



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 1993

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

OSWER Directive 9240.0-25

MEMORANDUM

SUBJECT: Reassignment of CLP Transportation Functions

FROM: Henry L. Longest II, Director
Office of Emergency and Remedial Response

TO: Director, Waste Management Division
Regions I, IV, V, VII
Director, Emergency and Remedial Response Division
Region II
Director, Hazardous Waste Management Division
Regions III, VI, VIII, IX
Director, Hazardous Waste Division
Region X
Director, Environmental Services Division
Regions I-IV, VI-VIII, X
Director, Environmental Sciences Division
Region V
Deputy Director, Office of Policy and Management
Region IX

Purpose

The purpose of this Directive is to inform you that, as of June 1, 1993, the Office of Emergency and Remedial Response (OERR) is reassigning the responsibility of providing transportation of Contract Laboratory Program (CLP) sample coolers to the Regions and their support contractors. This Directive incorporates Regional comments received in response to our July 2, 1992 draft, in which we requested your cooperation to work together to reassign this function.

Background

The transportation of CLP coolers has been available to the Regions through a national transportation contract. This contract, which is managed by the Analytical Operations Branch (AOB), provides a mechanism for shipping empty sample coolers from CLP laboratories back to the originating sampling office.

We believe that this function is more appropriately managed by the contractors directly responsible for collecting samples rather than by a Headquarters office. Superfund support contractors, such as ARCS, TAT, TES, and ERCS, are already responsible for the transportation of samples for CLP activities and samples and coolers for non-CLP activities. In addition, the transportation contract is used to ship Contract Compliance Screening (CCS) reports to the Regions from the Sample Management Office (SMO).

On July 2, 1992, the Hazardous Site Evaluation Division notified you of our intent to reassign this function, and requested comments so that any unanticipated issues could be addressed in the Directive. We appreciate your constructive comments and suggestions, and have addressed them to the extent possible. The majority of Regions which responded agreed with the Directive, and several Regions provided suggestions for inclusion in the Directive as guidelines in implementing it.

Objective

Transferring the transportation of CLP coolers to the Regions will assign responsibility for program operations to the Regions and guidance and oversight functions to Headquarters. This shift of responsibilities is consistent with OSWER policy on delegation of operational functions to the Regions and ensuring that Regional personnel most aware of the quality of services rendered are overseeing them. Regions and support contractors will be better able to respond to local variability regarding demand, supply, vendor availability, proximity, and price. With regard to the shipment of CCS reports, we intend to modify the SMO contract to enable SMO to effectively manage this function.

Implementation

We are discontinuing the national program which has provided transportation of coolers from CLP laboratories on a centralized basis. The date that this contract expires is May 31, 1993. We believe the May 31, 1993 date should provide sufficient time to enable the support contractors to establish a mechanism for transporting CLP coolers and for your Region to address any other related issues that may arise. We suggest that the Regional process for oversight of non-CLP sample transportation functions be used, or that the project officer or task monitor for the support contract be responsible for monitoring the CLP cooler transportation operations. From the amount required by each Region in FY 92 to transport CLP coolers, the projected extramural funding will be allocated to the Regions by the Program Development and Budget Staff.

The Regions and their support contractors should establish their own programs for obtaining CLP cooler transportation services prior to May 31, 1993. The specific approach to be used for acquiring transportation services is up to the Region; however, guidelines on implementing this Directive are addressed in the Appendix. Based on Regional comments, we have also added language to CLP contracts that indicates that the Regions will assume this responsibility as of June 1, 1991, including language that describes laboratory responsibilities for managing the coolers.

We are committed to working with you in the transfer of responsibilities. We believe that the authorization to allow the respective field support contractor to perform this duty can be easily accomplished by the initiation of a tasking document or work assignment. In the July 2, 1992 memorandum, a copy of the transportation contract statement of work was attached to enable you to begin preparing for the transfer. If you have any questions or comments, please have your staff contact Hans Crump of the Analytical Operations Branch on (703) 603-8821.

Attachment

cc: Jerry Clifford, HSCD
Deborah Dietrich, ERD
Larry Reed, HSED
Janet Simmons, CMD

APPENDIX - OSWER DIRECTIVE 9240.0-25

This appendix contains suggestions for implementing this Directive. First, we believe that the responsibility for this service rests with the party that collects samples - in most cases this party is the field support contractor. Second, we do not believe it would be prudent to have one or more support contractors or subcontractors in the Region responsible for providing transportation services to all other contractors. This could create a potential conflict-of-interest situation, whereby some contractors would be dependent upon a competitor for their performance. We encourage Regions to consider an approach which fully delegates the responsibility for providing transportation services for CLP activities to the individual responsible support contractors, as is already the case for CLP samples and most non-CLP transportation activities. As mentioned previously, Federal oversight should be integrated into the Region's existing contractor oversight program.

To avoid the possibility of developing significantly differing procedures between contractors within each Region and among Regions, the procedures outlined in the document Sampler's Guide to the Contract Laboratory Program should be followed. Additional suggestions are outlined below.

- Sampling contractors should include a completed shipping label in the cooler which can have any coded information for tracking purposes.
- The label should consist of multi-copies so the laboratory and the sampling contractors can each retain one for their records.
- The label should be designed so that the laboratory can simply place the already-completed label on the cooler for shipment purposes. The process should be as easy as possible for the laboratories.
- The label should include third party billing information so that the transportation carrier is able to invoice the correct sampling contractor. The laboratory should be informed of the identity of the carrier.
- To avoid confusion, each Region should attempt to use only a minimum number of different carriers.
- Sufficient information should be included on the label to enable the sampling contractor to track use of the billing number.