

CALIFORNIA RADIOACTIVE MATERIALS MANAGEMENT FORUM

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January 25, 2005

The Honorable Kimberly Belshé
Health and Human Services Agency
1600 Ninth Street, Suite 460
Sacramento, CA 95814

Dear Secretary Belshé,

I am writing on behalf of the California Radioactive Materials Management Forum (Cal Rad) to request that you recommend against adoption of California Performance Review proposal RES03, "Consolidate Waste Management Programs," to split the Radiologic Health Branch (RHB) and move part of the present Branch to Cal EPA or a successor environmental agency. Cal Rad is convinced that this proposal would be costly as well as disruptive of both the state's radiation control program and the beneficial uses of radioactive materials in California.

The CPR proposal to move RHB to Cal EPA reflects a misunderstanding of the work of the RHB and the nature of the State of California's radiation control program. It appears to assume that most of the Branch's responsibilities are centered on regulation of radioactive waste. This is not the case. As you well know, most RHB duties are related to patient, worker, public, and product safety. The Branch licenses, regulates, and inspects facilities where radioactive materials are used, such as hospitals, research laboratories, etc. Regulation of radioactive waste is an important but small portion of the Branch's functions.

There is certainly less overlap of RHB functions with those of Cal EPA than overlap of RHB functions with those of other branches within the Department of Health Services such as Food and Drug and branches that regulate patient and hospital safety.

The CPR recommendation would leave regulation of X-ray machines in hospitals and clinics within the Department of Health Services. Result: two agencies to regulate radiation safety instead of one agency as now. This is hardly a cost-saving proposal. SB 201 (Romero, 2003) would have moved RHB to Cal EPA. The bill died on the Senate Appropriations Committee's suspense file because of projected increased costs to the State. Please see:

http://www.leginfo.ca.gov/pub/03-04/bill/sen/sb_0201-0250/sb_201_cfa_20030529_115123_sen_comm.html

Moving California's Agreement State radiation control functions to Cal EPA would be extremely disruptive. Pursuant to the federal Atomic Energy Act, this state program is authorized by the U.S. Nuclear Regulatory Commission (NRC) and is overseen by the NRC. Moving this program to a state agency, many of whose Boards and Departments have been delegated implementation and enforcement authority under federal law from the U.S. Environmental Protection Agency — an agency which is often at odds with NRC on matters related to radiation regulation — would invite disruption. We note that among the sponsors of SB 201 were organizations fairly described as opposed to society's beneficial uses of radioactive materials.

If you have any questions about our concerns, please call Dr. Alan Pasternak, Cal Rad's Technical Director at 925/283-5210 or me at 858/455-2823.

Sincerely,



Keith E. Asmussen, Ph.D., Chair

cc: Terri Delgadillo, Deputy Secretary
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of Health Services
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Public Health Officer, California Department of Health Services
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