

INTERAGENCY AGREEMENT  
BETWEEN THE  
DEPARTMENT OF HUMAN SERVICES  
PUBLIC HEALTH DIVISION  
OFFICE OF ENVIRONMENTAL PUBLIC HEALTH  
AND  
THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
OCCUPATIONAL SAFETY AND HEALTH DIVISION

**I. PURPOSE**

This agreement is entered into between the Oregon Department of Human Services, Office of Environmental Public Health (OEPH) and the Oregon Department of Consumer and Business Services, Occupational Safety and Health Division (OR-OSHA) for the purpose of delineating the responsibilities and activities to be performed by each agency pursuant to its authority to regulate radiation sources (ionizing radiation, including but not limited to medical, industrial, and academic x-ray machines; all uses of ionizing radioactive material; and non-ionizing radiation sources such as tanning devices and lasers).

This agreement is intended to promote cooperative efforts between OEPH and OR-OSHA, to clarify effective regulation of ionizing and non-ionizing radiation hazards in Oregon, and reduce to a minimum any unnecessary duplication of inspection and regulation of radiation sources within the state.

**II. ROLES AND AUTHORITIES**

Under ORS 654, and as the Federal Occupational Safety and Health Administration's (OSHA's) designee, OR-OSHA is responsible for protecting the workplace health and safety of workers in the State of Oregon. Enforcement authority for radiation sources can be found in 29 CFR 1910.96 regarding ionizing radiation, and 29 CFR 1910.97 regarding non-ionizing radiation.

Under ORS 453.605 to 453.807 and 453.990(3), and as a U.S. Nuclear Regulatory Commission Agreement State, OEPH is responsible for providing a program of effective regulation of ionizing radiation sources for the protection of occupational and public health and safety. Under ORS 431.925 to 431.990, OEPH also registers and conducts compliance inspections of facilities using commercial tanning devices to ensure public health and safety. Tanning devices are required to be maintained in compliance with 21 CFR federal standards as medical devices.

Statutory authority for both ionizing and non-ionizing radiation sources resides concurrently with both OR-OSHA and OEPH, hence this document will serve as

a starting point for understanding jurisdiction issues, and for promoting a cooperative approach.

### III. ENFORCEMENT

#### A. Regulation of Facilities

1. OEPH is mandated to inspect all ionizing radiation producing machine registrants and radioactive material licensees relative to their authority to protect the health and safety of the public and the environment. OEPH is also directed to inspect and license tanning beds. OR-OSHA is mandated to assure that employees are protected from the hazards of ionizing and non-ionizing radiation.
2. Facilities and/or individuals licensed by OEPH under agreement with the Nuclear Regulatory Commission (NRC) will be regulated under the specification of that agreement which is consistent with Program Directive A-201 that has been adopted by OR-OSHA in response to OSHA Instruction CPL 2.86 and CPL 2.95.
3. Facilities and /or employers having sources of ionizing radiation that are not covered under the NRC agreement such as x-ray equipment, accelerators, and electron microscopes will be regulated and inspected under the specifications of this agreement. Any conflicts between provisions of OEPH and OR-OSHA rules will be resolved in favor of the more stringent rules.

#### B. Inspections

1. OEPH will be the primary inspection agency for sources of ionizing radiation at licensed facilities. OEPH is also the primary inspection agency for tanning beds. OR-OSHA is the primary inspection agency for sources of non-ionizing radiation, with the exception of tanning beds. Consultation-inspection activity by the OEPH will in no way affect subsequent enforcement action by OR-OSHA.
2. OEPH will inform OR-OSHA of any employee complaint regarding ionizing or non-ionizing radiation. OR-OSHA will review and, if appropriate, arrange with OEPH to conduct a joint inspection of the workplace.
3. OEPH will do an onsite follow-up visit to document compliance on all serious hazards noted that involve employee exposure.

4. OR-OSHA will review all enforcement actions, notices of proposed regulatory action and final contested case orders that relate to employee exposure generated by the OEPH for potential enforcement action and will conduct an enforcement inspection on unabated serious hazards.

#### C. Referrals

1. OR-OSHA will refer to OEPH situations involving ionizing or non-ionizing radiation hazards where there are possible violations of laws or regulations enforced by OEPH.
2. OEPH will refer to OR-OSHA situations involving occupational safety and health hazards where there are possible violations of laws or regulations enforced by OR-OSHA, and will refer to OR-OSHA all serious safety and health hazards involving ionizing or non-ionizing radiation which continue to go unabated after being directed to abate and given a reasonable time for abatement.
3. Referrals will occur within 14 days, and may be accomplished by email, phone, fax, or in person.

#### IV. TRANSFER OF INFORMATION

##### A. Enforcement Information

OEPH will, upon request, provide OR-OSHA with notice of all employee overexposures, suspected employee overexposures and deficiencies in equipment or work practices that could result in overexposures to ionizing or non-ionizing radiation. In addition, notification will be sent for repeated violations of 1910.1096, or the equivalent, or when an employer refuses or fails to abate violations of those rules. OR-OSHA will, upon request, provide OEPH with copies of all citations that include violations of 29 CFR 1910.97 or 1910.1096.

##### B. Other Information

Upon request, OEPH and OR-OSHA will provide each other, as allowed by law, with relevant historical enforcement information such as database reports and file copies.

## V. PUBLIC INFORMATION

### A. Confidentiality

Both OEPH and OR-OSHA will maintain strict confidentiality concerning the other agency's inspection, compliance, enforcement plans or actions. As required by law, OR-OSHA confidential information will not be released as per ORS 192.501(17), or for contested cases as specified in OAR 438-005.

### B. Communications with the News Media

When communicating with the news media concerning ionizing or non-ionizing radiation violations or hazards, representatives of both OEPH and OR-OSHA will be sensitive to the other agency's jurisdiction and confidentiality statutes.

## VI. TRAINING

As requested, and within the limits of available resources, representatives from OEPH and OR-OSHA will conduct training sessions to educate each other's affected staff on regulations, policies and procedures.

## VII. LEGISLATION & RULEMAKING

### A. Legislation

Both OR-OSHA and OEPH will communicate to each other all proposed and final legislative actions that have or could have an effect on the ionizing or non-ionizing radiation program, rules, or enforcement ability. In addition, all related legislative concepts proposed by either agency should be transmitted to the other as early in the legislative process as possible.

### B. Rulemaking

Both OR-OSHA and OEPH will provide each other with drafts of proposed Oregon Administrative Rules relating to ionizing or non-ionizing radiation as early as possible in the rulemaking process, but in all cases prior to the beginning of the public notice and comment period.

VIII. EFFECTIVE DATE

This agreement will be effective upon signature by the Administrator of the Office of Environmental Public Health, Public Health Division, Department of Human Services and the Administrator of OR-OSHA, Department of Consumer and Business Services.

IX. PROVISIONS FOR REVIEW AND UPDATING

At least biennially (in even numbered years), OR-OSHA and OEPH will review items contained in this agreement, update it where necessary, exchange relevant program information, and meet as necessary.

X. AGREEMENT TERMINATION

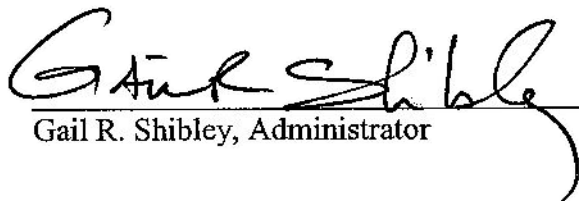
This agreement will remain in force until terminated by either party on thirty days written notice to the other.

OCCUPATIONAL SAFETY AND HEALTH DIVISION  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

  
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Michael Wood, Administrator

July 14, 2006  
Date

OFFICE OF ENVIRONMENTAL PUBLIC HEALTH  
PUBLIC HEALTH DIVISION  
DEPARTMENT OF HUMAN SERVICES

  
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Gail R. Shibley, Administrator

July 14, 2006  
Date

## Appendix A

### **OR-OSHA contacts:**

Sam Drill – Safety Field Operations Manager, Salem Central Office  
(503) 947-7440 [sam.h.drill@state.or.us]

Chris Ottoson – Health Field Operations Manager, Salem Central Office  
(503) 947-7388 [chris.ottoson@state.or.us]

Penny Wolf-McCormick – Health Enforcement Manager, Portland Field Office (503)  
229-5910 [penny.l.wolf-mccormick@state.or.us]

Stan Thomas – Health Enforcement Manager, Salem Field Office, Bend Field Office  
(503) 378-3274 [stanton.e.thomas@state.or.us]

Doug Brandow – Health Enforcement Manager, Eugene Field Office, Medford Field  
Office (541) 686-7562 [doug.c.brandow@state.or.us]

Policy Manager – Marilyn Schuster (503) 947-7445 [marilyn.k.schuster@state.or.us]

Technical Services and Resource Center Manager – Peggy Munsell (503) 947-7446  
[peggy.a.munsell@state.or.us]

Consultation and Outreach Manager – Suzanne Kailey (503) 947-7416  
[suzanne.e.kailey@state.or.us]

Public Information Officer – Kevin Weeks (503) 947-7428 [kevin.s.weeks@state.or.us]

### **DHS Office of Environmental Public Health contacts:**

Radiation Protection Services Section Manager - Terry Lindsey (971) 673-0499  
[terry.d.lindsey@state.or.us]

DHS Communications Officer – Bonnie Widerburg (971) 673-1282  
[bonnie.l.widerburg@state.or.us]

*Information current as of June 2006.*