

RADIATION ADVISORY COMMITTEE MEETING
Minutes
October 14, 2009

Call to Order

Dr. Gary Gates, chair, called a meeting of the Radiation Advisory Committee (RAC) to order into Executive Session on October 14, 2009, 10:30 a.m, in Conference Room 1E of the Portland State Office Building.

Members Present:

Brown, PhD, Paul
Elting, Donald
Franco, Janet

Gates, M.D., Gary
McNeill, Randy

Members Absent:

Barnett, D.M.D., Douglas
Reese, PhD, Steven
Riggs, Edgar

State Members Present:

Carpenter, Todd
Crawford, Steve
Grater, Connie
Howe, David

Lindsey, Terry
Lut, Margaret
O'Fallon, J.D., Shannon
Shibley, Gail

The Executive Session adjourned at 11:10 a.m.

Public Session

Dr. Gates called the Radiation Advisory Committee into Public Session at 11:30 a.m. He asked if there were any additions to the agenda. There were no additions but the agenda was reordered to accommodate an attendee request for early departure.

Status of RPS Programs and Budget Reports

Terry Lindsey stated that during the time between legislative session, we will consider a fee increase for the RML program. This will help pay for our Information Technology (IT) support. During the 2011-13 we will look at increases for electronic product fees and tanning fees.

Review of IMPEP

Although there were no public members in attendance at this time, David Howe

provided an overview of the IMPEP audit conducted August 24 – 27, 2009. He reiterated that Oregon rated satisfactory for three of the performance standards and satisfactory but needs improvement for two performance standards. They also noted Oregon is adequate to protect the citizens from radiological emergencies and is compatible with NRC program. The team’s recommendation was “Monitoring” with a meeting in one year to evaluate our progress and the next full review in four years.

Review of Program Compliance

David Howe highlighted areas of compliance for the RPS programs. Margaret Lut reported on an issue from the electronic program involving a noncompliance issue. She had met with the OBRT director and BME personnel regarding a dentist whose wife was operating X-ray equipment and prescribing medication with authorization. She did an inspection on the facility and found records of another person had been performing X-rays with a limited permit to do so, but she was fired from the facility before the inspection. The dentist has moved out of state.

David Howe reported on a tanning facility customer that went in for a 20 - 30 minute tanning session and fell asleep in a tanning bed for 2+ hours. This was an older tanning bed with an older timer. She was transported to the hospital for treatment. An inspection was conducted, the facility was cited and the tanning bed is out of service.

David Howe reported that tanning operator training was conducted October 10 (Portland), October 11 (Eugene) and October 12 (Medford). Oregon requires that one owner, manager or operator (for each 4 beds in a facility) complete a formal course approved by RPS. He asked committee if manager/owner plus operators should have tanning operator training. After discussion, it was decided at least online training should be required for all operators with some level of training required for all levels of tanning personnel.

Motion:

Don Elting moved, Janet Franco seconded, and it passed unanimously to support tier training with the highest level of training required of the personnel with the greatest responsibilities of operations of tanning beds facilities and with other options being made available to operators that are not clients of the business.

Administrative Rules

Todd Carpenter, RPS Emergency Preparedness, Licensing and Administration Unit Manager, distributed a packet of draft Oregon Administrative Rules and cover page (Attachment 1). The draft included changes the committee had reviewed and accepted

at the June 10, 2009 Radiation Advisory Committee and new revisions to the rules, some which are administrative changes.

Margaret Lut presented added changes to 333-106-0325(8) Hand Held Dental Units. After meeting with Dr. Barnett and Steve Crawford, they would like to add the following changes:

333-106-0325(8)(H) Only F speed film, CR or DR can be used with a hand held dental unit.

333-106-0325(8)(I) The hand held dental unit must be kept in the locked mode when not in use.

333-106-0325(8)(J) A report must be filed with the agency if the hand held dental unit is lost or stolen.

333-106-0325(8)(K) Each operator is required to receive applications training that has been approved by the department.

333-106-0325(8)(L) Hand held units not meeting the requirements of 333-106-0325(8)(H), (I), (J), and (K) can not be operated in Oregon.

The committee supported the changes added to the above rule.

Todd Carpenter continued to review the draft rules in Attachment 1.

- For proposed rule 333-106-0370(10) & (11), they will be retracted until a later date.
- A suggestion was made to add “written attestation” to definitions

Environmental Public Health Update/Legislative Update

- Gail Shibley, Office of Environmental Public Health (OEPH) Administrator, noted a special session may be held in February of 2010 regarding budgetary issues. OEPH has no legislative requests or bills. There will likely be issues we may be asked to deal with regarding radiation. There might be an issue with a ban on BPA – specifically bisphenyl A. There also may be a bill introduced regarding homes being tested for radon before they can be sold. Fiscal issues will be another thing that may be addressed during this special session.
- Gail reported that budget requests are being solicited in the Office of Environmental Health for the 2011 - 2013 session. She stated that thoughts, concerns, advice, policy issues, etc. are needed from the Radiation Advisory Committee for 2011 – 2013 legislation.
- Terry Lindsey stated that with HB 2245 the OBRT will be picking up some new modalities and RPS will need to address those issues in rule.

Administrative Rules (continued)

Todd Carpenter continued to review the draft rules in Attachment 1.

- 333-118-0051 was misprinted in Attachment 1, thus, Attachment 2 was distributed to review this new rule.
- Advance Notification of Transport of Nuclear Waste - “333-118-0190” was omitted from draft (title only was displayed).
- Change the last line of 333-119-0010(3) to read ...Any individual required to have workers’ compensation coverage.
- Shannon O’Fallon had reviewed Division 124 and a revised Division 124 (Attachment 3) was distributed.
 - Under 333-124-0050(1)(b) add 109 and 123
 - Under 333-124-0050(1)(c) delete 109
 - A suggestion was made to define “significant”, “moderate”, and “minor” health and safety problems and add a definition for “public health threat”.
 - Change 333-124-0050(8) to read, “A person who fails to pay a registration or licensing fee in whole...”
 - A suggestion was made to change “serious” to “significant” in 333-124-0050(2) and (3). This change will be reviewed by our assistant attorney general.
 - Add to Stat. Auth. And Stats. Implemented: ORS 453.771.

Motion:

Dr. Paul Brown moved, Janet Franco seconded and it passed unanimously to approve the draft rules with revisions discussed.

Review of Minutes

Minutes from the June 10, 2009 meeting were sent to the members for their review. The minutes were approved by the committee as written.

Disposal of RAM

Terry Lindsey reported that we recently received an invitation from the Conference of Radiation Control Program Directors (CRCPD) to participate in the SCATR program. Our next step is to get an agreement with the CRCPD and with that agreement to participate in getting federal reimbursement.

Status Report on Licensing RPI and Inspection Procedures

Todd Carpenter stated that the DHS Rapid Process Improvement (RPI) committee has been looking at streamlining licensing procedures in the Office of Environmental Public Health. RPS is looking at getting licensing programs online wherein the

industry has control of their inventory online and are able to pay their fees online.

NEW BUSINESS/SUBCOMMITTEE REPORTS

Future Administrative Rules (Fingerprinting Requirements)

Todd Carpenter reported that a requirement for fingerprinting will eventually be enacted into federal law. At this time, Oregon has it as license condition, but we will eventually have to put it in rule. He announced that another requirement in the future will be requiring full background check, including credit checks for IC licensees.

Medical Imaging (Motion Fluoroscopy Demo)

Margaret Lut presented a demonstration of a motion fluoroscopy.

Non-Ionizing Radiation Concerns

Terry Lindsey reported that there are several non-ionizing radiation concerns that we do not have administrative rules (ie, lasers, microwaves, MRI, ultrasounds, etc.) When the Board of Medical Imaging becomes responsible for licensing personnel that perform duties related to these non-ionizing issues, RPS will have to update their administrative rules.

DEQ/METRO/ODOE Scrap Metal Recycling Licensing for hourly rate cost recovery

Terry Lindsey reported that a meeting will held in the next quarter related to RPS responding to incidents at scrap metal facilities when an alarm goes off. Most of the time, the alarm involves such items as adult diapers and kitty litter. Sometimes we have found Cesium sources in the scrap metal facilities though, so we have to respond to those alarms. We don't get any recovery from responding to those alarms. We used to receive some general funds to help with the cost. We will be meeting with other agencies to come up with ideas to recoup our costs.

2011 Legislative Concepts

Terry Lindsey reported that at this time we don't have any 2011 legislative concepts. We may look into the 2013 session to engage fee raises.

Adjournment

The meeting adjourned at 4:10 p.m. The next meeting for the Radiation Advisory Committee is scheduled for Wednesday, February 10, 2010.

Respectfully submitted,

Connie J. Grater