



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Waste, Air, Radiation & Remediation

# Proposed Rulemaking: Radiological Health Fees

Environmental Quality Board Meeting

June 14, 2022

Tom Wolf, Governor

Patrick McDonnell, Secretary

# Statutory Requirements

- **Radiation Protection Act**

- Act 147 of 1984 (as amended in 2007 and 2014)
- Requires the EQB to “set reasonable annual fees for the registration of radiation sources and the licensing of radiation source users.”

- **Radon Certification Act**

- Act 43 of 1987
- Requires DEP to establish a fee schedule to cover the costs of certification programs for radon testing and mitigation

# ▶ RP Program Activities Funded by Fees

## Chapter 218 - Radiation-Producing Machine & Radioactive Materials Fees

- **Radiation-Producing Machines**
  - X-ray devices, Accelerators, Vendors
  - Fee schedule last revised in 2009
- **Radioactive Materials (RAM)**
  - Specific Licenses, General Licenses, Reciprocity
  - Fee schedule last revised in 2017
- **Decommissioning / Clean-up**
  - Fee schedule last revised in 2017

# ▶ RP Program Activities Funded by Fees

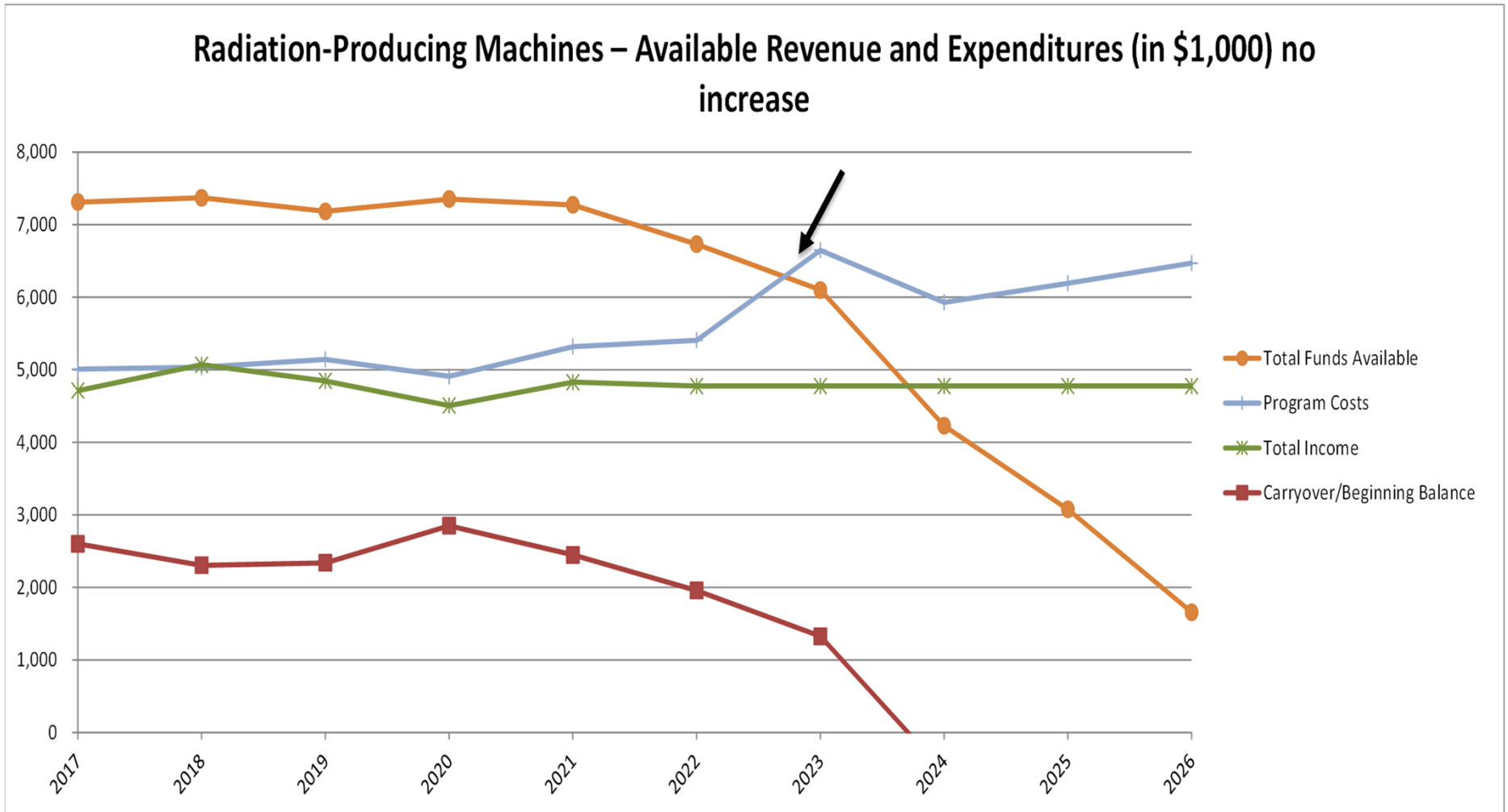
## Chapter 240 - Radon Fees

- **Radon**
  - Testers, Mitigators, Laboratories
  - Fee schedule last revised in 2017

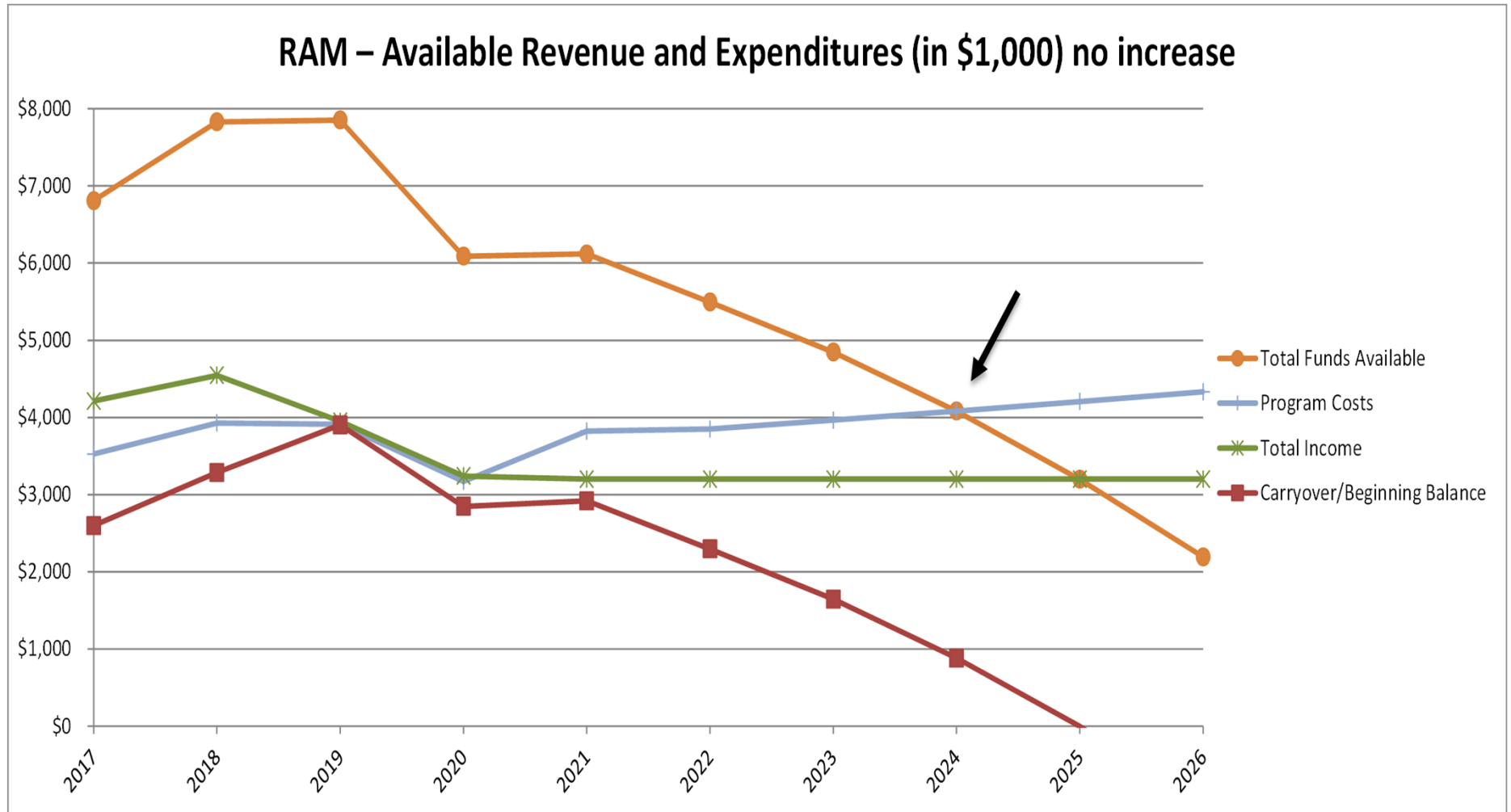
# Reason for Proposed Fees

- 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.
  - 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



# 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

<i>Fee Description</i>	<i>Current Fee</i>	<i>New Fee</i>
Dentist, Podiatrists, Veterinarians, Chiropractors	\$100	\$130
tube fee	\$50	\$65
Hospitals	\$725	\$940
tube fee	\$50	\$65
Other	\$350	\$455
tube fee	\$50	\$65
Vendors	\$140	\$180



# Proposed Fee Changes

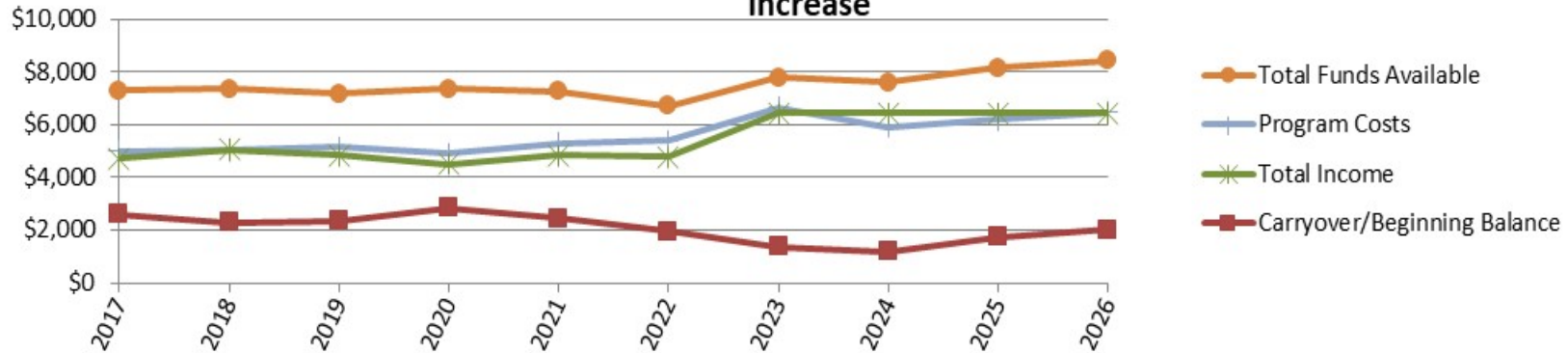
## Radioactive Materials

- 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

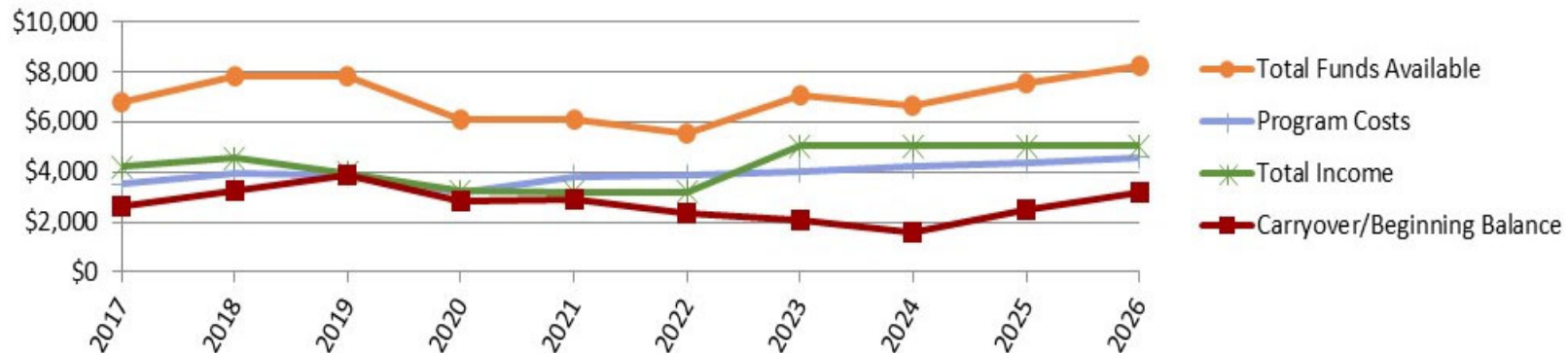
<i>Fee Description</i>	<i>Annual Fee</i>	<i>New Fee</i>
Pharmaceuticals—Distribution Only—10 CFR 32.7x	\$10,200	\$11,220
Irradiator—Shielded Source	\$6,300	\$6,930
Radiography	\$21,150	\$23,265
Other Byproduct Material	\$4,050	\$4,455
Generally licensed devices under § 217.143 (relating to certain measuring,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

# 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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