



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Alicyn Carrel, Ohio Department of Health

FROM: Joseph Baker, Director

DATE: November 23, 2022

RE: **CSI Review – Non-Medical Radiation-Generating Equipment (OAC 3701:1-68-01, 3701:1-68-02, 3701:1-68-03, 3701:1-68-04, 3701:1-68-05, and 3701:1-68-06)**

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 (Department). This rule package was submitted to the CSI Office on August 29, 2022, and the public comment period was held open through September 28, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on August 29, 2022.

Ohio Administrative Code (OAC) 3701:1-68-02 sets forth general requirements for handlers of non-medical radiation-generating equipment (equipment) to maintain and implement a radiation protection program. Under the rule, the program must address radiation safety training for personnel, monitoring requirements, maintenance and evaluation of equipment, record-keeping, instrument calibration requirements, qualifications and refresher trainings for radiographic system operators, designating an individual responsible for radiation protection, and related factors. The rule is amended to rename the quality assurance program as the radiation protection program, streamline language, remove a reference to physical copies of a practical examination for radiographers and radiographer assistants, and require individuals responsible for radiation protection to hold an associate's degree in a related program or be

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qualified as an industrial radiographer, rather than complete two thousand hours of hands on experience and formal education addressing radiation protection programs. The appendix to the rule also specifies requirements for independent certifying organizations and has been amended to update references.

OAC 3701:1-68-03 sets forth requirements for non-medical radiographic systems, including visible signals, failsafe interlocks, dead-man exposure switches, locks preventing unauthorized entry, a utilization log, the completion of a radiation survey after exposure, operating and emergency procedure instructions, the required presence of at least two qualified individuals when the system is in use, the physical presence of a radiographer on site, and various other operational requirements. The rule is amended to update terms and streamline language. OAC 3701:1-69-04 specifies requirements for non-medical analytical systems, including equipment standards, labeling and signage, interlocks, handling requirements, radiation protection specifications, and related provisions. The rule has also been amended to update terms and streamline language.

OAC 3701:1-68-05 requires operators of non-medical particle accelerator systems to meet equipment standards and comply with operational responsibilities related to radiation safety. The rule has been amended to update terms. Finally, OAC 3701:1-68-06 sets forth requirements for non-medical cabinet systems, including design and equipment standards, warning and labeling requirements, and responsibilities for operators. The rule has been amended to remove a requirement that radiation area surveys be conducted annually to instead reflect that radiation area surveys need only be conducted when conditions change, to correct a typo, and to update a reference.

During early stakeholder outreach, the Department notified stakeholders that the Radiation-Generating Equipment Committee Meeting would evaluate the rules at its public meeting. Based on feedback from stakeholders, the rules were amended prior to submitting to CSI for review. During the CSI public comment period, comments were received from Metro Health System recommending evaluations for cabinet systems be conducted on an annual, rather than quarterly, basis for those not designed for human admittance. The Department responded that such checks take no more than ten minutes to perform and are necessary to inspect for abnormal conditions that may require an area radiation survey. Comments were also received from Applied Health Physics recommending that radiation surveys be conducted following the relocation of cabinet and analytical systems. The Department noted that surveys are already conducted upon installation and changes in arrangement, disassembly, component removal, whenever a visual inspection detects an abnormal condition, and other related situations. Accordingly, no additional changes were made to the rules.

According to the Department, the business community impacted by the rules includes approximately 1,500 non-medical radiation-generating equipment registrants in Ohio. The adverse impacts to business consist of costs associated with setting up and maintaining a radiation safety program that complies with the rule requirements and payment of a registration and inspection fee. The Department notes that the estimate cost of these requirements ranges from \$7,000 to \$81,000 annually depending on the type of equipment in operation. The Department states that the adverse impact to business is justified to ensure that equipment functions properly and that non-medical operators are following radiation safety measures

to protect themselves and the public from potential dangers associated with radiation.

Recommendations

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

Conclusion

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