



# Texas Radiation Advisory Board

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***NOTE: This letter was individually addressed and sent to the Governor, Legislative Budget Board, Commissioner of Health, Board of Health, House Appropriations Committee, House Committee on Environmental Regulation, Senate Finance Committee, Homeland Security Task Force***

The Texas Radiation Advisory Board, in its statutory role of reviewing and evaluating the radiation programs of the state, would like to make several recommendations which we believe are essential to continuing the successful radiation control efforts in Texas.

As you know the primary radiation control functions are conducted through the Texas Department of Health by its Bureau of Radiation Control. This regulatory program ensures effective regulation of sources of radiation in order to protect the health and safety of occupational workers and the public, and the environment. The BRC is responsible for:

- licensing of radioactive materials including assessment of environmental impacts
- registration of radiation producing equipment
- inspection of licensees and registrants
- development and enforcement of rules
- emergency response activities
- environmental monitoring
- public education

Through inspection, the BRC verifies that radioactive materials are properly handled, controlled and isolated from the public and environment, and ensures that patients, employees and the public are not being over-exposed in medical environments. BRC trains first responders for radiological accidents and also responds to radiological emergencies with trained teams from the Bureau who regularly rehearse in emergency response exercises for the state's two nuclear power plants. Needless to say, these roles in maintaining the security of radioactive materials and response capabilities for radiological accidents have heightened significance in today's world.

Page 2

As you can see from the duties and responsibilities described, maintaining and operating this bureau at a consistently high level of expertise and efficiency is of utmost importance to the state.

The TRAB has identified several key factors for continuing the radiation safety efforts in Texas and has made recommendations on several of them. At this time, we would like to consolidate several of our recommendations because we believe all of these issues must be considered in combination in order to address efficiency, performance and the appropriate level funding.

I am including these recommendations in the enclosed statement from the board, passed at its July 20, 2002, meeting.

Please contact me if you would like to discuss these or any other radiation issues that our state faces.

Sincerely,

original signed by:

Michael Ford, C.H.P.  
Vice Chair

**Recommendations of the Texas Radiation Advisory Board**  
**Elements Essential**  
**for Continuing the Successful Radiation Control Efforts in Texas**  
**July 20, 2002**

1. Legislative Appropriations Request (LAR) for 2004-2005  
The TRAB recommends the appropriation request for radiation control (Strategy A.1.4. of the LAR for the Texas Department of Health) be maintained at least at the funding level of FY 02-03.
  
2. Exceptional items requests
  - a. Nonionizing program  
The TRAB has previously recommended and would like to reiterate that the State of Texas should fund a regulatory program for sources of nonionizing radiation (e.g., lasers). Current funding and staffing does not permit comprehensive regulation of these sources of radiation which are growing in number, technical complexity and associated risk.
  
  - b. Increase health physicist staff salaries by funding reclassifications  
The TRAB has previously recommended and would like to reiterate that the State of Texas faces a critical shortage of trained health physicists and that state salaries are not competitive with other organizations employing similarly qualified individuals. Additionally, the Bureau has a large number of employees who are already, or will soon be, eligible for retirement. We believe increasing funding for reclassifying health physicists at higher salary levels would help to alleviate the recruitment and retention problems the Bureau is experiencing.

For both exceptional items, TRAB acknowledges that the funds would be obtained through fees and the impact to the state would be revenue neutral.

3. FY 2003 Texas Department of Health budget for the Bureau of Radiation Control

TRAB recommends the TDH maintain the BRC's budget insofar as other department shortfalls to be addressed by the Board of Health are concerned. Specifically, the TRAB is concerned that those fees *paid by licensees and registrants* (near 100% reimbursement level) *should be used for radiation control functions* as was the intent in their collection in Chapter 401 of the Health and Safety Code Section 401.301(b) and 401.302.

4. Consolidation of functions at TDH (Human Resources, Budget/Accounting, Purchasing, Information Technology)

TRAB recommends an exception or special consideration be given to the consolidation of administrative functions recommended in the TDH Business Improvement Plan Status Report - June 3, 2002, Items 37, 57, and 79. We understand this consolidation is being planned department-wide and has been recommended in order to increase efficiency. Obviously, continued administrative operations are important to the BRC on a day-to-day basis (and we understand that the TDH would provide that with proposed consolidated functions). However, there are unique circumstances that relate to the specific roles these administrative staff perform in the Bureau's response to radiological emergencies that TRAB believes should be considered in any decisions or arrangements for consolidating staff.

During the past 20 years, the administrative functions of human resources, accounting, purchasing and information technology have been performed within the Bureau. Each of these functions are critical to the Bureau's operation during radiological emergencies. Each of the staff in these positions have assigned duties during radiological emergencies and have had specialized training in radiation protection because each of them serves as a member of the emergency response team sent into the field. Routinely, these staff members receive training and perform in exercises at both of the nuclear power plants in Texas. It is important that there be continuity in the staff, that the investment in their specialized radiation training be preserved, and that they remain available to respond to radiological emergencies within the state.

Additionally, because the funding for the administrative functions come from the licensees, registrants, and reimbursement of actual expenses by the nuclear power utilities, it is important that these staff be dedicated to radiation control duties.

5. Legislative initiatives

- a. Mammography fees

TRAB recommends the Texas Department of Health BRC be appropriated the additional fees generated by Certification of Mammography Systems and Accreditation of Mammography Facilities

- b. Radiation Perpetual Care Fund

TRAB recommends creation of a Radiation Perpetual Care Fund and appropriation to the Texas Department of Health of the fees collected under Section 401.301, Health and Safety Code, Subsection (d) and (e) and penalties collected under Section 401.384-401.390, Health and Safety Code.

TRAB believes the above recommendations, when considered in combination, are the key factors for continuing the essential radiation safety efforts in Texas.