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The Honorable Ira Ruskin, Chair
and Members, Assembly Environmental
Safety and Toxic Materials Committee
State Capitol
Sacramento, CA 95814

Dear Chairman Ruskin and Members,

Cal Rad Forum respectfully requests a "no" vote on Assembly Bill 1546 when the bill is heard in Committee on April 26. Alternatively, we request that the bill be amended to remove the proposal to move any part of the State's radiation control program from the California Department of Health Services to a new Department of Environmental Management or any other agency.

Cal Rad Forum is an association of organizations that use radioactive materials in California and the other states of the Southwestern Compact (Arizona, North Dakota, and South Dakota). Our members include universities; utilities with nuclear power plants; medical centers; industries, including biotech and pharmaceutical companies; and professional societies in nuclear medicine and radiation safety.

We understand the interest in creating better coordination among state agencies involved in cleanup projects but do not think this will be achieved by creating a second agency, outside of the Department of Health Services, to help implement California's radiation control law.

The proposal will be disruptive. California's radiation control program has been located within the Department of Health Services since 1962 when it was authorized by the Atomic Energy Commission — the predecessor agency to the U.S. Nuclear Regulatory Commission (USNRC). The

new department, as proposed by AB 1546, is to be located in Cal EPA, many of whose departments and boards draw their implementation and enforcement authority from the federal Environmental Protection Agency. However, by federal law, California's radiation control program is authorized by, and operates under the oversight of, the USNRC. Pursuant to the federal Atomic Energy Act, the State's radiation regulatory program must be compatible with that of the USNRC.

Regulators who oversee the State's radiation regulatory program are drawn from the distinct and unique technical discipline of health physics. The bill would require the duplication of technical personnel resources in that discipline, as expertise would be needed in multiple departments. All aspects of the radiological control and regulatory program belong where they are -- within the Health Department. We believe the current radiological regulatory program in the Department of Health Services is highly competent; any problems can be addressed within the existing organizational structure. We are reminded of the old saying, "If it ain't broke, don't fix it."

Finally, the transfer of radiation regulatory functions from the Department of Health Services to an environmental agency is likely to be expensive. In 2003, Senate Bill 201 proposed to transfer the functions of the Department's Radiologic Health Branch to Cal EPA. The Senate Appropriations Committee Fiscal Summary of that bill recommended it be placed on the Committee's suspense file due to projected increased costs to the State. (SB 201 died on the suspense file.)

Cal Rad respectfully requests an opportunity to testify on AB 1546 to elaborate on these points when the bill is heard in Committee on April 26.

Sincerely,

Alan Pasternak
Technical Director
Cal Rad Forum

cc: The Honorable Loni Hancock
Michael Endicott, Chief Consultant to the Committee
Doug Haaland, Assembly Republican Office of Policy
S. Kimberly Belshé, Secretary, Health and Human Services Agency
Sandra L Shewry, Director, Department of Health Services