

RADIATION ADVISORY COMMITTEE MEETING
Minutes
February 10, 2021

Call to Order – Public Session

Donna Stevens, Chair, called the Radiation Advisory Committee (RAC) into public session on February 10, 2021 at 10:03 a.m. Via Teams

Members Present:

Smith, Barbara, ARRT, Chair
Frankel, Jennifer, DMD
Cyman, DVM, Juliana
Berry, Bob, Providence

Hamby, David
Stevens, Donna, Kaiser
Henrikson, Mandy, Vice Chair

OHA RPS Members Present:

Howe, David
Carpenter, Todd
Wendt, Rick
Haskins, Hillary
Tom Pfahler
Lind, Lee

Smith, Judy
Martin, Michelle
Enger, Joe
Desemple, Erin
Leon, Daryl

Absent: Young, Scott, ODOT

Introduction of Members and Guests

Radiation Advisory Committee members, Radiation Protection Services (RPS) personnel and guests introduced themselves. David Howe requested participants to spell out his/her name and who they represented. Barbara Smith, Chair, went over the teleconference procedures and the meeting agenda.

Approval of Minutes

Minutes from the October 14, 2020 meeting were sent to the members for their review prior to this meeting.

Motion

Mandy Henrikson moved, and Donna Stevens, seconded a motion to approve the October 14, 2020 Radiation Advisory Committee minutes as written. The motion carried unanimously.

RPS Staffing

David Howe shared that RPS has two vacancies. Due to budgetary concerns they have not been filled. One is an Environmental Health Specialist and the other is an Administrative Specialist position.

David reported that in a few months Rick will be retiring (with 11 years state service). RPS management is exploring the creation of a 6-month job rotation to allow someone to fill the role of Operating Manager. The person would be mentored by Rick.

2020 RPS ANNUAL SUMMARY REPORT

RPS Budget (Power Point Available)

RPS Licensing Manager Todd Carpenter presented the RPS budget overview from July 1, 2019 through December 31, 2020.

He shared information about revenue versus expenses, including user fee accounts (X-ray program, Tanning program, Radioactive Materials program); federal contract (MQSA) and interagency grants (Oregon Department of Energy, CGS and Metro).

Todd reported that the section's ending balance of December 31, 2020 is projected to be \$ 433,991.

Electronic Products Program

RPS Operations Manager Rick Wendt presented the Electronic Products Program 2020 Annual Summary. He reported on the overall scope of the X-ray program. Since the onset of COVID, RPS has developed a framework to conduct "administrative inspections", including a cover letter and checklists to address rules/items. Currently, staff are working on virtual inspections, using Teams and Skype, so inspectors can still view documents and processes on site.

Rick reported that in 2020, 417 x-ray facility and 28 tanning facility inspections were completed. Rick added that tanning facilities were categorized as "service industry" by the Governor's Office. As such, they had added restrictions for walk-in clientele, versus other medical/dental facilities. Ultimately, tanning facilities were able to re-open by following CDC/state guidelines for physical distancing and personal protection equipment. Since COVID, RPS has been trying to be sensitive the COVID effect on registrant and licensee business practices while still carrying out its regulatory responsibilities.

Mandy Hendrickson asked if first-time registrants are provided with any information regarding Oregon regulations and customer safety requirements. Also, Mandy is interested in working with RPS to help the registrants understand the rules and regulations better, in hope to get the violations numbers lowered.

Dr. Jennifer Frankel asked why it is necessary for dental facilities to do significant preparation for inspections considering that RPS is not conducting on-site inspections. Rick shared that, due to COVID and RPS implementing safety measures for facility personnel and RPS field staff, conducting administrative inspections does require some extra effort by registrants to provide upfront documents as a part of completing facility record audits.

Radioactive Materials Licensing

RPS RML Lead Worker Hillary Haskins presented the Radioactive Materials Licensing Program Annual Summary. Hillary shared that, for the past 10 months, she has been working with the state's Incident Management Team (IMT) for COVID and has recently returned to her normal duties. Because of COVID, only 55 inspections were completed in 2020. The Licensing team was able to complete 122 licensing actions. Once virtual inspection procedures are developed RML inspectors will begin to work on the 111 facilities due for inspection in 2021.

Emergency Response / Incidents

In 2020 there were 41 reported incidents, allegations, and notifications, including: 6 Waste and 8 Scrap Alarms (involving requests for DOT Special Permits; 7 Medical Events (mis-administrations); 2 Lost/Stolen Sources; 4 Over exposures; 1 Tanning incident; 5 Allegations; 1 Bankruptcy; 1 Unauthorized Transfer of RAM; 1 Notification.

RPS Staff Training

Rick reported that, due to COVID, regular in-person trainings were changed to on-line courses. NRC developed "Self-Study" and virtual training courses. The NRC and Organization of Agreement States (OAS) initiated a series of monthly Champions Chats" to address interagency and state radiation control program issues and concerns.

Selected RPS staff did complete NRC on-line course including Transportation of RAM, Diagnostic and Therapeutic Nuclear Medicine, Teletherapy and Brachytherapy, and Internal Dosimetry.

2021 RPS Priorities

David identified the 2021 RPS priorities including:

- Ensuring RPS Staff safety through COVID
- Implementing increased Registrant and Licensee fees (HB 2075)
- Creating a Succession Plan to deal with RPS management retirements (i.e. Field Operations Manager)
- Completing a successful August 2021 NRC audit (IMPEP) of the RML program

Note: End of 2020 RPS Summary report

BREAK

Exemptions/Rules/Statutes

Legacy Health Systems –

Rick reported that Legacy Health requested an exemption to, OAR 333-106-0035 for Legacy Good Samaritan to participate in an International Society for Clinical Densitometry (ISCD) Precision Assessment for DEXA Technologists. The request would allow Legacy technologist to perform two DEXA scans on 30 patients to assure accuracy of the scan (without a treatment purpose).

Motion #1

Donna Stevens moved, and Bob Berry seconded her motion, to recommend that RPS grant the exemption. The motion carried unanimously.

Motion #2

Donna Stevens also moved, and Bob Berry seconded her motion, to recommend RPS start rulemaking related to amend OAR 333-106-0035 for all registrants. The motion carried unanimously.

RPS Proposed Rule Making:

Todd briefed RAC about RPS' proposed rulemaking amending Divisions 102-116-118-125 to ensure compatibility with NRC federal regulations. There are changes pertaining to brachytherapy incidents due to the potential for significant patient harm. NRC is also developing their own rules specific to microspheres.

Proposed OARs will define “ophthalmologic physicians” and training requirements for them to become authorized users.

NRC now recognizes “Associate Radiation Safety Officers” (ARSO), versus Assistant Radiation Safety Officers”. ARSO’s may provide supervision as authorized by the NRC or Agreement State Licenses, including military Master Material Licenses. ARSO’s must complete appropriate radiation safety training.

Finally, another rule amendment requires licensees to immediately contact RPS for any actual or attempted theft regarding materials that contain Category I and Category II radioactive materials (radioisotopes considered harmful to the public and operator).

Motion I

Mandy Hendrickson moved, and Bob Berry seconded a motion to recommend acceptance of all the amended rule. The motion carried unanimously.

(Lunch Break)

Roll call

2021-2023 Legislative Bills – David – (power point)

David Howe reported that the 2021 Legislative Session has just started.

SB283 – Wireless Technology Info Distribution

Hillary Haskins provided a summary about SB 283 (2019) which mandated OHA conduct a review of peer-reviewed independently funded, scientific studies regarding the possible harmful effects of microwave (wireless) radiation, specifically to children. The review concluded that the current weight of scientific evidence has not established a causal link between wireless technology/devices and cancer/other illnesses; specifically, that there is not a potentially greater risk to children than adults.

A team of four people, including Public Health Division staff, Dr. Ali Hamade and Hillary Haskins, plus two Oregon State University interns (mentored by the two PhD staff members) served as literature study reviewers. On December 29th, 2020 a final report was submitted to a Legislative sub-committee. The final report is posted on the RPS website.

HB 2075 (RPS Fee Increases) – David Howe

David Howe reported that the Legislative Concept (LC 396) to increase user registration fees was accepted by the Governor’s Office for submission to the state

Legislature as House Bill (HB) 2075. The bill provides RPS with financial stability and supports program operational expenses. HB 2075 restructures x-ray registration fees to be “tubed -based”, versus machine control panels; increases tanning registration fees 33%; and creates an annual \$500 x-ray vendor fee (similar to the current radioactive material licensing vendor fee). A related Policy Option Package (POP) is being proposed to increase radioactive material licensing fees. The Joint Ways and Means Committee will need to approve this bill and the POP, and the full Legislature will need to ratify it into law.

David shared that the last time RPS increased fees was in 2015. Cost-revenue projections indicate that HB 2075 should sustain RPS through three biennia beginning with 2021-2023. The additional revenue will allow RPS to sustain its existing 15-member staff, plus fill two vacancies including an EHS3 (inspector) and Administrative Specialist (AS1) position. The bill will also allow RPS to add two new EHS3 inspectors and an additional AS1 to assist in administering a new tube-based x-ray database.

Because the State Radiation Advisory Committee and its members appreciate the importance of radiation use and safety, and recognize the RPS regulatory/emergency response role to ensure the same, David invited members to submit HB 2075 letters of support and/or testify.

Mandy Hendrickson said that even though she values the role RPS plays in radiation health and safety, COVID has caused an economic hardship for many tanning businesses. Many are closing due to a lack of profitability and loss of revenue. She expressed a concern that increasing RPS fees, at this time, may cause/force more tanning businesses to close.

Emergency Preparedness/Response – Hillary Haskins, Inspector

Hillary Haskins reported that because the Oregon border is within 50 miles of the Columbia Generation Station (CGS) [a nuclear power plant located in Washington state], RPS is required to participate in FEMA emergency response training, as a part of being prepared for a real radiological release at the CGS site. Every two years RPS participates in practice and full drills evaluated by FEMA. Due to COVID, the March 2020 Evaluated Drill was cancelled.

ERT Training Calendar 2021 – Hillary Haskins, Inspector

Hillary Haskins explained that RPS is statutorily required and partially funded by the Oregon Department of Energy (ODOE) to provide emergency response for

transportation events involving radiative materials and for CGS events. RPS documents its emergency preparedness training activities for submission to ODOE.

2020 Wild Fire Recovery Efforts (Radiation Thresholds)– Daryl Leon, Inspector

RML Inspector, Daryl Leon provided a briefing about the hazardous waste cleanup operation of properties that were burned during the latest wildfires by EPA and DEQ. The operation started on October 17th and ended on December 9th, 2020. Three hundred thousand pounds of hazardous waste was removed from 2,285 properties, using 250 personnel. The hazardous waste included propane tanks, paints, solvents, pesticides, asbestos, oil, gas, and ammunition. One radioactive item was found---an instrument dial containing Radium-226 paint. The item was disposed of by a low-level radioactive waste broker. RPS assisted DEQ and EPA in developing a radiation threshold guidance document for how to deal with any encountered radioactive materials found during the on-going cleanup process.

Miscellaneous – Mandatory RAC Member Training

David Howe informed RAC members about a new State of Oregon requirement for all members of agency boards, commissions, committees, plus state employees, to complete mandatory on-line training about sexual harassment, discrimination and professional conduct. The training will be accessed through the new state I-Learn system. More information will be forthcoming.

IMPEP Update – David Howe

David reported that the dates for the upcoming on-site NRC Integrated Material Performance Evaluation Program (IMPEP) has been confirmed as August 9th – 13th, 2021.

Virtual Inspections – Tom Pfahler, Inspector

Tom Pfahler reported that, due to COVID, RPS has strategized about how to protect its field staff and registrants/licensees while continuing to complete regulatory facility inspections. Software options to allow “virtual inspection” have been explored. Virtual inspections provide an enhancement of administrative inspections which are restricted to a records/document review. Virtual inspections permit spot checks of equipment, signage/postings, protected areas, and dosimetry, etc.

Support materials, including a cover letter outlining the virtual inspection process, an “Inspection Checklist”, and Power Points about Microsoft Teams and Apple FaceTime, are being created for all registrants/licensees. The goal is to have

options allowing RPS to fulfill its regulatory obligations and, at the same time, lessen the hardship on facilities.

Adjournment

The meeting adjourned at 1:30 p.m.

The next meeting for the Radiation Advisory Committee is scheduled for June 9, 2021.

Respectfully,
Lee Lind