



SB 1285 (2019-20 Legislative Session) Testimony
Presented to
The Senate Democratic Policy Committee
By
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Good morning Senator Fontana, Chairwoman Muth, and the esteemed members of the Senate Democratic Policy Committee. My name is Ron Gribik, and I am the Vice President of Operations at CWM Environmental, which is a leading environmental firm that specializes in water management and analytical laboratory solutions. CWM strives to improve water quality and enhance the environment by servicing and managing the water & wastewater needs of municipalities & industries. CWM provides clients with technically reliable and legally defensible analytical testing. Our core services include: Water Quality Analysis, Groundwater & NPDES Sampling & Testing, Plant Operators, Maintenance, Dewatering, Sludge Removal, Wastewater Treatment, Analytical Lab Testing and Regulatory Reporting & Consultation. CWM maintains locations in Kittanning Pennsylvania, (Pottstown/SE PA) and Cleveland. CWM holds a NELAP Accreditation through the Pennsylvania Department of Environmental Protection and has been recognized by the Pittsburgh Post-Gazette as a "Top Workplace" in 2018 with 60 employees and over 200 PA based customers/building owners. I appreciate the opportunity to submit remarks specifically targeted at the proposed Legionnaires laboratory credentialing in SB 1285 from the 2019-20 legislative session.

From a 10,000-foot view, adopting legislation that monitors and attempts to control the growth of Legionnaire's Disease-causing bacteria is logical and worthwhile. The challenge is not in the decision to enact such legislation, but in how to write fair and equitable guidelines that encourage cooperation from both building owners and independent testing labs, all while protecting the public.

Factors that must be included when drafting the language for this legislation are:

- Access to accurate legally defensible results
- Access to affordable testing
- Speed of getting results (aka Turnaround Time...TAT)

In the absence of any requirements for laboratories to perform analysis pertaining to Legionella bacteria, the testing environment can be compared to the Wild Wild West. The current environment of voluntary participation in quality assurance programs opens the door for unqualified labs to provide testing results. So, for obvious reasons, a requirement for labs to meet a minimal credential is strongly

encouraged. But that leads to the question of what credentialing to require. There are 2 primary options to consider:

- NELAP Accreditation
- ELITE program membership

The National Environmental Laboratory Accreditation Program (NELAP) is a voluntary program that examines the policies and procedures of a lab (in this case with respect to Legionella bacteria testing). It addresses lab quality assurance practices and its ability to demonstrate capability to run the analysis pertaining to Legionella bacteria. The option allows for various testing options (lower prices), faster turnaround times of results, while maintaining the integrity of the laboratory industry.

The ELITE program refers to another voluntary program. The CDC created the ELITE Program to identify labs that can demonstrate proficiency in isolating Legionella from environmental samples. These laboratories can be helpful during public health investigations. This program does not particularly address the quality assurance aspects of testing for Legionella bacteria. It also requires a testing method that is more expensive than options under the NELAP scenario. Results for the ELITE method can take 2 weeks while the NELAP method can provide results in half the time (7 days).

Both programs reduce the risk of erroneous results and provides the property owner with data that is legally defensible in the event litigation is necessary. The primary differences between the two (2) options is that one (NELAP) goes a step further and audits the quality assurance process behind the testing. It also allows for less expensive testing and faster results.

A point can be made that compliance with this proposed legislation will be enhanced if the testing is affordable to the property owner. There is flexibility in analysis with NELAP. One specific test is the Legiolert test. It tests specifically for Legionella Pneumophila bacteria. These bacteria are the primary cause of Legionnaire's Disease and currently the only known cause of death from Legionnaires. The cost of this specific test is less expensive than methods under the ELITE Program.

The methods for the ELITE Program promote the growth of multiple strands of bacteria. A lab is required to identify which strands are pertinent to Legionnaires Disease. The media (auger) for this method is expensive and contributing cause to the higher price point to the consumer.

Finally, another driving factor for compliance with proposed legislation is for fast accurate results. Property owners want to know as quickly as possible whether their remediation efforts have been effective or not. The sooner the results are made available alternative measures can be implemented, if necessary. The public is the main beneficiary of this.

Of the two (2) programs discussed, NELAP offers testing that provides results in half the time as the method used for the ELITE program.

In summary, a requirement for "lab accreditation for Legionella analysis" will exclude some labs from providing analysis for Legionella bacteria. At the same time, it protects the public and property owners from unqualified entities from providing potentially inaccurate results. The main question is, "Which "accreditation" is best, NELAP or ELITE? Based on the information provided, NELAP accreditation allows for flexibility in analysis, lower price points, and faster results. All of these benefit the public and property owners.

Again, thank you for the opportunity to present remarks with regards to this important public health initiative. CWM would like to avail itself as a resource to Senator Fontana and the Senate Democratic Policy Committee while deliberations on appropriate Legionella pneumophila testing and mitigation public policies ensues.

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