



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Waste, Air, Radiation & Remediation

# **Final Rulemaking: Radiation Protection Program Fees (25 Pa. Code Chapters 218 and 240)**

**Environmental Quality Board Meeting  
June 20, 2017**

Tom Wolf, Governor

Patrick McDonnell, Secretary

# Statutory Requirements

- **Radiation Protection Act**

- Act 1984-147 (as amended by Act 2014-190)
- “...set reasonable annual fees for the registration of radiation sources and the licensing of radiation source users.”

- **Radon Certification Act**

- Act 43-1987
- “...establish a fee schedule to cover the costs of certification”

# ▶ RP Program Activities Funded by Fees

## **Chapter 218 - Radiation-Producing Machine & Radioactive Materials Fees** (Last Fee Revision - Effective 2009)

- Radiation-Producing Machines
  - X-ray devices
  - Accelerators
  - Vendors
- Radioactive Materials (RAM)
  - Specific Licenses
  - General Licenses
  - Reciprocity
- Decommissioning / Clean-up

# ▶ RP Program Activities Funded by Fees

## **Chapter 240 - Radon Fees** (Last Fee Revision - Effective 2009)

- Radon
  - Testers
  - Mitigators
  - Laboratories

# Current and Final RAM Fees

## Examples of Common Radioactive Materials (RAM) Licensee Fee Categories

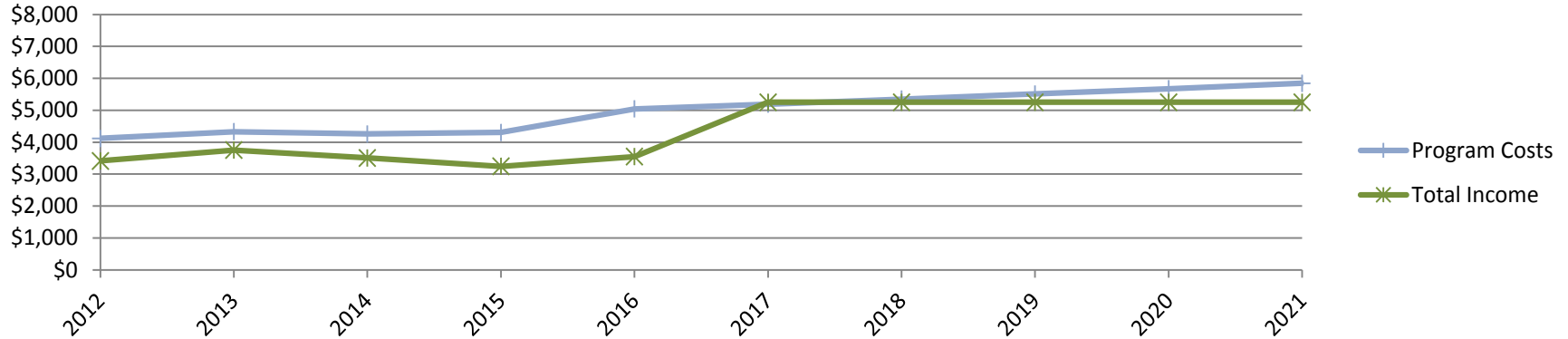
<i>Fee Description</i>	<i>Annual Fee</i>	<i>New Fee</i>
Pharmaceuticals— Distribution Only—10 CFR 32.7x	6,800	10,200
Irradiator—Shielded Source	4,200	6,300
Radiography	14,100	21,150
Other Byproduct Material	2,700	4,050
Generally licensed devices under § 217.143 (relating to certain measuring, gauging or controlling devices)	320	480
Well Logging & Non Field Flood Tracers	4,400	6,600
Human Use—Broad Scope (except Teletherapy)	29,000	36,250
Human Use—Specific License (except Teletherapy)	4,900	7,350
Decontamination, Decommissioning, Reclamation or Site Restoration	Full Cost *	Full Cost *
Reciprocity (180 days/year)	1,500	2,250
Small Business— Category 1	2,300	3,450
Small Business— Category 2	500	750

# Current and Final Radon Fees

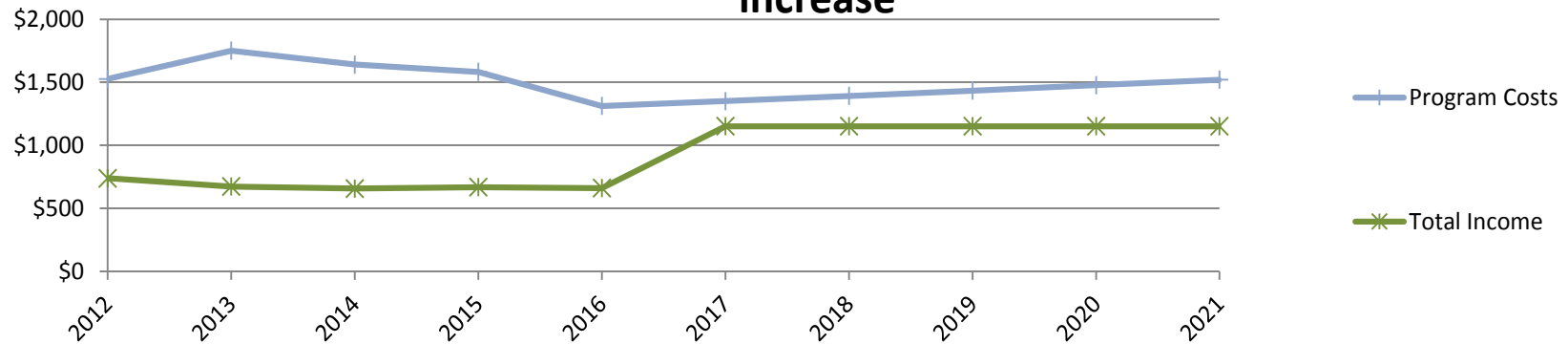
<i>Fee Description</i>	<i>Current Fee</i>	<i>New Fee</i>	<i>Fee Type</i>
Testing Individual	\$350	\$525	Biennial
Testing Employee	\$100	\$150	Biennial
Testing Firm	\$700	\$1,050	Biennial
Mitigation Individual	\$300	\$450	Biennial
Mitigation Firm	\$700	\$1,050	Biennial
Laboratory Individual	\$400	\$600	Biennial
Laboratory Firm	\$750	\$1,125	Biennial
Primary Testing Device Listing	\$100	\$150	Biennial
Course Provider	\$375	\$565	Biennial
Late Application Renewal	\$100	\$150	
Late 45-Day Reporting	\$100	\$150	
Pennsylvania Radon Mitigation System Fee		\$50 per system	

# Final Fees

## RAM – Available Revenue and Expenditures (in \$1,000) with increase



## Radon – Available Revenue and Expenditures (in \$1,000) with increase



# Summary of Comments Received

- 41 commentators for the proposed rulemaking, including the Independent Regulatory Review Commission.
- Concerns regarding impact of the Chapter 218 fee increase on competition within the industry and on small businesses.
  - DEP provides two fee categories for small businesses to obtain radioactive materials licenses at a reduced cost.
- Concerns from radon industry and real estate industry regarding the impact of the Chapter 240 fee increase on homeowners testing for radon in connection with real estate transactions.
  - Cost of testing and installing a mitigation system, if needed, would be a small percentage of the overall costs of real estate transactions and adds a health benefit to the homeowner by reducing the dangers of radon.



# Summary of Comments Received

- Concerns that the increase in costs associated with testing for and mitigating radon exposure may discourage the public from seeking those services.
  - DEP experienced an increase in the amount of reported mitigation installations and testing after the last fee increase and does not anticipate a decrease this time.
- Several commentators asked what DEP has done to reduce costs and improve the efficiency of the program.
  - DEP is continually analyzing its program to identify areas to improve efficiency.

# Changes Made to the Rulemaking

- Several commentators expressed concern related to the logistics and benefit of the new radon mitigation tag.
  - In response, the proposed Radon Mitigation System “Tag” fee approach was abandoned and replaced with a \$50 Radon Mitigation System Fee. The certified mitigator is required to pay this fee for each mitigation system installation and activation performed in the previous quarter.

# Summary

- The proposed rulemaking was published for public comment in July 2016 with a 60-day public comment period.
- On November 17, 2016, RPAC concurred with DEP's recommendation to move the draft final-form rulemaking on forward for EQB consideration.

# Summary

- The final-form rulemaking will take effect upon publication in the *Pennsylvania Bulletin*.
- The revised fees will be applied to all new applications received after the effective date of the rulemaking.
- Renewal notices sent after the effective date of the rulemaking will include the revised fees.

# Recommendation

DEP recommends the adoption of the Radiation Protection Program Fees final-form rulemaking.



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