



Oregon

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INFORMATION BULLETIN 2010-09

To: Tanning Registrants

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

**IMPORTANT INFORMATION –
REGARDING TANNING DEVICES MANUFACTURED BEFORE SEPTEMBER 8, 1986**

Currently there are facilities using tanning devices manufactured before September 8, 1986. Radiation Protection Services (RPS) created Oregon Administrative Rule (OAR) 333-119-0100(20) which states: *Commencing January 1, 2011, tanning devices intended for commercial use that were manufactured prior to September 8, 1986 shall be prohibited from being operated, sold, leased, transferred and lent within the State of Oregon.*

OAR 333-119-0100(20) was created to reduce unnecessary ultraviolet exposure and risk. Tanning beds manufactured before September 8, 1986 had 30-minute timers. However, FDA requires those manufactured after September 8, 1986 to be equipped with timers that meet manufacturer maximum exposure-time specifications, emergency stop buttons, and other safety measures.

In light of recent registrant concerns about the above OAR, RPS will evaluate the feasibility of allowing ongoing commercial use of the older tanning devices beyond January 1, 2011.

As a part of this evaluation, RPS will determine the compatibility of RPS rules with any current FDA requirements for pre-September 8, 1986 tanning devices. RPS may impose additional rules, as a part of its OAR requirements, for tanning devices manufactured before September 8, 1986. Be advised that it is the tanning registrant's responsibility to meet any FDA and State requirements.

While completing the review, RPS will suspend formal enforcement action against a tanning registrant who is currently operating a pre-September 8, 1986 tanning bed for commercial use. **Suspension of formal enforcement for OAR 333-119-0100(20) will remain in effect until April 1, 2011.**

RPS will continue to issue non-compliance citations for any tanning devices that do not comply with all other OAR Division 119 rules. As always RPS will take enforcement action if a situation presents an imminent threat to customer or operator safety.

(see next page)

Please be advised that RPS is considering a requirement for all tanning devices to be equipped with remote digital timers that meet manufacturer maximum exposure-time specifications.

For a full text version of the Oregon Administrative Rules, please visit the RPS website under Administrative rules section at: www.healthoregon.org/rps . If you have questions please contact RPS at (971) 673-0490.