



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Alicyn Carrel, Ohio Department of Health

FROM: Jacob Ritzenthaler, Business Advocate

DATE: October 31, 2022

RE: **CSI Review – Radioactive Material Rules (OAC 3701:1-37-01, 3701:1-58-18, 3701:1-58-20, 3701:1-58-21, 3701:1-58-101, and 3701:1-58-102)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

Analysis

This rule package consists of six amended rules proposed by the Ohio Department of Health (ODH). This rule package was submitted to the CSI Office on September 13, 2022, and the public comment period was held open through October 12, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 13, 2022.

Ohio Administrative Code (OAC) Chapter 3701:1-58 establishes requirements for the medical use of radioactive materials. OAC 3701:1-58-18 and 3701:1-58-20 concern training standards for radiation safety officers, associate radiation safety officers, and authorized nuclear pharmacists and are amended to correct accreditation references and typographical errors. OAC 3701:1-58-21 sets forth training requirements for experienced radiation safety officers, teletherapy or medical physicists, authorized medical physicists, authorized users, nuclear pharmacists, and authorized nuclear pharmacists. Amendments to the rule correct language errors. OAC 3701:1-58-101 and 3701:1-58-102 require licensees to report medical events and radiation doses to an embryo/fetus or nursing child, as well as to notify the Ohio Department of Health when a medical event occurs. The rules are amended to update the information a licensee must include in an event report, stating that

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an identification number must be included, and a Social Security number may be used if no other identification number is available. OAC 3701:1-37-01 lists definitions used in the chapter and includes amendments to the appendix that correct a mathematical formula.

During early stakeholder outreach, the Department reviewed the rules during meetings of the Radiation Advisory Council's Radioactive Material Committee, which is comprised of industry stakeholders. The rules were also posted to the Department's website. During that time, the rules were approved to proceed to public comment. No comments were received during the CSI public comment period.

The business community impacted by the rules includes 300 radioactive material licenses that are currently active. The adverse impacts created by the rules include the time necessary to train personnel and prepare reports. ODH estimates that verification of personnel training can take up to one hour per employee. ODH states that the adverse impacts are necessary to ensure that both workers and the general public are protected from harmful radiation exposure.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that ODH should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review