Proposed Rulemaking:
Radiological Health Fees

Environmental Quality Board Meeting
June 14, 2022

Tom Wolf, Governor
Patrick McDonnell, Secretary
• Radiation Protection Act
  o Act 147 of 1984 (as amended in 2007 and 2014)
  o Requires the EQB to “set reasonable annual fees for the registration of radiation sources and the licensing of radiation source users.”

• Radon Certification Act
  o Act 43 of 1987
  o Requires DEP to establish a fee schedule to cover the costs of certification programs for radon testing and mitigation
Chapter 218 - Radiation-Producing Machine & Radioactive Materials Fees

• Radiation-Producing Machines
  o X-ray devices, Accelerators, Vendors
  o Fee schedule last revised in 2009

• Radioactive Materials (RAM)
  o Specific Licenses, General Licenses, Reciprocity
  o Fee schedule last revised in 2017

• Decommissioning / Clean-up
  o Fee schedule last revised in 2017
Chapter 240 - Radon Fees

- Radon
  - Testers, Mitigators, Laboratories
  - Fee schedule last revised in 2017
Reason for Proposed Fees

• Fees from radiation-producing machine and radioactive material users, and radon testers, mitigators and laboratories are the major source of revenue for their respective programs.

• Program and personnel costs have continued to increase since the last fee increases in 2009 and 2017.

• Current fees will be unable to fully support the radiation-producing machines and radioactive materials programs.
  o No increase needed for the radon program.

• This proposed rulemaking will increase fee revenue to sufficiently cover program costs, as directed by Act 147.
Current Radiation-Producing Machines
Current Radioactive Materials Fees

RAM – Available Revenue and Expenditures (in $1,000) no increase

- Total Funds Available
- Program Costs
- Total Income
- Carryover/Beginning Balance
Proposed Fee Changes

Radiation-Producing Machines

- 30% increase necessary to sustain the program through 2027 – increased costs and to replace X-ray survey equipment
- Move chiropractor fees from “other” category to dentist, podiatrist and veterinarian category

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Current Fee</th>
<th>New Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dentist, Podiatrists, Veterinarians, Chiropractors</td>
<td>$100</td>
<td>$130</td>
</tr>
<tr>
<td>tube fee</td>
<td>$50</td>
<td>$65</td>
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<tr>
<td>Hospitals</td>
<td>$725</td>
<td>$940</td>
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<tr>
<td>tube fee</td>
<td>$50</td>
<td>$65</td>
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<tr>
<td>Other</td>
<td>$350</td>
<td>$455</td>
</tr>
<tr>
<td>tube fee</td>
<td>$50</td>
<td>$65</td>
</tr>
<tr>
<td>Vendors</td>
<td>$140</td>
<td>$180</td>
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Proposed Fee Changes

Radioactive Materials

- 10% increase necessary to sustain the program through 2027
- Full cost includes DEP hourly fee – increase from $225 to $275
- Examples of Radioactive Material Fee categories

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Annual Fee</th>
<th>New Fee</th>
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</thead>
<tbody>
<tr>
<td>Pharmaceuticals—Distribution Only—10 CFR 32.7x</td>
<td>$10,200</td>
<td>$11,220</td>
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<tr>
<td>Irradiator—Shielded Source</td>
<td>$6,300</td>
<td>$6,930</td>
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<tr>
<td>Radiography</td>
<td>$21,150</td>
<td>$23,265</td>
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<tr>
<td>Other Byproduct Material</td>
<td>$4,050</td>
<td>$4,455</td>
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<tr>
<td>Generally licensed devices under § 217.143 (relating to certain measuring, gauging or controlling devices)</td>
<td>$480</td>
<td>$530</td>
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<tr>
<td>Well Logging &amp; Non Field Flood Tracers</td>
<td>$6,600</td>
<td>$7,260</td>
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<tr>
<td>Human Use—Broad Scope (except Teletherapy)</td>
<td>$36,250</td>
<td>$39,875</td>
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<tr>
<td>Human Use (except Teletherapy)</td>
<td>$7,350</td>
<td>$8,085</td>
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<tr>
<td>Decontamination, Decommissioning, Reclamation or Site Restoration</td>
<td>Full Cost *</td>
<td>Full Cost *</td>
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<tr>
<td>Reciprocity (180 days/year)</td>
<td>$2,250</td>
<td>$2,475</td>
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<tr>
<td>Small Business—Category 1</td>
<td>$3,450</td>
<td>$3,795</td>
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<tr>
<td>Small Business—Category 2</td>
<td>$750</td>
<td>$825</td>
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</tbody>
</table>
Proposed Fees

Radiation-Producing Machines – Available Revenue and Expenditures (in $1,000) with increase

RAM – Available Revenue and Expenditures (in $1,000) with increase
Summary & Recommendation

• Fee Analysis Report presented to the Board in February 2022.

• On March 3, 2022, the Radiation Protection Advisory Committee supported the Department’s recommendation to present the Proposed Rule to the Board.

• The Department respectfully recommends the Board adopt the proposed rulemaking with a 30-day public comment period.
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