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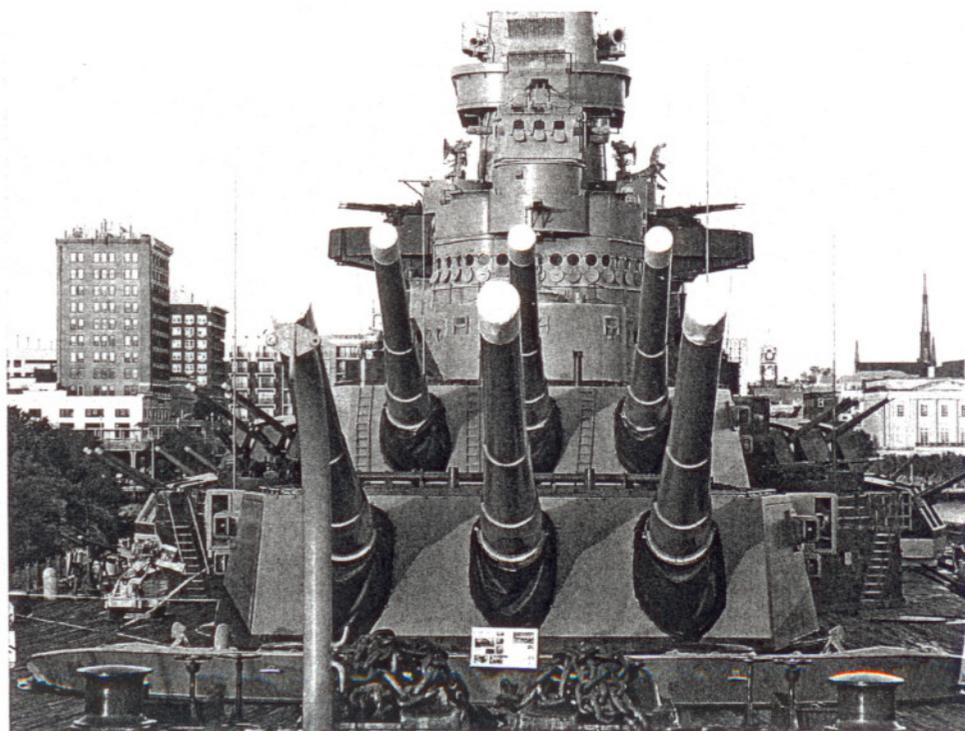
Section I IACT Conference Information

The North Carolina IACT Conference — 20 Years in the Making By Randall Beaty

The 20th meeting of the International Association for Chemical Testing opened on the shores of the Cape Fear River at the Hilton Hotel, Wilmington, North Carolina. President Sue Hackworthy called the meeting to order and introduced our

hosts, Paul Glover and Al Eisele of the North Carolina Forensic Tests for Alcohol Branch, who welcomed us to North Carolina and gave us a brief overview of historic Wilm-

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USS North Carolina



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ington and the surrounding area. Al Eisele introduced the keynote speaker, the North Carolina Secretary of Crime Control and Public Safety, Bryan Beatty. Secretary Beatty addressed the association mindful of our involvement in the judicial system as it relates to traffic safety. He touched on a statistic that caused me to stop and reflect upon my own career in this discipline. Secretary Beatty pointed out that in 2006 there were just over 16,000 fatalities in the United States attributed to homicide. During this same period, there were just over 16,800 alcohol related traffic fatalities. He continued by commending our work and urging us to be ever vigilant in pursuing our efforts to become the best at what we do, whether it be police officer, chemist, toxicologist, administrator, researcher, or technician. Secretary Beatty reminded us that what we do matters, and his talk set a positive tone for the meeting. Dr. Marcus Plescia, Chief of the Chronic Disease and Injury Section for the North Carolina Department of Health and Human Services Division of Public Health, followed with a presentation outlining the Forensic Tests for Alcohol Branch and its role in the department. Al Eisele, Branch Head for the Forensic Tests for Alcohol Branch recapped the fifty year history of the North Carolina blood and breath alcohol testing program. In doing so, Al pointed out that North Carolina pioneered some of the laws allowing for chemical test of impaired drivers as far back as the 1950's. He took us through the various instruments employed throughout this time and showed some of the innovative techniques adopted throughout the years to combat the drinking driver problem. Most notable was the fleet of specialty

vehicles designed and built to establish a breath testing and magistrate platform used in DWI checkpoints throughout the State.

After a few minutes to visit with the vendors and grab a refreshment, Ike Avery, Special Deputy Attorney General (Ret) traced a twenty year evolution of statute and case law related to the implied consent offenses. Mr. Avery specialized in traffic law during his career with the North Carolina Attorney General's Office. This specialty implicated him in numerous implied consent appeals where he filed briefs on behalf of the State. I always find these types of presentations rewarding when we hear from the very people who were instrumental in developing the case law and statutes we work with today. The IACT business meeting followed Mr. Avery's presentation, during which time Al Eisele was presented with the Cal Rayburn Award. Later that evening the attendees were treated to a cruise down the Cape Fear River aboard the riverboat Henrietta III.

Tuesday morning started with a few Danishes, some hot beverages, and an opening session by Steve Monson, New Jersey Deputy Attorney General. The New Jersey Supreme Court appointed a Special Master to issue a report and recommendation to the court to determine the acceptability of the Alcotest® 7110 MK III-C as an evidential breath testing technology. Mr. Monson was a member of the legal team appearing before the Special Master during a protracted 41-day pre-trial hearing. His experiences in introducing a new technology to the courts proved to be a complex and rewarding endeavor. He shared his knowledge and offered many insightful suggestions for those who may be bringing new technologies to their jurisdictions.

A frequent issue raised in breath test litigation is the ex-

posure to volatile organic compounds. Joachim Pleil, PhD., has worked in environmental science methods development since 1979 and over the last decade with the U.S. Government's Environmental Protection Agency. His presentation investigated and discussed the response of the Intoxilyzer® 5000 to toluene and methyl tertiary-butyl ether (MTBE). Dr. Pleil's presentation was presented first from an instrumental response level and then from a practical occupational exposure likelihood. I came away from his discussions with a reassuring understanding that routine occupational exposures result in no influence to evidentiary alcohol analyzers. Certainly, a complete discussion of his topic would occupy this entire article; however, Dr. Pleil has agreed to submit an article in the scientific paper section of this newsletter in the future. Tuesday morning was wrapped up with Patrick Harding's presentation detailing the fifty year evolution of the Robert F. Borkenstein Course on Alcohol, Drugs and Highway Safety: Testing Research and Litigation. He noted the course will be awarded an Institutional Widmark Award by the International Committee on Alcohol, Drugs and Traffic Safety (ICADTS) recognizing the fifty years of outstanding contributions of the Center in training generations of professionals involved in the detection, apprehension and litigation of alcohol impaired drivers. As so many of us know, a week of training in Bloomington, IN is a right of passage for individuals in this discipline and it became self evident when Pat asked for a show of hands of those who had attended the course. Most every hand in the room was displayed, and of the few that were not, I suspect some notes

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were taken to make plans to attend this most worthwhile course.

Tuesday afternoon started the breakout sessions and, from my perspective, it was difficult to decide which session to attend since all of the presentations had pertinent information I wanted to take with me. Dale Carpenter, PhD., reported on the evaluation of several hundred thousand breath tests conducted in Alabama since 1999. The data analysis focused on several variables including volume, duration, time of day, month of year, gender, age, and coexisting BrAC to determine the extent of their association with breath temperature. He further explored their collected data indicating higher breath temperature being associated with higher breath alcohol concentrations and the application of breath temperature corrections leading to improved precision of duplicate measurements. Meanwhile, a concurrent session by Kimberly N. Overton, J.D, Chief Resource Prosecutor of the Conference of District Attorneys lectured the group on the art of effective communication. Maria Warren, J.D., took time from her Wilmington area law practice in yet another meeting room to discuss ways to maintain an ethical posture and ways to address ethical violations in the judicial process.

After a short break to enjoy refreshments and visit with the vendors, Steve Monson hosted an in depth panel discussion related to the New Jersey Experience with the Alcotest© 7110 MK III-C and the pretrial hearing before the Special Master. In a neighboring breakout room, Richard W. Waggoner Jr, PhD, presented a session covering blood screening methodology. Discussions included recent trends in blood drug analyses

from suspected impaired drivers. Some specific drugs were explored in detail as well as some recently available drugs found in blood samples. Alka Lohmann, Melissa Kennedy, and Robyn Thompson, all of the Virginia Division of Forensic Science, revived the poster presentation format by presenting the results of some clean and straight forward experiments. The experiments were in response to several allegations of inferior breath test instrument performance. The poster presentations provided useful information and I want to encourage others to consider presenting similar type information at future meetings. The informal setting facilitates an exchange of information without the intimidation factor of being on stage. Tuesday wrapped up with a tour of the battleship USS North Carolina.

The Wednesday morning plenary sessions began with Kris Luther of Mid America Airgas reviewing the past ten years of dry gas calibration units. He discussed the pros and cons of both wet and dry gas calibration units, NIST traceability of dry gasses, and possible batch testing methods to meet required local protocols. The next session by Aaron White, PhD., an Assistant Research Professor in the Department of Psychiatry at Duke University Medical Center, discussed the history of research on alcohol induced memory blackouts along with an explanation for the potential brain mechanisms underlying them. Dr White's lecture showed us a perspective of impairment physiology which I found different from the typical toxicology presentation. His descriptions of brain physiology during memory formation under ethanol exposure gave me a greater understanding of the alcohol induced blackout phenomena. The last general session of Wednesday morning was made by Jack Black,

and no it was not the same Jack Black of Hollywood fame. Our Jack Black is the Development Manager for D.L.S. Electronic Systems, Inc. of Wheeling, IL. Mr. Black's company specializes in electromagnetic compatibility of electronic devices, or in other words, RF and electromagnetic interference testing of electrical devices. Everyone in breath alcohol testing is aware of the supposed influence of RFI or EMI to breath test devices. While his talk showed us several of the techniques and laboratory setups used in the thorough testing of electrical devices for potential EMI influence, I found his anecdotal stories of real world electro-mechanical influence most intriguing and began to understand the true nature of his discipline. Nonetheless, I came away with a newfound knowledge of EMI as it relates to electrical devices.

Following lunch, the breakout sessions were the order of business. Greg Turney, PhD., Quality Assurance Manager for the Chemical Tests for Intoxication Program at the Alabama Department of Forensic Sciences Implied Consent Laboratory, presented an approach to satisfy the ISO 17025 guidelines to breath alcohol testing programs. Uncertainty and traceability are two required concepts of the ASCLD/LAB International™ accreditation programs for breath test calibration laboratories. His presentation detailed a practical approach for the formal assessment of uncertainty and traceability in breath alcohol testing utilizing dry gas standards. On a similar note, Melissa Kennedy of the Virginia Division of Forensic Science had a similar presentation detailing the progress of her agency in preparing for conformance with the ASCLD/LAB International™ policy for the accreditation

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of breath test calibration laboratories. Both of these presentations highlight the impending accreditation of breath test laboratories, which is probably one of the most influential developments in the breath alcohol discipline in recent memory. In the neighboring room, Eddie Buffaloe, the State DRE Coordinator for the North Carolina Forensic Tests for Alcohol Branch, lectured on training programs offered through the Branch. He elaborated on the methods he uses to convey comprehensive training for Intoxilyzer© operators, alcohol screening devices, BAT Program, DRE and SFST programs. If numbers were more to your liking, then Paul Glover and Yuan Fan were busy in yet another breakout room statistically analyzing over 300,000 DWI test results looking for trends in alcohol concentrations, gender, age, and geographic location.

The final two breakout sessions for Wednesday were presented by Jeanne Swartz, Scientific Director Alaska DPS Crime Laboratory, and Stephen Morgart and Tonya Skinner both of the North Carolina Forensic Tests for Alcohol Branch. Ms. Swartz's presentation examined the differences in ethanol results reported when drinking volunteers delivered breath samples to Data-Master© CDM instruments while varying the length and pattern of their exhalations. Meanwhile, Mr. Morgart and Ms. Skinner's presentation was directed at law enforcement supervisors and traffic officers who organize DWI checkpoints. Using their expertise garnered at over 1000 DWI checkpoint operations, it included a step by step plan to accomplish a successful and safe checkpoint operation. A visit to North Carolina would not be complete without a "pig pick'n", so Paul

and Al obliged the group by hosting such in the Cape Fear Ballroom on Wednesday evening.

The alarm clock sounded Thursday morning and, just like that, it was the last day of the conference. My how time flies when you are busy sharing information, learning from others and enjoying good company. Thursday's plenary sessions began with Pete Marone and John Neuner, both representing ASCLD/LAB-International®, updating the attendees on the progress made over the last year to develop and implement the ASCLD/LAB accreditation program for breath test calibration laboratories. A general summary of public comments received regarding the draft supplemental standards was presented and discussed. The proposed time line for finalizing the supplemental requirements and offering the accreditation program was included, as was a brief outline of the process for seeking and maintaining accreditation. Jeff Rost, Laboratory Direct, Oregon State Police Pendleton Forensic Laboratory and chairman of the OIML Ad-Hoc committee, followed by providing an update on the activities of the U.S. National Working Group on Evidential Breath Analyzers and the U.S. response to the OIML R126 2CD draft revision document. His report included a basic overview of OIML and the importance of the international standardization process, as well as its potential impact on the breath testing community. Matt Olszewski, J.D., DUI Staff Attorney to the Traffic Safety Resource Prosecutor for the state of Florida first presented an update on recent rulings involving source code discovery issues, both in Florida and Arizona. The source code debate has gained traction in some jurisdictions while being a nonfactor in others. Nonetheless, it is always advantageous to keep abreast of these types of

legal issues. The second part of his presentation looked at various statutes enacted, including South Dakota's 24/7 sobriety testing program for repeat DWI offenders, and Florida's legislative approach to the source code issue. The final presentation of the conference discussed the role of ethanol in the development of NASCAR. I know what you are thinking. How could ethanol possibly be connected? We had the pleasure of hearing the stories of several delightful men who were there when stock car racing began in the hills of North Carolina. The story starts with the usual, necessity: the mother of all inventions. Moonshiners in the North Carolina mountains needed a means to transport their goods to "market" in the cities. Hence, they customized cars to not only carry the banned commodity but, most importantly, to outrun law enforcement cars. The legend is simply this- many of these men who outdrove the revenuers by night were also the guys who started dirt track auto racing by day. It was this dirt track racing that evolved into modern NASCAR racing.

My hat is off to Paul Glover, Al Eisele, and all of the North Carolina crew for putting together a diverse and informative program at the Wilmington meeting. I hope all of you will consider sharing some of your experiences, knowledge and expertise with us at a future meeting. The Tempe, Arizona meeting will be here in no time so it is never too early to start putting together a presentation, big or small. Your presentation will always be received with interest and appreciation. ✱