

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 559 (Senator Pugh, *et al.*)
Education, Health, and Environmental Affairs

Environment - Radiology Safety - Regulations

This bill requires the Maryland Department of the Environment (MDE) to adopt regulations by October 1, 2012, that incorporate by reference certain federal Nuclear Regulatory Commission (NRC) documents pertaining to radiology safety.

Fiscal Summary

State Effect: MDE workloads may increase minimally for regulatory development and for inspections under the bill's new regulations, but the increased workloads can likely be handled with existing budgeted resources. Special fund revenues may decrease minimally for MDE to the extent that fewer penalties are levied against radiation machine licensees as a result of the greater regulatory flexibility provided by the bill. Workloads and expenditures may decrease minimally for any State entity, such as medical centers, that are licensed by MDE's Radiological Health Program. However, the bill is not anticipated to materially affect State finances.

Local Effect: Local government expenditures may decrease minimally for locally owned hospitals and medical facilities and any other entities licensed by MDE's Radiological Health Program. However, the bill is not anticipated to materially affect local finances.

Small Business Effect: Minimal beneficial impact to small businesses that are licensed under State radiation control laws as a result of greater regulatory flexibility and potentially fewer penalties levied by MDE.

Analysis

Current Law: The Secretary of the Environment must adopt regulations for general and specific licenses that govern ionizing radiation sources and byproduct material, special nuclear material and devices that use ionizing radiation sources, byproduct material, or special nuclear material. These regulations must provide for:

- the issuance, amendment, suspension, or revocation of general licenses and specific licenses;
- the registration of ionizing radiation sources for which a general or specific license is not required; and
- based on the kinds and amounts of radioactive material subject to specific licenses, the establishment of financial plans to ensure the decommissioning of facilities operating under those licenses and a timetable for the submission of the plans to the department.

State radiation protection regulations currently incorporate by reference all provisions of a document titled *Regulations for the Control of Ionizing Radiation (1994)* as amended by Supplement 1 through Supplement 19.

Criminal, civil, and administrative penalties apply to violations of State radiation control laws and regulations. Any penalties collected are paid into the State Radiation Control Fund.

Background: The Radiological Health Program within MDE is required to adopt all applicable NRC regulations regarding radioactive materials. However, MDE advises that the bill pertains to methods of determining occupational exposure to radiation-producing machines, which are currently regulated solely by MDE. MDE further advises that incorporation of the two NRC documents under the bill will allow facilities to unilaterally determine how occupational exposures will be derived and will take away MDE's right to evaluate these methods, which will create greater risk to public health.

MDE also advises that the Radiological Health Program has a regulatory procedure in place whereby a facility can demonstrate through the strength of its radiation safety procedures that medical staff personnel, primarily physicians, will not exceed annual occupational exposure limits. Few requests have been received to apply an alternative methodology for calculating dose and one has been approved, though the facility did not request approval for the following year. MDE advises that, under the bill, facilities may attempt to treat more patients with fewer staff, potentially risking greater overexposure.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Department of Health and Mental Hygiene, Department of Legislative Services

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