

NATIONAL ENVIRONMENTAL
LABORATORY ACCREDITATION
CONFERENCE

DRAFT
CONSTITUTION AND BYLAWS

June 1, 1996

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CONSTITUTION

ARTICLE I - GENERAL

This organization shall be known as "The National Environmental Laboratory Accreditation Conference" (NELAC or the Conference) and is sponsored by the United States Environmental Protection Agency (US EPA) as a voluntary association of State and Federal Officials. The purpose of the organization is to foster the generation of environmental laboratory data of known and documented quality through the development of national performance standards for environmental laboratories, to be implemented by state and federal accrediting authorities in a consistent fashion.¹

ARTICLE II - OBJECTIVES

The objectives of the National Environmental Laboratory Accreditation Conference are:

A. Forum

To provide a national forum for the discussion of all questions related to standards for environmental laboratory accreditation by officials of the Federal Government and regulatory officials of the States, Territories and Possessions of the United States, and their political subdivisions, and the District of Columbia, members and representatives of the regulated community, the public, and other interested parties.

B. Mechanism

To provide a mechanism to establish policy and coordinate activities within the Conference on matters of national and international significance pertaining to environmental laboratory accreditation standards.

C. Consensus

To develop a consensus on uniform standards for laboratory accreditation and implementation of those standards by the accrediting authorities.

D. Uniformity

To encourage and promote uniform standards of quality for assessment and accreditation requirements among the various accrediting authorities.

¹"The Constitution and Bylaws will be reviewed at a later date to accommodate the unique characteristics of the GLP program, taking into consideration the recommendations of the Environmental Laboratory Advisory Board."

E. Cooperation

To foster cooperation among environmental laboratory accrediting authorities and regulatory officials, and between them and the manufacturing, industrial, business, academic, consumer, and other interests affected by their official activities.

ARTICLE III - MEMBERSHIP

Membership consists of two categories:

Voting Membership is limited to officials who are in the employ of the Government of the United States, and the States, the Territories, the Possessions of the United States, or the District of Columbia and who are actively engaged in environmental regulatory programs or accreditation of environmental laboratories.

General Membership includes representatives of laboratories, manufacturers, industry, business, consumers, academia, laboratory associations, industrial associations, laboratory accreditation associations, political subdivisions of States, Territories and Possessions of the United States, other federal officials not engaged in environmental activities, and other persons who are interested in the objectives and activities of the Conference.

ARTICLE IV - OFFICERS

SECTION 1 - EX OFFICIO OFFICERS

A. Director

The Director of the US EPA National Environmental Laboratory Accreditation Program is the *ex officio* Director of the Conference.

B. Executive Secretary

The Executive Secretary is an employee of the US EPA who is conversant with laboratory accreditation. She/he serves the Conference and its Board of Directors.

SECTION 2 - ELECTIVE OFFICERS

The Elective officers of the Conference shall be:

- Chair,
- Chair - Elect,
- Immediate Past-Chair, and
- 6 members-at-large to serve on the NELAC Board of Directors.

The consecutive reelection of a Chair-Elect is prohibited; the Chair-Elect shall not serve on any committee other than the Board

of Directors. Should the Chair-Elect for any reason be unable or unwilling to be installed as Chair, his/her successor shall be elected in the manner prescribed below. In this event, the newly elected Chair-Elect shall be installed as Chair.

A. Eligibility

1. Any Voting Member in good standing shall be eligible to hold any office provided that the individual meets the other requirements set forth in the Constitution and Bylaws.
2. Only a State official is eligible for election to Chair-Elect.

B. Nominations and Elections

1. Nominating Committee

The Chair shall appoint a Nominating Committee consisting of the most recent active Past Chair as Committee Chair, four (4) voting members, to be geographically representative insofar as possible, and five (5) general members.

2. Nominations

- a. The Nominating Committee shall submit one name for each elective office and present its recommendation to the Conference.
- b. Additional nominations for officers may be made from the floor by any voting member at the Annual Meeting provided that prior consent of the nominee has been obtained in writing and presented to the presiding officer at the time of the nomination.

3. Elections

Officers shall be elected during a designated session of the Annual Meeting by a formal recorded vote of the members in attendance and eligible to vote on Conference motions.

4. Terms of Office

- a. The Chair, Chair-Elect, and Past Chair, shall serve for a term of one year or until their successors are respectively qualified and elected or appointed. After serving one year as Chair-Elect, the incumbent will succeed to the office of Conference Chair.
- b. The six Board of Directors members-at-large shall serve for 3-year terms; two elected each year.

- c. All officers shall take office immediately following the close of the Annual Meeting at which they were elected.

5. Filling Vacancies

In case of a vacancy in any of the elective offices, the Board of Directors shall fill the office by appointment.

The term of this appointment shall be until the date of the next Annual Meeting, at which time the voting members vote to confirm the appointment or elect a candidate to fill the remaining time in the initial term that was vacated.

ARTICLE V - APPOINTIVE OFFICIALS

SECTION 1 - OFFICIALS, SPECIFIC

A. Appointment

The Conference Chair shall appoint the Parliamentarian and other officials to conduct Conference activities.

B. Assumption of Office

All appointive officials shall take office immediately following appointment and will serve through the subsequent Annual Meeting of the Conference unless otherwise requested by the Conference Chair, or specified in the Constitution or Bylaws.

ARTICLE VI - MEETINGS OF THE CONFERENCE

A. Annual Meeting

An Annual Meeting of members shall be held. The agenda for this meeting shall include the election of officers, reports from the various committees, task forces, and study groups, other items pertinent to the Conference, and presentation to the Membership of pending issues requiring action by vote.

The Annual Meeting may include the presentation of technical papers, discussions, displays, or other events at the discretion of the Board of Directors.

B. Interim Meeting

The Interim Meeting of the Board of Directors and those Standing Committees designated by the Chair shall be held annually, approximately six months prior to the Annual Meeting to develop the agenda and committee recommendations for presentation to and action by the membership at the Annual Meeting. Draft resolutions and

standards regarding environmental laboratory accreditation shall be discussed and modified as appropriate in the Interim Meeting.

C. Special Meetings

1. The Conference Chair is authorized to call a meeting of the Board of Directors at any time deemed necessary by the Chair to be in the best interest of the Conference.
2. Committees of the Conference are authorized to hold meetings at times other than the Annual Meeting or Interim Meeting.

D. Rules of Order

The rules contained in the latest version of Robert's Rules of Order shall govern the Conference in all cases to which they are applicable, and in which they are not inconsistent with the Constitution or Bylaws or special rules of the Conference.

ARTICLE VII - FEES AND DUES

Reserved

ARTICLE VIII - AMENDMENTS TO THE CONSTITUTION

This Constitution may be amended, added to, or repealed at any Annual Meeting of the Membership under normal Conference procedures. However, proposed changes must be included in the agenda of the Board of Directors for the preceding Interim Meeting, published in the Recommendations of the Board of Directors in its report, and discussed at the general session of the Board of Directors at the Annual Meeting at which said changes will be voted upon.

Amendments to the Constitution must be approved by a minimum of a two-thirds vote of the Voting Members in attendance at the Annual Meeting in both the House of Representatives and the House of Delegates.

ARTICLE IX - BYLAWS

SECTION 1 - SUPPLEMENTATION OF CONSTITUTION

This Constitution shall be supplemented by Bylaws which shall detail the methods of operation of the Conference. Such Bylaws shall not be inconsistent with the provisions of the Constitution.

SECTION 2 - AMENDMENTS AND REPEALS OF THE BYLAWS

The Bylaws may be amended, added to, or repealed at any Annual Meeting of the Membership under normal Conference procedures.

However, proposed changes must be included in the agenda of the Board of Directors for the Interim Meeting, published in the Recommendations of the Board of Directors in its Tentative Report, and discussed at the general session of the Board of Directors at the Annual Meeting at which said changes will be voted upon.

Amendments to the Bylaws must be approved by a majority vote of the Voting Members in attendance at the Annual Meeting in both the House of Representatives and the House of Delegates.

SECTION 3 - RENUMBERING

The Executive Secretary is authorized to renumber the Articles and Sections of the Constitution or Bylaws to accommodate any changes made.

BYLAWS

ARTICLE I - APPLICATION FOR MEMBERSHIP

SECTION 1 - FORM OF APPLICATION

A completed registration form for the Annual Meeting of the National Environmental Laboratory Accreditation Conference (NELAC) shall serve as the application for membership. The registration form must be completed by all potential members, whether or not attending the Annual Meeting.

ARTICLE II - FEES, MEMBERSHIP RECORDS

SECTION 1 - FEES

Reserved

SECTION 2 - MEMBERSHIP YEAR

Registration for membership shall be prior to the Annual Meeting each year and will cover the period from the beginning of one Annual Meeting to the beginning of the next Annual Meeting.

SECTION 3 - BILLING

Reserved.

SECTION 4 - EVIDENCE OF MEMBERSHIP

Reserved.

ARTICLE III - USE OF THE INSIGNIA

The insignia of the Conference may be used or displayed only for official publications, announcements, and documents of the Conference unless expressly authorized in writing by the Board of Directors of the Conference.

ARTICLE IV - BOARD OF DIRECTORS

SECTION 1 - MEMBERSHIP

- A. The Board of Directors consists of the Director, Executive Secretary, Chair of the Conference, Chair-Elect, the most recent still active Past Chair of the Conference, and the six at-large voting members.
- B. The Nominating Committee in recommending candidates for the Board of Directors shall consider geographic representation.

- C. The term of the Board of Directors begins with the adjournment of the Annual Meeting at which its members are elected or appointed. Six of the Board of Directors are members-at-large with three-year terms.

SECTION 2 - DUTIES

- A. The Board of Directors has leadership responsibility for the Conference and is charged with guiding the Conference in its primary mission of establishing standards for the accreditation of environmental laboratories.
- B. It establishes administrative procedures and policy on internal matters and serves as the policy and coordinating body in matters of national and international significance.
- C. It holds accountable, reviews, and approves actions of all Committees.
- D. It utilizes the Standing Committees to resolve technical criteria issues regarding laboratory accreditation.
- E. It acts for the Conference in all routine or emergency situations.
- F. It authorizes interim meetings of Conference Committees as necessary.
- G. It fills any vacancy in any elective office of the Conference occurring during the term of office.
- H. It approves appointments to all committees and appointed Conference officials.
- I. It brings recommendations to the Conference for consideration and action as appropriate.

ARTICLE V - DUTIES OF THE OFFICERS

SECTION 1 - CHAIR

The Conference Chair is the presiding officer at the meetings of the Conference and of the Board of Directors, makes appointments to the several Standing and Administrative Committees, and appoints other Conference officials to serve during his or her term of office. All appointments will be made with the consent of the Board of Directors.

SECTION 2 - CHAIR-ELECT

The Chair-Elect will:

- A. serve as acting Chair of the Conference and the Board of Directors in the event that the Chair is unable to carry out the duties of that office;
- B. perform other duties assigned by the Conference Chair, including presiding over sessions of the meetings of the Conference as assigned by the Conference Chair and assisting the Chair in the discharge of his or her duties; and
- C. serve on the Board of Directors.

SECTION 3 - PAST CHAIR

The most recent still-active Past Chair will serve on the Board of Directors, serve as Chair of the Nominating Committee, and perform such duties as may be assigned by the Conference Chair. The Conference Past Chair may preside over sessions of the meetings of the Conference as assigned by the Conference Chair and assist the Chair in the discharge of his or her duties.

SECTION 4 - DIRECTOR

The Director coordinates all laboratory accreditation activities within US EPA for purposes of establishing a single uniform environmental laboratory accreditation system. The Director serves as the link with US EPA and other federal agency policy makers, those responsible for implementation of the National Environmental Laboratory Accreditation Program, the NELAC Board of Directors, the Environmental Laboratory Advisory Board, and the Accreditation Authority Review Board. The Director serves on the Board of Directors as an ex officio member and is responsible for the appointment and support of an Executive Secretary to the Board of Directors.

SECTION 5 - EXECUTIVE SECRETARY

The Executive Secretary acts as the executive officer of the Conference, as an ex officio member, secretary and executive officer of the Board of Directors, and the non-voting secretary to each standing committee; certifies eligible voters and records the vote of the Conference; keeps the records of the proceedings of the meetings, and manages the conference administration as prescribed in its administrative procedures.

SECTION 6 - TREASURER

Reserved

SECTION 7 - ASSISTANT TREASURER

Reserved

SECTION 8 - PARLIAMENTARIAN

The Parliamentarian shall, when requested by the Chair, help in resolving procedural matters at meetings of the NELAC. The parliamentarian shall use the latest edition of Robert's Rules of Order and any special rules adopted by NELAC.

ARTICLE VI - COMMITTEES

SECTION 1 - GENERAL

Except as otherwise provided, each Administrative and Standing Committee will consist of ten Members, five Voting Members and five General Members who may not vote. All members are appointed by the Chair of the Conference, with the concurrence of the Board of Directors, to serve staggered terms on a rotating basis or until a successor is appointed.

Except for the Nominating Committee, each committee annually selects one of its Voting Members to serve as its chair, who may succeed himself or herself.

When necessary, an appointment will be made to any of the standing or administrative committees to fill any vacancy for the unexpired portion of the member's term.

SECTION 2 - ADMINISTRATIVE COMMITTEES

A. Terms

1. Conference Management Committee. The term of service shall be three years; two Voting Members and two General Members will be appointed each of two years and one Voting Member and one General Member the third year.
2. Nominating Committee. The chair is the Conference Past Chair. Four Voting members and five General members shall be appointed annually to serve one year.
3. Membership Committee. The term of service will be two years. Two Voting and two General members will be appointed one year and three Voting and three General Members the alternate year.
4. Education and Outreach Committee. The term of service will be three years. Two Voting and two General members will be appointed in each of two years and one Voting and one General member will be appointed in the third year.

B. Duties

1. Conference Management Committee. This committee recommends to the Board of Directors the places and dates of each Annual and Interim Meeting of the Conference; and advises and assists the Executive Secretary with the logistic details of the Interim and Annual meetings and with preparing publications for the Annual and Interim Meetings.
2. Nominating Committee. This committee presents a slate of nominees for all elective offices at the Annual Meeting. The names and qualifications of these nominees shall appear in the report of the Nominating Committee and be published in the Conference Announcement.
3. Membership Committee. This committee initiates membership invitations and publicizes the Conference to prospective members. This committee coordinates membership concerns in all affairs of the Conference, recommends procedures regarding conflicts and challenges related to membership matters and establishes criteria for verifying the credentials of persons seeking to participate in the House of Delegates.
4. Education and Outreach Committee. This committee develops informational materials to promote understanding of the importance of consistent standards for environmental sampling and analysis in order to foster data of the appropriate quality on which to base environmental decisions. This committee also provides and solicits information and develops a spirit of cooperation between NELAC and other organizations and federal agencies.

SECTION 3 - STANDING COMMITTEES

A. Terms

Standing Committee members serve staggered five year terms, one Voting Member and one General Member being appointed annually.

B. Duties

1. Program Policy and Structure Committee. This committee generates the Constitution and Bylaws of the Conference, and interprets the intent and meaning of the Constitution and Bylaws, presents amendments, proposes changes in organizational structure, and defines roles and responsibilities as appropriate, for approval of the membership. This committee develops modifications to the scope, structure, and requirements to the tiers and fields of testing.

2. The Accrediting Authority Committee. This committee develops the standards for use by the US EPA to oversee compliance by State and Federal accrediting authorities with NELAC standards. This committee considers matters concerning reciprocity of accreditation.
3. Quality Systems Committee. This committee develops and keeps current uniform standards for quality systems in testing operations. The elements of the quality system include organizational structure, responsibilities, procedures, processes and resources (e.g., facilities, staff, equipment) for implementing quality management in testing operations.
4. Proficiency Testing Committee. This committee develops standards for the proficiency testing samples, develops criteria for selection of the providers of the samples, and develops and updates protocols for the use of proficiency test samples and data in the accreditation of laboratories.
5. On-Site Assessment Committee. This committee generates procedures for the on-site assessments, and publishes standard check lists based on these procedures. This committee also establishes the frequency of inspection, and the minimum education, experience, and training requirements of the assessors.
6. Accreditation Process Committee. This committee generates and develops procedures for the administrative aspects of the accreditation process of environmental laboratories, for use by the accrediting authorities, including the requirements for accreditation, procedures for changes in accreditation status, roles and responsibilities of laboratories, and appeal processes.
7. Implementation Committee. This committee provides the Standing Committees with current information on regulations and laws that impact laboratory testing and accreditation. The Implementation Committee is also responsible for the development of model State legislation and regulations that reflect the findings and actions of NELAC.

SECTION 4 - SPECIAL COMMITTEES, TASK FORCES AND STUDY GROUPS

Special committees, task forces, and study groups may be established by the Conference Chair as the need arises or as requested by the Conference. Members will be appointed for as long as deemed appropriate. Upon completion of their assigned tasks, such bodies shall be dissolved by the Chair of the Conference.

SECTION 5 - SUBCOMMITTEES

Upon request of any committee, the Conference Chair may appoint a subcommittee(s) to assist that committee in fulfilling its responsibilities. The Conference Chair may appoint Voting or General members in any combination, as the need arises or the Conference requests. The Chair and members of the subcommittees are required to operate under the same rules and procedures as the parent committee.

ARTICLE VII - VOTING SYSTEM

All questions before a meeting of the Conference that are to be decided by a formal recorded vote of the Voting Members are voted upon in accordance with the following voting structures and procedures.

SECTION 1 - HOUSE OF REPRESENTATIVES

A. Official Designation

This body of officials shall be known as the "House of Representatives".

B. Composition

1. Each State, Territory, Possession of the United States, and the District of Columbia, is authorized one official to serve as its representative in the House of Representatives at the NELAC Annual Meeting. The representative shall be named by the respective Governor or the Mayor for the District of Columbia, and shall remain as the named representative of that State, Territory, Possession of the United States, or the District of Columbia, until such time as the Governor or Mayor appoints someone else, or the individual is no longer an employee of the State. At the discretion of the Governor or Mayor, an alternate to the House of Representatives may be named to serve when the principal is unable to attend a national meeting of the Conference. In the absence of the principal, the alternate will be provided all of the rights and privileges of the principal in the House of Representatives, provided that he or she has met all other requirements for Voting membership. If the Governor or Mayor has not appointed a representative to the House of Representatives then the members of that State in the House of Delegates shall elect one of its members to vote for that State in the House of Representatives.
2. Each of seven US EPA Assistant/Associate Administrators (Office of Solid Waste and Emergency Response; Office of Air and Radiation; Office of Research and Development; Office of

Water; Office of Prevention, Pesticides, and Toxic Substances; Office of Enforcement and Compliance Assurance; and Office of Regional Operations and State/Local Relations) and each of the ten Regional Administrators, or his or her designee, may appoint one member.

3. Each cabinet level federal department (Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of Interior, and Health and Human Services) with environmental laboratory accreditation, certification or evaluation activities may appoint one official to the House of Representatives as determined by the Department Secretary.
4. The Nuclear Regulatory Commission may appoint one representative to the House of Representatives.

C. Method of Designation

Prior to the NELAC Annual Meeting, the Executive Secretary shall certify to the Board of Directors the names of the Voting members and their alternates in the House of Representatives.

SECTION 2 - HOUSE OF DELEGATES

A. Designation

All other environmental officials of the States, Territories, Possessions of the United States, the District of Columbia and the Federal Government (those not sitting in the House of Representatives) are grouped as a body known as the "House of Delegates".

B. Requirements

No other special requirements apply. The number of potential members is not limited.

SECTION 3 - VOTING RULES

A. Applicability

These procedures (rules) apply only to the Annual Meetings of NELAC. However, only voting members are permitted to vote in committee or other meetings.

B. Quorum

A quorum of the House of Representatives is required for official voting. This quorum consists of representatives from fifty percent of the States, Territories and Possessions of the United States, and

the District of Columbia, and fifty percent of Federal representatives.

No quorum is required for a vote in the House of Delegates.

C. Voting

At the conclusion of debate on a motion, there shall be a call for the vote, and the vote on the motion will be taken in accordance with the following method.

1. Minimum Votes

- a. House of Representatives. A majority of the eligible and present participating representatives must cast their votes in favor of an issue for the motion to be passed.
- b. House of Delegates. A majority of those eligible and present delegates must cast their votes in favor of an issue for the motion to be passed.

2. Motion Accepted

The motion is accepted if it passes in both Houses.

3. Disposition of Failed Motions

- a. If the original motion fails, or if an amended motion fails, the original or amended motion is returned to the proposing committee for further consideration.
- b. The Chair may consider a new motion on the same subject prior to returning the issue to committee, if the conditions regarding floor amendments (Article VII, Section 4 of the Bylaws) have been met.
- c. The proposing committee may drop the motion or reconsider it for submission the following year.

4. Proxy Votes

Proxy votes are not permitted. Since issues and recommendations in the Committees' interim reports are often modified and amended at the Annual Meeting, the attendance of officials at the NELAC Annual Meeting and voting sessions is vital.

5. Method of Indicating Vote

- a. Voting is by show of hands, standing vote or machine (electronic). There shall be no voice voting. No abstentions are recorded.
- b. Voting by both Houses is simultaneous.

6. Recording

- a. The Executive Secretary is responsible for the establishment of a means for recording the vote of the Conference on any matter, as well as providing a means for the certification of eligible voters at any time a vote is called.
- b. House of Representatives. The votes of the Representatives are recorded and published on a state-by-state or agency-by-agency basis.
- c. House of Delegates. The vote of the Delegates are recorded as number of yeas or nays, and are not recorded on a state-by-state or agency-by-agency basis.

D. Committee Report Voting

The specific recommendations from each committee report shall be subject to the approval of the membership at the Annual Meeting as expressed by a vote on each individual recommendation.

Alternatives that may be used in voting on the reports are to vote on the entire report, to vote on grouped items or sections or to vote on individual items. A voting member with the support of 10 other voting members may request that the vote be on individual items.

SECTION 4 - FLOOR AMENDMENTS

A. Procedure

1. A Voting member can offer an amendment from the floor to the motion under consideration.
2. A two-thirds majority favorable vote of each House on the amendment is required for passage.

B. Editorial Changes

Following completion of voting on a Committee's report, the Committee Chair may make a motion to extend editorial privileges to

the Executive Secretary to make editorial changes in the final report.

SECTION 5 - SEATING

A. Arrangement

The seating arrangement for voting sessions is shown in Figure 1.

B. Supervision

The members of the Board of Directors will control placement and movement of delegates. The Executive Secretary will count votes.

SECTION 6 - PROCEDURES

The Conference officers and committees are to observe the principles of due process; specifically, to give reasonable advance notice of contemplated committee studies, items to be considered for committee action, and tentative or definite recommendations for Conference action, and to provide that all interested parties have an opportunity to be heard by committees and by the Conference.

SECTION 7 - CHANGES IN ORGANIZATION AND PROCEDURE

Proposals for changes in organization or procedure of the Conference are not acted upon until the Annual Meeting of the Conference following the Annual Meeting at which such proposals are made.

FRONT OF ROOM

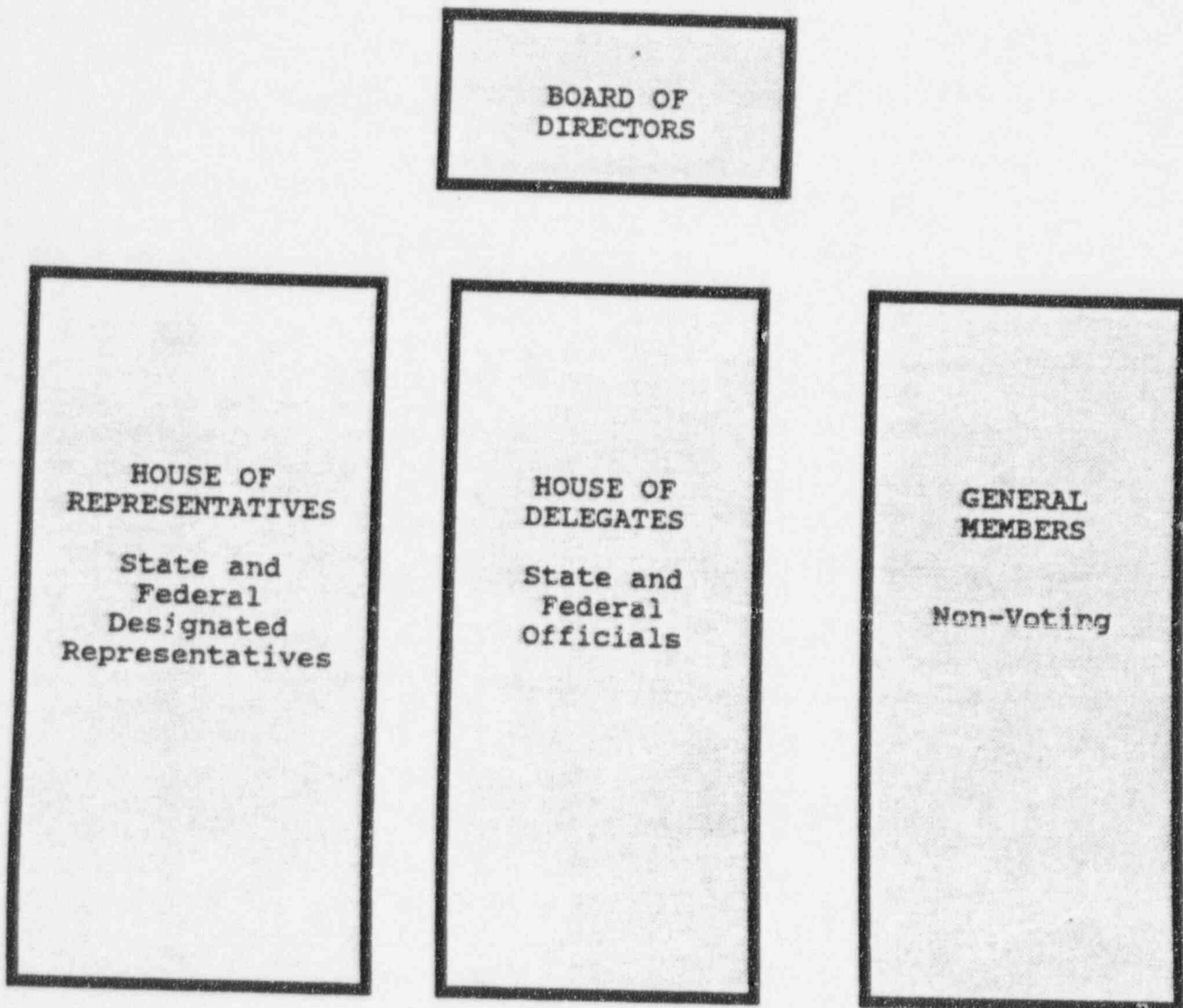


Figure 1. Seating Arrangement

NATIONAL ENVIRONMENTAL
LABORATORY ACCREDITATION
CONFERENCE

DRAFT
PROFICIENCY TESTING

June 1, 1996