



### Advocacy at Forefront in First Quarter

ACIL continued its relentless challenge to international, national and state government policies, procedures and regulations that adversely impact ACIL members and jeopardize the public safety. Through direct testimony to the Consumer Product Safety Commission (CPSC), written comments to National Science and Technology Council's (NSTC) Subcommittee on Standardization of the White House Office of Science and Technology Policy (OSTP), and direct interaction with state governments in New Jersey and Minnesota on issues important to ACIL's environmental testing members, ACIL advanced the interests of the independent testing and certification industry, while continuing to protect the public interest.

#### CPSC

On February 16, 2011, ACIL CEO Milton Bush testified before the CPSC on the technological feasibility of testing children's products for lead at current and potentially lower regulatory limits. Alerted that manufacturers planned to question third-party independent testing laboratories' data integrity, ACIL testified to refute manufacturer claims based on faulty assumptions.

Milt explained to the commissioners the importance of accreditation programs that use a recognized framework for proficiency testing to ensure the technical competency of laboratories, ultimately leading to repeatable, reliable and consistent test results, encouraging the CPSC to rely on laboratory accreditation and accreditation body recognition processes to meet the sector-specific requirements under CPSC regulations.

He also underscored the value of independence when testing for the public safety, noting that since ACIL members have no financial interest in the sale of products, they provide results free from both the economic demands of the marketplace and internal company pressures. To further reinforce this point, Milt added that the majority of major retailers in the US continue to require third party testing and certification before placing products on store shelves. To read ACIL's complete statement, [click here](#).

#### NSTC OSTP

On March 7, 2011, ACIL responded to the National Institute of Standards and Technology (NIST) request for comments on the effectiveness of Federal agency participation in standards and conformity assessment activities in select technology sectors for the National Science and Technology Council (NSTC) Subcommittee on Standards of the White House Office of Science and Technology Policy (OSTP).

ACIL's written comments focused on leveraging established conformity assessment structures in the US; improving coordination and participation with established trade associations like ACIL in the roll-out of advanced technologies' conformity assessment platforms; understanding that market access means equal and national treatment to conformity assessment bodies operating internationally and a willingness to exercise reciprocity when foreign governments do not meet international obligations; and finally, adopting a structure within the NSTC that allows for private sector participation. In the coming months, ACIL will survey member laboratories to submit additional information on these topics to NIST. To review ACIL's complete statement, [click here](#).

#### New Jersey

With state budgets stretched, the accreditation landscape for ACIL's ESS members has changed dramatically in the last 6 months. Following the November 2010 ACIL Board of Directors policy to "... support the acceptance of private, third party accreditation programs as an alternative to state environmental laboratory accreditation programs," the ACIL Government Relations Committee and the Environmental Sciences Section (ESS) identified the State of New Jersey as ripe for implementation of this policy.

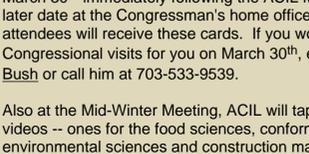
NJ Governor Christie's state-wide privatization initiative targets the state's environmental laboratory accreditation program. ACIL plans to engage a NJ government relations consulting firm to make NJ the poster-child for private-sector environmental laboratory accreditation. Stay tuned for more news on this important activity in future newsletters.

#### Minnesota

In late February, the Minnesota legislature introduced a bill, eliminating all certification and regulatory oversight for municipal laboratories performing tests on municipality samples to meet facility permit compliance.

ACIL member Minnesotans, Steve Vanderboom (Pace) and Tom Berg (MVTL) along with ESS Chair Judy Morgan (ESC) and David Speis (Accutest), took action last week. Steve and Tom met with state representatives and senators to explain the consequences of the bill to the state's environmental quality as well as the independent, commercial laboratory industry. Judy wrote letters to every member of the MN State Senate and Assembly and spoke with the bill's sponsor. Dave also wrote to all MN State Senate members. At this point, the bill will likely fail in committee.

### New Website Touts Value of Independent Testing



Developed primarily to provide Congress and regulatory agencies with a central repository for all information related to the value of independent testing, ACIL's new web site, [independenttesting.net](#), includes places for both general and sector-specific testing information as well as breaking news, meeting the secondary objective of providing the media with a source of information on current testing and certification issues.

To introduce [independenttesting.net](#) to Congress, ACIL is producing cards for members to deliver personally to Congressmen, either on March 30<sup>th</sup> immediately following the ACIL Mid-Winter Meeting or at a later date at the Congressman's home office. All Mid-Winter Meeting attendees will receive these cards. If you would like ACIL to arrange Congressional visits for you on March 30<sup>th</sup>, e-mail ACIL CEO [Milton Bush](#) or call him at 703-533-9539.

Also at the Mid-Winter Meeting, ACIL will tape interviews for 4 new videos -- ones for the food sciences, conformity assessment, environmental sciences and construction materials disciplines, to join the already produced 3-minute "Value of Independent Testing" video on the new web site. The new site also includes details on its purpose and role in public policy discussions, and ACIL's definition of independent testing and certification.

### CAS Launches Improved PT Program

The Conformity Assessment Section (CAS) released new instruction manuals and data collection spreadsheets in late February 2011 for first use in the currently underway continuing round of the York CNE III Test Artifact. These new materials eliminate ambiguities, obsolete references and errors found during the initial round of the ACIL EMC PT Program with this artifact, using materials from 2007.

The final ACIL EMC PT Program Analysis Report from the initial round with the York CNE III, completed on January 16, 2011, is available free to ACIL members, prospective members and prospective participants in the ACIL EMC PT Program. To maintain confidentiality, laboratories and test operators are identified only by codes in the reports. For copies of these reports, contact ACIL Section Executive Officer [Tony Anderson](#).

Currently, six test laboratory facility locations are participating in the continuing round using this artifact with completion anticipated in April 2011. Eleven laboratories are currently participating in the initial round with the WD Test Solutions EM-18 Test Artifact with completion slated for May 2011.

In February, ACIL refurbished the York CNE III and WD Test Solutions EM-18 Test Artifacts used to evaluate proficiency in making conducted and radiated emissions measurements with plans to add a radiated immunity test artifact during the third quarter of 2011.

On August 11, 2011, Harry Hodes (Acme) will present a 2-hour training course on ACIL EMC PT programs, emphasizing the ACIL program data analysis procedures and results. Part of the C63 Accredited Standards Committee EMC Training Courses, this course will be offered in Long Beach, CA the week prior to the IEEE EMC Symposium in Long Beach.

ACIL provides its PT Program as a service to allow EMC laboratories to meet ISO/IEC 17025 Clause 5.9 requirements for inter-laboratory comparison proficiency testing. Upon written request from a participating EMC laboratory, ACIL provides an official copy of the PT Program Analysis Report along with laboratory codes and the requestor's contact information to the laboratory accreditation body, regulator and/or client.

The *per PT Program* cost for a *single EMC Test Laboratory Facility* location is \$500 per week for ACIL members and \$1,000 per week for non-members, payable at registration. These costs include the use of a test artifact for one week, and the right to submit EMC PT Program test results from up to three test operators. For more information on this program, [click here](#).

### Committees and Sections

*The March Section Executive Committee conference calls are devoted to developing talking points that will serve as the basis for the sector-specific videos on the value of independent testing. The videos will be taped at the Mid-Winter meeting, then housed on the [independenttesting.net](#) website.*

*If you'd like to get involved in any of the sections noted below, contact [Tony Anderson](#) for the call-in information to join the section's monthly teleconference.*

#### Construction Materials & Engineering Testing (CMET) Section

Work continues on resolving the conflict of interest clauses in FHWA regulations. After reviewing relevant documents from the Michigan Department of Transportation, ACEC and the FHWA, the CMET section reached a consensus that the policy of precluding laboratories from involvement in both the design and construction phases of a project stretched the intent of the meaning of conflict of interest as defined in the FHWA regulation. FHWA representatives have been invited to the Mid-Winter Meeting to discuss this topic.

The section decided to publish its already prepared position paper as a standalone document and develop a separate one-page brochure to promote its value proposition, connecting it with the overall ACIL strategic plan. To view the CMET position paper, [click here](#). All CMET members are welcome to participate in the monthly teleconference calls. The next scheduled teleconferences are April 14 and May 12, 2011 at 2:00 p.m. EDT.

#### Food Sciences Section (FSS) formerly Microbiology and Analytical Chemistry (MAC)

Following the passing of the Food Safety Modernization Act (FSMA), the FSS, together with the Government Relations Committee, will be working with FDA to jointly devise the sector-specific technical requirements necessary for both laboratory accreditation and accreditation body recognition under the FSMA. The next FSS teleconferences will be April 20 and May 18, 2011 at 3:00 p.m. EDT.

#### Conformity Assessment (CAS) Section

Smart Grid activity remains considerable within the section with some members of the task group attending the thrice weekly NIST SGTC teleconferences, SGTC Management, End to End and Road Map. There has also been a new working group set up, WG-8, to address identifying and assessing ITCAs and determining who will write the checklists for the IPRM.

The CAS is working with the TCB Council to ask the FCC for an extension of the implementation of KDB 449343 regarding the prohibition of pre-calibrated methods for determining EIRP for transmitter devices. The CAS continues to monitor the FCC's suggested changes to the requirements for ABs to have laboratories demonstrate during an audit SVWR (site validation). Currently, the FCC accepts two methods; the new proposal drops the easier of the two. Clarification is sought from the FCC.

#### Environmental Sciences (ESS) Section

The ESS has focused on developing topics for the ACIL Mid-Winter Meeting. Several EPA representatives have been invited. The initiative to privatize accreditation and its advantages to state government, the EPA and the laboratory community continues to maintain its extremely high importance to the section with inclusion at the upcoming meeting. The ESS also has been active at the state level in NJ and MN (see related story above). The next monthly teleconferences will be on April 21 and May 19, 2011 at 11:00 a.m. EDT.

### Here We Grow Again!

Welcome new ACIL members. To learn more, click on the company name to visit their website or on the contact name to send an e-mail.

Associate Members:

#### David Kennedy and Associates, [David Kennedy](#), Lincoln, NE 68512

A management consulting firm, David Kennedy and Associates assists with business development, technology transfer and commercialization, and mergers and acquisitions primarily with clients in the environmental and life science areas. David offers clients the benefit of his over 40 years of experience in the commercial testing business and in the manufacture of analytical instruments and consumables.

#### [Construction Materials Engineering Council \(CMEC\)](#), [David Savage](#), Orlando, FL 32804

CMEC, a not-for profit organization, aims to improve the quality of production, inspection and testing of construction materials through its accreditation, education, certification and proficiency testing programs. Established in 1988, the CMEC Accreditation Program provides a mechanism for formally recognizing the competency of a testing laboratory to perform specific tests on construction materials. It is a voluntary program available to all laboratories including independent laboratories, manufacturer's quality control laboratories and university laboratories. The CMEC provides laboratory inspections, quality system evaluations and proficiency testing samples for laboratories testing concrete, aggregate, masonry, soil and asphalt. CMEC currently inspects and accredits laboratories in the US, Canada, Bahamas, Honduras, Puerto Rico and Mexico.

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### New Mid-Winter Meeting Formal Draws Record Numbers

With triple the number of speakers from 2010 and a brand new educational program added to the traditional legislative focus, registration for ACIL's Mid-Winter meeting on March 29th, 2011 promises a bigger draw than ever with individual companies sending as many as 5 persons to allow participation in all relevant sessions. ACIL COO Richard Bright expects a 40 percent increase in paid registrations from 2010.

For the first time, the meeting includes Congressional visits on March 30<sup>th</sup>. Make sure that Congress understands the value of independent testing with a personal visit, using talking points provided by ACIL's government relations experts. If you would like ACIL to arrange a visit, call ACIL CEO Milton Bush at 703-533-9539.

On the accreditation front, the ACIL section-created curriculum guarantees significant and relevant value for all disciplines. With a mix of government and professional speakers, section meetings, and a focus on expanding the use of private, commercial laboratories through Congress and the regulatory agencies, ACIL has delivered one of the hottest programs in years. For more specific program information, [click here](#). To register, [click here](#).

### Research for Strategic Plan Begins

In 2011, ACIL renews its strategic planning process, charting ACIL's course for years to come, beginning with a poll of the Board of Directors to determine its top three to four strategic goals, then identifying and calling other key stakeholders to gather additional qualitative information. A summary of the findings will be presented to the Board at its strategic planning meeting in Providence, RI on July 17-19, 2011, with results from the strategic planning meeting reported in the September/October issue of this newsletter.

### Seeking All Scholarship Applicants

April 8th marks the deadline for up to \$4,000 in scholarships from the ACIL Scholarship Alliance. The alliance gives preference to students of employees of ACIL member companies planning on scientific or engineering careers, working to ensure future generations of skilled employees for the laboratory testing community. [Click here](#) for the current scholarship application. For more information on the ACIL Scholarship Alliance, [click here](#).

### 2011 Spring ACES Meeting

*Register now!*  
2011 Spring ACES Meeting  
Thursday, April 28, 2011  
Comfort Inn Airport  
Baltimore, MD  
9:30am - 2:00pm

- [Home](#)
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If you need a sleeping room, contact the hotel directly at (410) 789-9100. The standard room rate is \$79/night.

### Bowser Morner Turns 100



This year marks the 100th anniversary of continuous operation for Dayton-based Bowser-Morner, Inc., serving many industries, including education, healthcare, manufacturing, municipal and institutional, commercial and industrial, transportation and environmental with offices and operations in Ohio, Kentucky and Illinois. Congratulations!

### ACIL Newsletter Staff

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