

Memorandum of Understanding on Collaboration between the Stack Testing Accreditation Council (STAC) and the American Association for Laboratory Accreditation with Respect to the Accreditation of Air Emission Testing Bodies (AETBs)

1. Purpose

This Memorandum of Understanding (MOU) provides an exclusive sole source framework for the Stack Testing Accreditation Council (STAC) and the American Association for Laboratory Accreditation (A2LA) to accredit Air Emission Testing Bodies (AETB) to any combination of three standards that are relevant to services provided by AETBs including:

- ASTM D7036: *Standard Practice of Competence for Air Emission Testing Bodies*
- ISO 17025: *General Requirements for the Competence of Testing and Calibration Laboratories*
- TNI FSMO: *General Requirements for Field Sampling and Measurement Organizations*

A coordinated and collaborative approach whereby STAC and A2LA together to provide accreditation of AETBs to multiple standards:

1. Advances recognition and adoption of the standards by providing clarity to AETBs, the regulated community that relies on AETB data, and the regulatory community that makes policy, permitting, and enforcement decisions based on AETB data.
2. Allows an AETB to reduce accreditation costs when the AETB desires accreditation to more than one of the standards.
3. Couples STAC's knowledge of the emission testing area with A2LA's knowledge of accreditation to build an exclusive technically sound, practical, and competitive accreditation service.

2. Background

In the preamble to the "Minimum Competency Rule," (FR76, 17288, 3/28/2011) a rule that establishes competency requirements for Air Emission Testing Bodies (AETBs) performing Part 75 emission testing programs, EPA indicated that the evidence is strong that unqualified, under-trained and inexperienced testers are routinely deployed on testing projects. The preamble continued with reference to an EPA Office of Inspector General Audit Report "Report of EPA's Oversight of State Stack Testing Programs", Report Number 2000-P-00019, September 11, 2000, which states that the New Jersey Department of Environmental Protection (NJDEP) made significant corrections to 57 percent of stack tests, that 86 percent of the test protocols were deficient, 28 percent of the test programs had to be repeated for at least one parameter, and 26 percent of the test reports required significant correction, clarification, or were rejected by the NJDEP.

Based on this evidence, effective 27 March 2012, AETB's performing Part 75 test programs must conform to ASTM D7036-04, *Standard Practice of Competence for Air Emission Testing Bodies*. This standard derives from ISO 17025:1999, *General Requirements for the Competence of Testing and Calibration Laboratories*. In the same way that conformance to ISO17025 has improved laboratory competency and data quality, conformance with ASTM D7036-04 is expected to improve source testing firm competency and emission testing data quality.

EPA provides AETB's two options for demonstrating conformance to ASTM D7036-04:

1. Management of the AETB may certify that the AETB conforms to the standard for the relevant test methods (i.e., the test methods required to conduct the Part 75 test program).
2. The AETB may submit a certificate of accreditation (or interim accreditation) for the relevant test methods by a recognized accreditation body.

The Stack Testing Accreditation Council (STAC) was formed in 2005 by the emission testing community to accredit AETBs to ASTM D7036-04. Interim accreditation is based on satisfactory completion of a “structural assessment.” The structural assessment involves a review of the AETB’s Quality Manual and basic information (e.g., training and qualified individual records) to determine if the AETB has the system in place to conform to ASTM D7036-04. Accreditation (sometimes referred to as “full accreditation”) is granted based on successful completion of a “functional assessment.” The functional assessment involves an on-site review of the AETB’s testing operations and supporting documentation to evaluate whether the AETB is implementing its ASTM D7036-04 system. To date, 23 firms have been awarded interim accreditation based on evidence that they have systems in place that conform to ASTM D7036. In the past year, STAC has rolled out the functional assessment program and completed functional assessments of three AETBs, resulting in accreditation of those AETBs.

As STAC has advanced its accreditation efforts, two problems have become apparent:

1. Although STAC is recognized in the US by the emission testing community as an accreditation body, it does not operate in conformance to ISO17011: *Conformity assessment -- General Requirements for Accreditation Bodies Accrediting Conformity Assessment Bodies*. Although conformance with ISO 17011 is possible, it would come at significant expense, both in terms of start-up and ongoing operation costs. These costs would have to be passed on to AETBs desiring accreditation, and based on estimates based on our initial experience, are substantially higher than a fixed laboratory seeking accreditation to ISO17025. Increased accreditation costs would result in increased testing fees, creating a preference in the marketplace for those AETBs that self-certify.
2. There are AETBs that, due to client and market requirements, wish to conform to ASTM D7036-04, ISO 17025, NELAC standards, and in some cases, state specific standards that derive from NELAC standards. To achieve these accreditation goals, an AETB would have to participate in multiple programs and undergo multiple assessments, with each assessment covering much of the same ground because all of these standards derive from ISO 17025. AETBs wishing to conform to multiple requirements typically face the challenge of accommodating an assessment geared to a fixed lab operation and performed by individuals most familiar with fixed lab operations.

A2LA was founded in 1978 as a non-profit, public service, membership society dedicated to the formal recognition of competent testing and calibration laboratories, inspection bodies, proficiency testing providers and reference material producers. A2LA is a signatory to the International Laboratory Accreditation Cooperation (ILAC), fully conforms to ISO 17011, has significant experience in the environmental sector, and recently obtained recognition as a TNI Accreditation Body for field sampling and measurement organizations.

A cooperative and collaborative relationship between STAC and A2LA builds on the strengths of the respective organizations to overcome the problems that STAC has identified, while ensuring that

emission measurement subject matter experts remain actively involved in the accreditation of AETBs to any of the three standards covered by this MOU.

3. Definitions

- 3.1. *Accreditation*: A formal recognition that an Air Emission Testing Body (AETB) is competent to perform emission testing measurements in accordance with the requirements of ASTM D7036, ISO 17025, and/or TNI FSMO.
- 3.2. *Air emission testing*: the direct testing of emissions to the atmosphere from stationary sources by sampling, measurement, and analysis including determination of the relative accuracy and QA/QC auditing of continuous monitoring systems.
- 3.3. *Air Emission Testing Body (AETB)*: an entity that conducts air emission testing.
- 3.4. *Accreditation Body (AB)*: an organization recognized by a prevailing authority (i.e., STAC for ASTM D7036, ILAC for ISO 17025, and TNI for FSMO) as capable of performing assessments for of AETBs requesting accreditation to ASTM D7036, ISO 17025, and TNI FSMO for air emission testing services.
- 3.5. *Assessor*: A person who is trained to perform a systematic evaluation of an AETB on behalf of the AB.
- 3.6. *Reserved*.
- 3.7. *Reserved*.

4. Authority

This MOU is issued and executed subject to the terms of the Bylaws governing STAC and A2LA.

5. Basis and Substance of Understanding

The MOU anticipates a phased approach to (i) facilitate immediate implementation where possible, (ii) allow for program refinement based on operational experience and (iii) accommodate operational such as changes to STAC or A2LA operating procedures that require approval of committees or boards.

5.1. Phase I: Build an Assessor Pool and Document Integrated Application and Assessment Process. Phase I will include three tasks:

- 5.1.1. STAC and A2LA will work to develop and deliver an assessor training program that covers the requirements of all three standards.
- 5.1.2. STAC and A2LA will work to develop an integrated application process that allows AETBs to apply for accreditation to one or more standards using a single application process. The scope of accreditation will depend on the prevailing standard as follows:
 - 5.1.2.1. ASTM D7036 – Emission testing without regard to specific method, matrix, or analyte.
 - 5.1.2.2. ISO 17025 – Flexible in accordance with A2LA Policy P112, *Flexible Scope Policy*.
 - 5.1.2.3. ISO 17025 and TNI FSMO – Flexible in accordance with A2LA Policy P112, *Flexible Scope Policy*.
- 5.1.3. STAC and A2LA will work to develop an integrated assessment approach (including financial arrangements) that supports assessment of any combination of the standards covered by this agreement.

5.2. Phase II: Process STAC's Existing Backlog of Applicant AETB's. Twenty-three firms have applied for ASTM D7036 accreditation from STAC. While the work product of Phase I will govern new applicants, the assessment of existing applicants requires special attention that maintains a rigorous assessment process and recognizes the investment of these initial AETBs. Phase II will include three tasks:

- 5.2.1. Develop and implement an application update process and request updated applications from AETBs holding STAC accreditation or interim accreditation.
- 5.2.2. Develop the financial model for performing the assessments of AETBs holding accreditation or interim accreditation.
- 5.2.3. Complete the assessment process for AETBs holding accreditation or interim accreditation by 30 June 2015.

5.3. Phase III: Develop a Long-term Operational Model for the STAC and A2LA Relationship

- 5.3.1. Review Phase I and Phase II implementation experience and revise application and assessment procedures to improve the process.
- 5.3.2. Arrange for a representative of STAC to sit on the A2LA Board of Directors and for a representative of A2LA to sit on the STAC Board of Directors.
- 5.3.3. Develop and implement a marketing plan that promotes the benefits of accreditation and value of selecting the STAC-A2LA team

5.4. Phase IV: Reserved

5.5. Phase V: Reserved

6. Management and Implementation

STAC and A2LA will each assign a lead contact who will be responsible for managing the implementation of tasks associated with this MOU. These MOU leads will

1. be responsible for communicating with each other,
2. communicating MOU needs and requirements with management of their respective organizations, and
3. arranging the required support from their respective organizations.

7. Funding

STAC and A2LA will be responsible for the costs associated with implementation of the management aspects of this MOU. Otherwise, tasks performed under this MOU will be subject to a mutually agreed budget or financial plan.

8. Revision or Termination

This MOU shall enter into force upon signature and shall remain in force for five years with the option to renew. This MOU may be amended by written agreement of both parties at any time prior to its expiration or termination. The parties shall seek to resolve any dispute concerning the MOU through good faith discussions. The MOU may be terminated at any time, without cause, upon sixty days' written notice by either party to the other. STAC or A2LA shall not enter into an

agreement with other parties for the purpose of providing accreditation to AETBs for the lifetime of this MOU.

9. MOU Implementation Leads

Frank Jarke for STAC and Randy Query for A2LA.

10. Organizational Approval

The following individuals have the authority to act on behalf of their respective organizations and approve this MOU.

	For A2LA	For STAC
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