

**DRAFT Minutes of the Radiation Protection Advisory Committee (RPAC) Meeting
Combination Virtual / In Person Meeting**

February 4, 2026

Meeting called to order at 9:08 a.m.

Members in Attendance:

Aaron Fisher
Anthony Montagnese
Dr. Lara R. Paciello
Ian Irvin
Janice Wirth

Margaret Blackwood
Nate Burden
Anthony Hull
Justin Cantley
Christine Eckenrod

John Keklak
Marian Wolford
Victor Rizzo

Members Absent:

Steven King

DEP Staff in Attendance:

Alhaz Bah
Ally Knepp
Alyssa Oskin
Ashley Langan
Barbara Bookser
Benjamin Seiber
Bryan Werner
Christopher Heckert
David Gaisior
Denise Bleiler
Lisa Funk
Josh Little

Dwight Shearer
Dyran Altenburg
Grace Schoeniger
Jack Palumbo
Jamie Baddorf
Jeffrey Cosklo
Jennifer Minnick
Joseph Koshy
Kristina Hoffman
Laura Campbell
Gage Reesman
Frank Peffer

Jerrica Cornelius
Joshua Myers
Lindsay Williamson
Matthew Sims
Michelle Russo
Ryan Bankert
Sean Gimbel
Stephanie Banning
Victoria Parker
Laura Griffin
Craig Stevens

Guests in Attendance:

Kendall Berry
Samuel Einstein
Brenda Colwell
Jennifer Rice

Trent Machamer
Karen Colucci
William Schneider
David Chamberlain

Danny Schroeder
Bill Branch

Introduction: Adoption of Agenda and Approval of Minutes

The meeting began with adoption of the agenda and approval of the October 15, 2025, meeting minutes, subject to minor corrections. Mr. Burden requested that the minutes reflect that Director Shearer, not Mr. Burden, made the comment regarding a possible staff reduction in the Radon Division. Mr. Montagnese asked that the minutes be revised to clarify that prospective technicians who fail to pass their Board exam within the allotted time may continue working but may not perform human imaging.

First Open Floor:

During the first open-floor session, several members of the public provided comments. Mr. Schneider of US Inspection and NDT LLC expressed concern that the size and timing of the proposed fee increases are unreasonable without a transparent cost basis, and a better understanding of how non-destructive testing (NDT) businesses operate. He noted that fees were increased by approximately 10% in a recent adjustment, rising from \$21,150 to \$23,265. The current proposal would increase the fee to \$30,245 in fiscal year 2027 and to \$34,040 in fiscal year 2031. Mr. Schneider explained that most NDT businesses operate under fixed-rate contracts and cannot pass these increased costs on to customers for extended periods. As a result, the additional fees would need to be absorbed within operating budgets, potentially reducing funding for staff training and retention, equipment maintenance, and administrative support. He requested that the Bureau of Radiation Protection (BRP) publish a transparent cost basis for fee category 3O, consider a longer phase-in period or indexed adjustments, evaluate a fee structure aligned with oversight burden, and establish a small-entity tier.

Mr. Branch, who operates a small laboratory outside the Commonwealth, commented that the proposed small-entity fee reduces the full license fee by only 50%, which he believes remains burdensome. Although reciprocity provisions are helpful, they provide certification for only 180 days rather than a full year. He proposed either further reducing the small-entity fee or doubling the reciprocity fee while extending reciprocity to one year.

Mr. Keklak asked whether entities using X-rays for skin cancer therapy are monitored and regulated and whether they fall within an existing fee category. Ms. Oskin confirmed that such entities are registered in Pennsylvania, that their machines are safe, and that they fall within existing fee and regulatory structures. She offered to provide specification sheets to attendees seeking additional technical details.

BRP Fee Proposal Discussion:

Director Shearer then presented the proposed fee schedule increases, beginning with a review of BRP's current and projected financial status. BRP is funded entirely through licensing, registration, and certification fees and receives no General Fund support. Previously, fees from X-ray, radioactive materials (RAM), radon, and nuclear power plants supported the radiation

protection fund. In 2023, however, nuclear utilities requested that their fees be placed under a separate subgroup with its own charge code, leaving only three revenue sources to support the remainder of BRP operations. The financial projections presented reflected finalized, current, and anticipated budgets.

The proposal removes the ion implanter fee, which had been added in error. To provide a “catch-up” year, X-ray fees would increase by 20% and RAM fees by 30%. The small business 1 fee would be set at 50% of the actual fee, and the small business 2 fee at 25% of the actual fee. The full cost-recovery rate would increase to \$310 per hour. Radon certification fees would increase by 20% and transition to annual registration, while employee fees would be eliminated. The radon mitigation fee would increase to \$75. Three new fees are proposed: a \$500 accelerator amendment fee, a \$500 transfer-of-control fee, and a \$5,000 financial assurance review surcharge.

Director Shearer explained that a more gradual fee increase was considered but would have placed BRP in a financially unstable position and potentially led to furloughs. The proposed catch-up strategy is supported by policy, fiscal, and legal advisors. Although BRP explored implementing a traditional cost-of-living adjustment (COLA), the Radiation Protection Act does not authorize that mechanism, and the variability of the national index complicates long-term planning. Instead, a static 3% factor was built into projections. Amending the Act to allow a traditional COLA would require legislative action, which BRP is not positioned to pursue at this time.

Under the proposal, X-ray operations would return to a positive balance in fiscal year 2026 and remain stable for five years. Director Shearer noted that expenses from the Department of General Services, DEP fiscal operations, and vendors can increase unexpectedly and cannot be reflected in fee adjustments until the next three-year financial review cycle.

Without fee increases, the RAM program is projected to run a deficit by fiscal year 2027–2028. The proposed increases would stabilize the division through fiscal year 2031. Director Shearer also referenced BRP’s need to draw on an \$80 million financial assurance bond during the Westinghouse bankruptcy, which resulted in significant unanticipated legal costs. The proposed financial assurance surcharge is intended to offset similar future expenses.

The Radon Division is currently operating at a deficit, with no prior-year carryover. Although the State Indoor Radon Grant (SIRG) contributes approximately \$433,000, the grant amount fluctuates based on matching funds and cannot be reliably incorporated into projections. The proposed fee increases would restore the Radon Division to a positive balance by fiscal year 2028. To reduce costs, the division head and an open radiation health physicist (RHP) 2 position remain unfilled, and a division vehicle has been returned to DGS, eliminating leasing and processing costs.

BRP has also returned another vehicle outside of the Radon Division and is leaving two RAM RHP 2 positions vacant. Although RAM licenses have decreased from approximately 900 to 450 due to consolidations since Pennsylvania became an Agreement State, the number of physical locations requiring inspection has not decreased proportionally. BRP currently operates with 93 staff members out of a possible complement of 107.

Mr. Burden asked whether the Governor's Office or other state offices could assist in offsetting the fee increases. Director Shearer explained that recent federal funding reductions prompted DEP and the Governor's Office to offer BRP the opportunity to request General Fund augmentation for the first time. Approximately \$500,000 has been requested for fiscal year 2026–2027, though approval and continuation are uncertain.

Mr. Burden also asked whether SIRG funding can be used for salaries. Director Shearer clarified that SIRG is a 60/40 grant, with BRP contributing approximately \$263,000 and the Environmental Protection Agency contributing about \$400,000. While much of the funding supports outreach programs such as the newborn radon initiative, a portion may offset personnel costs. Because the grant must be federally funded and cannot be guaranteed, projected fee increases must independently sustain the Radon Division.

Mr. Montagnese emphasized that the proposal remains in draft form and must undergo public review and comment following publication in the Pennsylvania Bulletin, anticipated in the spring. A 30-day comment period is typical. He expressed concern that higher fees could reduce healthcare services if providers defer equipment purchases. He suggested expanding virtual inspections or reducing inspection frequency for facilities with consistent compliance records. Director Shearer responded that BRP is exploring additional virtual inspections and performance-based approaches but noted that staffing reductions may affect inspection timelines.

Director Shearer reviewed formatting conventions in the draft regulatory amendments and highlighted recent efficiencies, including digitization initiatives. As part of a statewide modernization effort funded by the Governor's Office, BRP is implementing a Salesforce-based platform for X-ray payments, expected to be ready for testing within six months.

Several members requested clarification on specific fee provisions, including the financial assurance surcharge and amendment fees. Director Shearer acknowledged the need for clearer language before publication. Following discussion, the committee approved a motion to move the proposed fee package forward for public comment, incorporating the discussed revisions.

Second Open Floor:

No public comments were offered during the second open-floor session.

Mr. Montagnese raised concerns about inspectors requesting radiation safety committee meeting minutes from facilities with multiple machines but only one modality. Director Shearer and Ms.

Oskin confirmed that this was an error and stated that inspectors would be reminded of the correct requirements. Mr. Montagnese also questioned the definition of “radiation safety officer” (RSO) on registration forms, noting that the regulatory definition in Part 35 may not be appropriate for small entities. Director Shearer agreed that the form would be revised, and inspectors reminded of the distinction, while emphasizing that each practice must designate someone with appropriate radiation training.

Discussion also addressed Dexu scanners being used for non-medical body composition scans. Ms. Funk explained that such uses are generally prohibited under screening regulations unless supported by a physician order, in which case they are permitted. Mr. Rizzo expressed support for regulatory changes that moved chiropractors into the same category as podiatrists, veterinarians, and dentists, noting that the change has reduced unnecessary imaging and radiation exposure.

The meeting adjourned at 10:59 a.m. The next RPAC meeting is scheduled for April 1, 2026, with an additional meeting planned for October 28, 2026. Future meetings are expected to use a hybrid in-person and virtual format.