

RADIATION ADVISORY COMMITTEE MEETING
Minutes
June 9, 2010

Call to Order

Janet Franco, vice - chair, called a meeting of the Radiation Advisory Committee (RAC) to order on June 9, 2010, 10:57 a.m, in Conference Room 1E of the Portland State Office Building.

Members Present:

Barnett, D.M.D., Douglas
Brown, PhD, Paul
Elting, Donald

Franco, Janet
Reese, PhD, Steven
Riggs, Edgar

Members Absent:

Gates, M.D., Gary

State Members Present:

Carpenter, Todd
Crawford, Steve
Grater, Connie

Howe, David
Lindsey, Terry
O'Fallon, J.D., Shannon

Status of RPS Programs and Budget Reports

Terry Lindsey distributed an "Other Fund Grant AY11 Quicksheet" and "Environmental Public Health Other Funds Grant Lookup" (Attachment 1). He stated that RPS is proposing an approximate 20% fee increase for the RML program. If approved, this fee change will be included in the next rule revisions effective July 1, 2010.

Other things we are doing to supplement the budget is requesting grant/contract monies. Programs we are looking at are Office of Emergency Management, Office of State Fire Marshal, and three different potential laboratory programs.

Terry Lindsey reported that as of June 15, 2010, we will have two EHS 3 positions vacant. Recruitment for those positions has been started.

Terry Lindsey reported that with passage of House Bill 2245 in the 2009 legislation the Oregon Board of Radiologic Technology's name will change to Oregon Board of Medical Imaging effective July 1, 2010. That board will also then have authority over licensure of ultrasound technologists, nuclear medicine

technologists and magnetic resonance imaging technologists. RSP will look at those same areas in regard to future rules.

Review of Minutes

Minutes from the March 31, 2010 meeting were sent to the members for their review.

Motion

Steve Reese moved and Ed Riggs seconded the motion to approve the March 31, 2010 Radiation Advisory Committee minutes as written. The motion carried.

Review of Program Compliance

David Howe highlighted areas of compliance for the RPS programs. He noted that we are starting to implement the civil penalty component. With rules that went into effect February 16, 2010, a severity matrix has been utilized in imposing civil penalties. He distributed a list of facilities that have not paid their fees for 2009 and/or 2010 (Attachment 2). The response to the civil penalty actions has been positive.

Compliance with rules to operating a tanning business is part of the issue we have been dealing with. For 2010, so far, we have imposed civil penalties for businesses that are not in compliance with the rules and do not fix the noncompliance issues.

In the radioactive materials licensing program, some of the issues that we are dealing with are licensees from out of state are coming in without notifying us and we find out during inspections that licensees are not compliant.

Under the tanning program, we have had a complaint of a facility allowing an underage person to tan without parental permission and a complaint of a tanning facility and its unsanitary conditions.

Review of Proposed Rules Status

Todd Carpenter, RPS Emergency Preparedness, Licensing and Administration Unit Manager, distributed a packet of draft Oregon Administrative Rules (OAR) with “Statement of Need and Fiscal Impact” and “Notice of Proposed Rulemaking” (Attachment 3). Changes from those proposals are:

- OAR Chapter 333, Division 102 – There were changes and new rules added to comply with the Nuclear Regulatory Commission’s requirements.
- OAR 333-102-0340(4) will be restored; it was mistakenly deleted instead of OAR 333-102-0340(8) which says the same thing as 333-102-0340(3).

- Change OAR 333-103-0003(3)(a) to read “The annual fee to validate specific licenses for sources of radiation;”
- Change OAR 333-103-0010(3) to read, “...due and payable based on the following schedule:”
- Correct OAR 333-103-0010(3)(a)(A) to read, “...expiring *July* through September...”
- In OAR 333-103-0035(2)(b) and (c) we will restore those fees.
- Under OAR 333-103-0050(1) and (2) those fees are in statute and cannot be changed.
- Under OAR 333-106-005(45) remove the word “intra-oral”.
- Before OAR 333-106-0325 remove the title “Fluoroscopic X-ray Systems Requirements”.
- OAR 333-106-0325(9)(b)(B) will be reworded to read, “The unit will be operated in an enclosed room when feasible and all individuals, except the X-ray operator and the patient, will leave the room and stand behind a protective barrier during radiographic exposures. Otherwise, a six foot radius distance from the X-ray source must be maintained by all individuals.
- Under OAR 333-119-0020(6) the wording will be changed to identify “open public area”.
- Change OAR 333-119-0080(3) to read “...registered tanning devices...” Shannon O’Fallon will send language to use regarding what needs to be done between now and July 1, 2011.
- For OAR 333-120-0545, we will contact the Oregon Department of Energy to assure that the language is correct.
- Regarding OAR 333-103-0010(2)(ii) and (jj) Terry Lindsey reminded the committee that these are two new fees that are added. Oregon Revised Statutes are being reviewed to see if we can include these.

Motion

Steve Reese moved and Paul Brown seconded the motion to support the Oregon Administrative Rules submitted with changes discussed by the committee. The motion carried unanimously.

Operator Training Requirement – Online Courses Update

David Howe reported in reference to proposed changes to OAR Chapter 333, Division 119 where a requirement of training for all operators of tanning devices is defined. RPS tanning inspectors, Molly Keller and Erin DeSempole, researched online tanning training courses. David distributed an update of the courses that were researched (Attachment 4).

HB 229 – From DHS to Oregon Health Authority

Terry Lindsey stated that with the passage of HB 2009 in the 2009 legislature, the Department of Human Services is divided into two entities; the Department of Human Services and Oregon Health Authority. This transition is due to be completed by June 30, 2011. Statutory language was changed during the special 2010 legislative session.

Status Report on Inspection Procedures

David Howe reported that RPS has an established Protocol Committee that meets monthly. The committee met on June 2nd and reported on the X-ray machine registration process, dental CT inspections, RML inspections of general license program and an annual review of inspection of tanning facilities. Assignments for next month include working on the industrial radiography protocol, a supplement to inspections for NSTS/IC licensees, inspection of academic facilities protocol, an inspection sheet for the RML general license inspection protocol, processes for X-ray machines protocols, and staff will form a work group to work on civil penalty issues for the X-ray program.

Disposal of RAM/SCATR Program

Terry Lindsey reported a letter had gone out to all RML licensees asking about any sources that were no longer wanted and how to set up for disposal of them. Each licensee that wants to dispose of their sources will have to get a waste permit. Oregon will be participating in an agreement with the CRCPD in the SCATR program.

NEW BUSINESS/SUBCOMMITTEE REPORTS

2013 Legislative Concepts

Terry Lindsey reported that in 2013 we will be looking at raising fees in the X-ray and tanning program and raising the statutory cap on the \$3,000 registration fee. We may also have to request changing the statutes for the cost recovery fee.

WIPPS Shipment Update

Terry Lindsey reported we have received notice from the Oregon Department of Energy that the Waste Isolation Pilot Project (WIPPS) shipments will resume from Hanford to the New Mexico waste site.

Future Rules

Todd Carpenter reported that future agenda items for the Radiation Advisory Committee will include looking at security rules, fingerprinting obligations, minor corrections to byproduct rules, occupational dose recordkeeping, reviewing OAR 333, Division 106 for emerging technologies, regulating lasers, ultrasound, cone beam ct and ct rules generally.

A subcommittee was formed to draft rules for cone beam ct and ct rules generally. Members appointed were Dr. Barnett, Dr. Brown, Margaret Lut and Steve Crawford.

2010 OAS Meeting

David Howe reported that Oregon Radiation Protection Services will be hosting the Organization of Agreement States annual meeting August 23 – 26, 2010. Oregon has been asked to do two presentations. Tentatively, one will be on emerging technologies and one on our hospital preparedness program.

Adjournment

The meeting adjourned at 2:37 p.m. The next meeting for the Radiation Advisory Committee is scheduled for Wednesday, October 13, 2010.

Respectfully submitted,

Connie J. Grater