOE's mandatory standards, met through manufacturer certification, Mike discussed the voluntary Energy Star program.

Manufacturers often view the marketplace value of the Energy Star label as essential to compete effectively. In September 2009, DOE and EPA entered into a Memorandum of Understanding (MOU) to enhance the Energy Star program, expanding product coverage and testing. Both agencies have indicated a preference for testing at accredited laboratories for both qualification and verification testing with third party testing expected to play a substantial role.

When asked about the \$13.9 million grant to the National Energy Technology Laboratory in Morgantown, WV to construct a 35,000-square-foot performance verification laboratory, performing nearly 17,000 tests per year on residential and commercial appliances, Mike responded that this will be a small laboratory used to update test procedures and standards as well as conduct some verification testing. The CAS plans to follow up with DOE on this issue and others to enhance the position of third party independent testing.

Food Sciences Section (FSS)

George Salem from the FDA Office of Regulatory Affairs attended to discuss food testing issues. Marty Mitchell (Certified Laboratories) asked for the status on abbreviated laboratory packages. Regulations do not permit the FDA to receive submissions directly from the laboratory, so they must come from the importer. The 2004 rule for direct submission was never approved, so the FDA issued it as guidance. If this guidance is followed in its entirety, then the FDA will look at abbreviated packages.

FDA plans to publish technical and laboratory procedures based on ISO 17025 with special FDA issues that will be explained in detail (i.e., model accreditation standards). Standards for accrediting bodies (17011) must be recognized in international agreements.

After pending legislation passes, they will issue a proposed rule, but that is 3-4 years away. Marty asked what we do in the interim, and George said that the FDA would provide the test method leading to detention. Now it only takes one finding to detain a product. It used to require multiple findings.

George had no solution for the differences in levels of detection



ACIL NEWSLETTER STAFF

Editor
Adrienne Bush

Contributor
Milton Bush

Production
[Sharon Barclay](#)

ACIL Members Eligible

between FDA laboratories. The FDA is trying an IT application called PLOTS to allow FDA laboratories to compare findings. George said that they will publish model examples for laboratories to use as guidance, and that performance criteria should be available via the FDA enforcement criteria.

John Bode (Olsson Frank Weeda Terman Bode Matz) reviewed the food bill, noting that the Senate bill includes ACIL recommendations. John expects floor consideration in the Senate before the Easter recess on March 26. John took ACIL members on Hill visits the next day, meeting with Eric Flamm and Rachel Scher, staffers on the House Energy & Commerce Committee, and Dave Edwards, staff point person on food safety for Senator Harkin (D- IA) on the Senate Health Committee.

Environmental Sciences Section (ESS)

At their breakout session during ACIL's Mid-Winter Meeting in Washington, the ESS met with officials and staff from DoD and EPA to discuss the DoD laboratory accreditation program, congressional actions underway to reauthorize and refine the Toxic Substances Control Act, EPA's Water Laboratory Alliance and its role for ACIL member laboratories, and ACIL participation in the Environmental Laboratory Response Network. David Speis (Accutest), the ACIL representative to EPA's Environmental Laboratory Advisory Board (ELAB), briefed the attendees on the work ELAB has underway with EPA's Office of Resource Conservation and Recovery to improve the SW-846 methods numbering system and eliminate problems with NELAP accreditations. Judy Morgan (Environmental Science Corporation) reviewed the impact that the next year's replacement of the NELAC laboratory accreditation standards with the TNI standards will have on laboratories and on other changes taking place in TNI.

for FedEx Savings

Enroll in the FedEx Advantage® program to save up to 21% on FedEx Office services and eligible FedEx® shipments. To learn more about these great savings or to enroll in the program, click here, enter Passcode 8BRZBB and choose the services on which you would like to save. If you have already enrolled your FedEx shipping account number in the FedEx Advantage program, just select the option for FedEx Office. There are no fees or minimum volume requirements to maintain your discounts. Enroll today to take advantage of this new member benefit!