

**RADIATION ADVISORY COMMITTEE MEETING**  
**Minutes**  
**June 10, 2009**

Call to Order

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

Members Present:

Barnett, D.M.D., Douglas  
Elting, Donald  
Franco, Janet  
Gates, M.D., Gary

McNeill, Randy  
Reese, PhD, Steven  
Riggs, Edgar

Members Absent:

Brown, PhD, Paul

State Members Present:

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

Lut, Margaret  
O'Fallon, J.D., Shannon  
Shibley, Gail  
Wilson, Phil

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 none. He then asked public members to hold comments until the Comment Section of the agenda.

RPS Budget

Terry Lindsey reported on Radiation Protections Services programs status at the end of May 2009. The Electronic Products Program completed 1,875 inspections and tested 4,900 machines this biennium; the Tanning Program inspected 543 facilities with 2,400 units this biennium and the Radioactive Materials Licensing Program inspected a total of 250 licensees in this biennium.

Terry also reported that approximately \$96,000.00 will be transferred out of RPS

budget to help with general fund shortfall by Legislative action.

### Review of Program Compliance/Case Reviews

David Howe gave a summary of the program issues.

- RML - There is a private party who received as a donation from a distributor 4,200 smoke alarms with the intent of selling them at a fund raising event. They found that the devices have a malfunction and cannot be sold. RPS is reviewing disposal options for these unwanted units with radiation sources.
- Tanning - Another issue RPS is dealing with is tanning facilities using the term “unlimited tanning” in their advertising promotions which is a violation of Oregon Administrative Rules.
- Electronic Products - They are starting to see lower quality CR/DR systems on the market and they give poorer images.

### Review of Proposed Civil Penalties

Todd Carpenter distributed a spread sheet of tanning violations and rules that cover those violations – severity level matrix created by staff – if it affects your health or safety it is the worst – there are also points that are applied for other violations.

Currently, when an inspector cites a facility for noncompliance, the facility receives a report on the noncompliance issues during the exit interview. They are then charged with responding to correction of the issues within 30 days. The proposal for noncompliance issues is based on a severity score with potential fines imposed. Civil Penalties are proposed to be filed as a new rule, Oregon Administrative Rules, Chapter 333, Division 124.

### Review of Minutes

Minutes from the February 11, 2009 meeting were sent to the members for their review. Steve Reese moved, Ed Riggs seconded the motion and it was approved unanimously to accept the minutes, as written, for this RAC meeting.

### Training for Tanning Operators

Phil Wilson, Senior Tanning Inspector, stated there is a lack of training for tanning operators in Oregon. The classes are held periodically throughout the year, but sometimes those times are not convenient for operators to attend. One option is to have web-based training available. RPS personnel have attended training on developing web-based training. Discussion ensued regarding training requirements for all tanning operators. Dr. Gates moved, Don Elting seconded and it carried unanimously to support reevaluating tanning rules to include training requirements for

tanning operators.

#### Disposal of Sources (SCATR and Other Options)

Terry Lindsey reported that we have two options to dispose of sources. One is within RPS disposal program, with our intergovernmental agreement with Metro and the other is a federal program. The estimated cost is approximately \$30,000.00, based upon the items currently identified to be disposed of under these programs. There are about 10 medical facilities that have sources that need to be disposed. A letter has been drafted to be sent to licensees to identify any other sources that need to be disposed of within the next few months.

#### Status Report on Licensing RPI and Inspection Procedures

Todd Carpenter stated that the DHS Rapid Process Improvement (RPI) committee will work on improving the licensing process in the Office of Environmental Public Health.

David Howe reported that RPS has a 10-member inspection staff working within three programs. A committee has been working on standardizing the inspection programs. Currently, the tanning inspection program and parts of the X-ray and RML inspection programs have been completed. The purpose of this standardized format is being used for cross training and in the future for new employees.

#### Public Comments Session

No comments.

#### Environmental Public Health Update/Legislative Update

- Gail Shibley introduced the committee to the DHS organizational chart which is headed by Dr. Bruce Goldberg. The Public Health Division is made up of five offices led by Dr. Mel Kohn, one of which is the Office of Environmental Public Health (OEPH) headed by Gail Shibley. This office has four programmatic sections one of which is Radiation Protection Services (RPS) led by Terry Lindsey. The Radiation Advisory Committee is the body that makes recommendations to RPS.
- Other statutorily assigned committees are established within OEPH. Gail identified the statutes and advisory committees as ORS 448.153 – Drinking Water Advisory Committee made up of 15 members; ORS 624.550 – Food, Pool and Lodging Health and Safety Advisory Committee; ORS 453.645 Radiation Advisory Committee. Within the health division ORS 431.330 authorizes Conference of Local Officials which meets every month.
- Gail reported that legislation ends in approximately three weeks. OEPH came

out pretty much unscathed. She noted HB 2009 will have all health related offices to move to new entity - Oregon Health Authority. This will be governed by a nine member panel appointed by the governor. It will be called the Oregon Health Authority.

- Gail noted a special session may be held in January or February of 2010 regarding budgetary issues.
- Gail solicited thoughts, concerns, advice, policy issues, etc. are needed from the Radiation Advisory Committee for 2011 – 2013 legislation.

## **NEW BUSINESS/SUBCOMMITTEE REPORTS**

### Administrative Rules/Subcommittee Reports

Todd Carpenter distributed a packet of draft Oregon Administrative Rules.

- NSTS Rule for NRC Compatibility (RATS ID 2006-2, 2006-3, 2007-2) - Todd reported that the draft OARS included revisions and additions to meet NRC compatibility. He reviewed the changes with the committee.
- He also noted that the three lock requirement is included in the updated rules.
- After discussion it was agreed that OAR 333-106-0370(10) and (11) need to be reworded and brought back to the committee for approval.
- Terry Lindsey reported on the new Division 124 – Civil Penalties. Using statutory authority, these rules were crafted using the model of the Board of Cosmetology administrative rules. After a lengthy discussion, 333-124-0050(2) will be reworded with assistance from our Assistant Attorney General.

### Cone Beam CT Rule Revision for Dental/ENT applications

After lengthy discussion, this rule will be reworded and brought back to the committee for approval.

### Permanent Phase out of 50 kVp Dental Machine

This was previously agreed that 50 kVp machines would be phased out by July 1, 2011 and these machines cannot be used on minors.

### Computed Radiography (CR)/Digital Radiography (DR) Definitions Committee

Terry Lindsey reported this subcommittee needs to be formed.

### Tanning Rule Revisions for Operators and pre-1986 tanning devices

A question arose if there is a need for phasing out obsolete tanning devices. Equipment

manufactured prior to 1986 has different regulations and parts don't exist anymore. It was suggested that rule revisions should include that tanning beds manufactured prior to September 8, 1986 must be replaced by January 1, 2012. Committee agreed on this rule change.

#### Administrative Rule Reference Corrections

Todd reported that RPS staff reviewed Divisions 100, 102, 103, 106, 116, 119 and 120 for grammar and spelling.

#### Medical Imaging (CT and Motion Fluoroscopy Demo)

This presentation was tabled until the next meeting.

#### Hand held dental devices

Steve Crawford reported that the Conference of Radiation Control Program Directors, Inc. (CRCPD) recently sent an email stating that there are more manufacturers producing hand held dental devices although some are not FDA approved yet. Steve distributed a variance letter that a vendor received from us in 2006 to sell this device within the state with defined stipulations. One of the stipulations was that Oregon customers should have a handout included with the device when distributed stating the conditions of the variance. It is proposed to put these stipulations in Oregon administrative rules. This will be continued at the next meeting.

#### Therapy (Tomographic, Electronic Brachytherapy & Proton Beams)

This presentation was tabled until the next meeting.

#### Non-Ionizing Radiation Concerns

Terry Lindsey reported that non-ionizing radiation concerns should be on the agenda long term for discussion. Currently, if the Oregon Board of Radiology Technology ultra sound and MRI legislation is successful it will come under new regulations and then we need to look at updating our rules.

#### Decommissioning Update

Terry stated that Todd and Daryl attended decommissioning training put on by Washington State. The two facilities in Oregon that currently come under decommissioning rules are Teledyne Wah Chang and PCC Structurals.

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

This presentation was tabled until the next meeting.

Adjournment

The meeting adjourned at 4:15 p.m. The next meeting for the Radiation Advisory Committee is scheduled for Wednesday, October 14, 2009.

Respectfully submitted,

Connie J. Grater