



# Oregon

Theodore R. Kulongoski, Governor

Department of Human Services  
Public Health Division  
Environmental Public Health  
Radiation Protection Services  
800 NE Oregon Street, Suite 640  
Portland, OR 97232-2162  
Voice 971-673-0490  
FAX 971-673-0553  
TTY 971-673-0372

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INFORMATION BULLETIN 2010-01

To: Tanning Registrants

From: David M. Howe, Operations Manager   
Radiation Protection Services Section



**Subject: IMPORTANT INFORMATION - Tanning rule and program updates**

In the interest of public health and safety, the Public Health Division is committed to protecting individuals that operate or use tanning devices by minimizing health risks. Radiation Protection Services (RPS) provides Health Physicists who inspect facilities for compliance with Oregon Administrative Rules (OAR), which pertain to registrants offering services involving sources of radiation. This bulletin is to inform tanning registrants of upcoming changes to the rules and procedures regarding the Tanning Registration & Inspection Program.

## **REGISTRATION:**

*The registrant will no longer be receiving 4 notices for payment of registration fees.* The registrant will receive a first notice and a final notice. If payment is not received by the due date on the final notice, civil penalties may be imposed against the registrant for failure to pay fees (ORS 431.950). If a final order imposing civil penalties is issued, the State can place a lien on a registrant's property, institute garnishment proceedings, and undertake other actions to collect both the fees and the civil penalty amounts.

Any unresolved enforcement actions by RPS will be referred to the Oregon Department of Justice.

RPS has issued final orders imposing civil penalties for failure to pay registration fees. The civil penalties have ranged from \$300 to \$3,900.

## **INSPECTIONS:**

1. If violations of state statutes or rules are cited during an inspection, the registrant will be given 30 days to provide a written corrective action. The registrants' response shall include appropriate documentation demonstrating that all violations have been corrected.
2. If no written corrective action is received, by RPS, civil penalties may be imposed for the violations, and corrective action ordered. If a final order imposing civil penalties is issued, as stated above, the State can place a lien on a registrant's property, institute garnishment proceedings, and undertake other actions to collect both the fees and the civil penalty amounts. In addition, if the violations are not corrected, the registrant is subject to additional civil penalties. Civil penalties increase for repeat violations.

Any unresolved enforcement actions by RPS will be referred to the Oregon Department of Justice.

*"Assisting People to Become Independent, Healthy and Safe"*  
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### **ADVERTISING:**

Recently, there have been numerous incidents of registrants promoting their services improperly.

It is not permissible to advertise tanning as 'Unlimited' as outlined in OAR 333-119-0120(3). This includes but is not limited to advertising in window displays, sandwich boards, flyers, pamphlets, mailers, websites, Craig's List, Facebook, MySpace, Twitter, etc. Violations of this OAR may subject registrants to civil penalties. (ORS 431.950).

### **TANNING DEVICE OPERATORS:**

As outlined in OAR 333-119-0080(2), the registrant shall ensure that tanning devices are operated only while an adequately trained operator [employee] is present at the tanning facility. This means if a trained employee is not present at the facility, tanning devices are not to be operated.

### **RULE CHANGES:**

Registrants have been mailed a notice of rule change from Radiation Protection Services. To view the proposed new *Division 124: Civil Penalties* and the changes to *Division 119: Registration of Tanning Devices* check the website at: <http://www.oregon.gov/DHS/ph/rps/proposedchanges.shtml>

### **Significant Violations (for full OAR text refer to [www.healthoregon.org/rps](http://www.healthoregon.org/rps))**

1. 333-119-0020: Tanning device(s) not registered.
  - a. *Annual registration fees are \$100 per device and are due January 1 each year.*
2. 333-119-0100: Tanning Device(s) do not meet 21 CFR 1040.20
  - a. *Devices must have authorized lamps (i.e. manufacturer recommended lamps or certified equivalent) installed and device timers must be accurate to within a +/- 10% accuracy.*
3. 333-119-0080: Training certificates not available. Operator training records not adequate.
  - a. *Attend an approved training course and make sure you have a copy of the training certificate in the facility. Make sure you fill out the Log of Operator Training form.*
4. 333-119-0100(18): Tanning device not being maintained.
  - a. *This includes but is not limited to: Burned out lamps, loose or broken shocks, or fans not working.*
5. 333-119-0040(2): Inadequate procedures used to sanitize.
  - a. *To ensure proper concentration of your sanitizer you must check the sanitizer with a test strip each time you mix it up and then weekly if necessary. Note: Tanning devices are required to be sanitized by operators not clients. Sanitizers approved by RPS usually contain Quaternary Ammonia (which is a registered pesticide and must be properly mixed and applied to sanitize surfaces).*
6. 333-119-0100(17): Timer not checked annually.
  - a. *You must test the timer for +/- 10% accuracy on each device and document in your maintenance log. This is to be done for each device once a year. Timers more than 10% off must be fixed or replaced.*
7. 333-119-0100: Emergency shut-off mechanism.
  - a. *Each device must be equipped with an emergency shut-off mechanism located on the device. Mechanism must be operable.*

For additional information and forms pertaining to the Tanning Registration & Inspection Program please refer to the website at [www.oregon.gov/DHS/ph/rps/tanning.shtml](http://www.oregon.gov/DHS/ph/rps/tanning.shtml)