

RADIATION ADVISORY COMMITTEE MEETING
Minutes
February 12, 2014

Call to Order – Public Session

Steve Reese, PhD, chair, called the Radiation Advisory Committee (RAC) into public session on February 12, 2014, 10:03 a.m. in Conference Room 1E of the Portland State Office Building.

Members Present:

Bremner, D.M.D., Fred
Farmer, Rainier
Franco, Janet
Reese, PhD, Steve

Riggs, Edgar
Stevens, Donna
Waldenburg, Rick

Members Absent:

Gilbert, Theresa

State Members Present:

Carpenter, Todd
DeSemple, Erin
Grater, Connie
Hess, Catherine
Howe, David
Jaqua, Matt

Keller, Molly
Leon, Daryl
Sherry, Brett
Van Kleeck, Michelle
Wendt, Rick

Guests

Anderson, Beckie – Legacy Health Systems
McLaughlin, Dave – OR-OSHA

Introduction of New Member

Steve Reese introduced Rainier Farmer as a new RAC member. Rainier is the radiation safety officer at Oregon State University Radiation Safety Office and also their Laser Safety Officer.

Approval of Minutes

Minutes from the October 9, 2013 meeting were sent to the members for their review.

Motion

Donna Stevens moved and Dr. Fred Bremner seconded the motion to approve the October 9, 2013 Radiation Advisory Committee minutes as written. The motion carried unanimously.

RPS Staffing/Contracts

David Howe, RPS Program Director reported that recent activities in RPS involves Margaret (Lut) Flerchinger leaving RPS January 31, 2014 to work as a Compliance Specialist for the Oregon Medical Marijuana Dispensary Program and Molly Keller being appointed as Lead Worker for the Electronic Products Program.

David Howe stated that RPS is currently recruiting for an Environmental Health Specialist, but still has two inspector positions that will remain vacant. We do not have the funds to fill those positions because cost allocation fees are high.

David Howe reported that RPS is working on implementing a contract with an individual to provide MQSA inspections.

UPDATES

IMPEP/Management Review Board Update

David Howe reported on the Integrated Materials Performance Evaluation Program (IMPEP) which is the federal audit of radioactive materials licensing (RML) programs. Oregon's audit was conducted during the week of August 16, 2013 and the review team recommends that the Oregon Agreement State Program is adequate to protect public health and safety and is compatible with the NRC's program. They made recommendations to improve our program and RPS developed protocols in response to the IMPEP team findings:

- Pre-Licensing Protocol
- Management of Allegations
- NMED Reporting; and
- Review of Authorized Users (AU) for all Medical Licensees'

These issues were addressed at the NRC Management Review Board meeting on October 29, 2013.

RPS Program Check-In

David Howe distributed "Strengths, Weaknesses, Opportunities, and Challenges (SWOC)" (Attachment 1). He stated that the Oregon Public Health Division (PHD) is looking at performance measures to see how programs are doing. As part of that program they are conducting program "check-in" meetings. RPS managers met with PHD senior management on February 5, 2014 and presented the strengths, weaknesses, opportunities, and challenges of the RPS program.

RPS Budget

Todd Carpenter, RPS Licensing Manager, reported on the funding sources for RPS and that the ending balance of the RPS budget for the 2011-2013 biennium ended in the red. He also reported on the number of RML licensees and X-ray and Tanning registrants in Oregon.

RPS Rulemaking Update

Todd Carpenter reported that during the last legislative session two bills were passed that affected the RPS program and new rules were established.

- House Bill 2896 to restrict tanning of people under 18 without parental permission and a physician's recommendation was signed by the governor. RPS revised Oregon Administrative Rule (OAR), Chapter 333, Division 119, Restricting Minors from Commercial Tanning Devices.
- Senate Bill 420 was also signed by the governor during the last legislative session. This law requires mammography facilities to notify patients that have dense breast tissue. OAR 333-106-0735 - Dense Breast Imaging Notification was established.

Todd Carpenter distributed a packet of "Proposed Rulemaking" (Attachment 2). He reviewed the proposed changes and additions to the rules.

Radon Update

Brett Sherry, Program Manager, Environmental Public Health Section, reported that the Radon Program is available to educate on the hazards of radon and encourage people to test their homes for radon. He noted that the Radon Program is funded by the Environmental Protection Agency with the current funding running through March 2014.

Brett Sherry reported that current Radon statutes are:

- ORS 105.464 -Disclosure of radon test results during home sales
- ORS 455.365 –Radon Mitigation Standards for new construction
- ORS 105.848 –Radon information for potential buyers of 1 or 2 family dwellings
- ORS 433.521- Indoor Air Quality Standards, voluntary compliance

Brett Sherry reported that current Radon legislation he is involved with is Senate Bill 1151-2. This legislation:

- Requires schools and some child care facilities to test when modifications to the building structure cost over \$50K or if alterations occur to the HVAC

- Requires testing prior to occupancy
- Requires mitigation if elevated levels are found

Public Notice of Noncompliant Facilities

Michelle Van Kleeck, RPS Health Physicist, reported that the process is being implemented to post all final orders issued for the tanning program to the RPS website. She summarized the process for issuing final orders and presented how the website will look. All final orders issued since 2009 will be posted on the website. The process will include sending a bulletin to tanning registrants; issuing a press release; and then the web page will go live.

E-Commerce

Rick Wendt reported that this process has been approved and it is available for tanning registrants. It will be expanded to other programs in the future.

Electronic Products Program 2013 Annual Summary

Molly Keller, RPS Health Physicist, presented the Electronic Products Program 2013 Annual Summary. She reported:

- on the scope of the X-ray program;
- presented the training matrix that shows where each inspector is in their training process;
- reported a comparison of the 2012 and 2013 inspections; and
- noted the top five noncompliance issues.

She also reported that the highlights for the X-ray Program during 2013 included:

- CT rules drafted
- New exemption options for Hand Held Dental machines
- Dense Breast Tissue Advisement
- OBMI relations
 - OBMI is investigating taking over CT and Fluoro operator rules

Focus areas for the X-ray Program for 2014 are to:

- Update and clarify X-ray Operator Rule
- Update and clarification of Industrial Rules
- Update vet rules to include CT and fluoro
- Update CT inspection protocols
- Second round of Aribex inspections

Tanning Program 2013 Annual Summary

Matt Jaqua, RPS Health Physicist, reported that the biggest incident for the Tanning Program during 2013 was that the Oregon Legislature passed House Bill

2896. This law states a tanning facility may not allow a person under 18 years of age to use a public tanning device without a physician's recommendation. RPS amended Oregon Administrative Rule, Chapter 333, Division 119, Restricting Minors from Commercial Tanning Devices. They also had to create documents for identification requirements, facility documentation, and a medical recommendation form.

Matt Jaqua presented a summary of tanning program data for the last four years. The summary noted that over the four year span there has been a significant reduction in tanning beds being registered and tanning facilities closing. He stated that some of the factors for tanning facilities closing are the federal tax; economy; rules and regulations in general; and education of tanning operators.

Radioactive Materials Licensing/Incidents and RPS Lab 2013 Annual Summary
Daryl Leon, RPS Health Physicist, presented a review of the Radioactive Materials Licensing (RML) program. He noted that this program has 2.50 FTE assigned to inspections and 3.5 FTE licensing staff. Oregon regulates possession and use of radioactive materials for 397 RML licensees.

Daryl Leon presented data on radioactive material incidents during 2013 which includes scrap alarms, medical, radioactive material pickup, investigations (non-medical), and waste alarms. He also gave an overview of RPS laboratory activities during 2013.

Fukushima Update

Daryl Leon reported that concerns from the Fukushima incident still are being monitored. The FDA is the lead agency on food safety and continues to monitor both domestic and Japanese-imported seafood. RPS continues to monitor Oregon coastal sand, seawater, and drinking water at 3 locations on a quarterly basis.

RPS Staff Training 2013 Annual Summary

Rick Wendt reported on RPS training in 2013:

- four staff attended NRC Sponsored Training;
- the Emergency Response Team had monthly training;
- six staff attended OSU Hazmat Responder training;
- staff participated in three Radon Fix It Fairs;
- attended national conferences;
- participated in Drills/Exercises with NREP (National Radiological Emergency Preparedness); NARR (National Alliance for Radiation Readiness); AAPM (American Association Physicist in Medicine); and RITN (Radiation Injury Treatment Network)

RPS Staff Training 2014

Rick Wendt reported that training in 2014 will include:

- NRC Sponsored Training -Staff has been accepted for 7 training sessions and we have 13 requested training sessions
- Emergency Response Teams -Will continue monthly training
- Two FEMA/ODOE based drills scheduled
- FERN lab training -2 staff to attend training in Seattle
- MQSA
- CRCPD and OAS Conferences
- Drills/Exercises - RAP8 Mobile Domestic Detection Unit; Hanford USDOE; and CGS (July and August)

Health Division Updates

Dave Leland, Interim Administrator, Center for Health Protection, reminded the committee that the Oregon Public Health Division (PHD) reorganized approximately a year and a half ago. Three “centers” were created and Radiation Protection Services is within the Center for Health Protection. He also provided an update to the PHD leadership including hiring Lillian Shirley as the PHD director. Recruitment efforts are underway for the PHD deputy director and Center for Health Protection administrator.

Dave Leland reported that the 2013 Legislature approved the budget for 2013-15. He stated that personnel costs will increase 13% during this time period. He also noted that there will likely be fee proposals from Center for Health Protection programs in the 2015 legislature.

Adjournment

The meeting adjourned at 2:25 p.m.

The next meeting for the Radiation Advisory Committee is scheduled for Wednesday, June 11, 2014.

Respectfully submitted,

Connie J. Grater