

REGULATORY ANALYSIS

6 CCR 1007-1, Part 09, Radiation control -
Radiation safety requirements for particle accelerators not used in the healing arts

Adopted by the Board of Health October 16, 2024

1. A description of the classes of persons affected by the proposed rule, including the classes that will bear the costs and the classes that will benefit from the proposed rule.

Group of persons/entities affected by the Proposed Rule changes	Size of the Group	Relationship to the Proposed Rule Select category: C/CLG/S/B
Registered facilities that use particle accelerators for non-healing arts purposes.	Approximately 6	C
Registered Qualified Inspectors (QIs) and Qualified Experts (QEs) who may perform radiation safety related and inspection services for or at registered facilities who use non-healing arts particle accelerators.	Approximately 200	C
Other stakeholders and interested parties. This includes individuals or entities who requested notification of proposed x-ray/radiation producing machine related radiation rule changes for industrial purposes and general radiation program updates. This includes private organizations, professional societies, and companies. Individuals on these lists may also be employed at registered x-ray facilities.	Approximately 1100	S

While all are stakeholders, groups of persons/entities connect to the rule and the problem being solved by the rule in different ways. To better understand those different relationships, the following relationship categorization key is used:

- C = individuals/entities that implement or apply the rule.
- CLG = local governments that must implement the rule in order to remain in compliance with the law.
- S = individuals/entities that do not implement or apply the rule but are interested in others applying the rule.
- B = the individuals that are ultimately served, including the customers of our customers. These individuals may benefit, be harmed by or be at-risk because of the standard communicated in the rule or the manner in which the rule is implemented.

More than one category may be appropriate for some stakeholders.

2. To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Economic outcomes

Summarize the financial costs and benefits, include a description of costs that must be incurred, costs that may be incurred, any Department measures taken to reduce or eliminate these costs, and any financial benefits.

Financial/economic costs:

C and CLG:

There are no expected financial/economic costs for the proposed changes to Part 9, as changes consist of language clarifications and updates of current requirements and processes.

Financial/economic benefits:

There are no expected financial/economic benefits for the proposed changes to Part 9, as changes consist of language clarifications and updates to current requirements.

Please describe any anticipated financial costs or benefits to these individuals/entities.

S: No impacts.

B: No impacts.

Non-economic outcomes

Summarize the anticipated favorable and non-favorable non-economic outcomes (short-term and long-term), and, if known, the likelihood of the outcomes for each affected class of persons by the relationship category.

C/CLG: The overall anticipated favorable outcome for the proposed changes to the Part 9 rule, will be improved clarity and understanding of the regulations and requirements by the regulated community and radiation program staff.

The remaining proposed changes are primarily technical and clarification changes and not expected to have any direct or indirect impact or outcomes for the end user.

3. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

A. Anticipated CDPHE personal services, operating costs or other expenditures:
No impacts.

Anticipated CDPHE Revenues:
No impacts to CDPHE revenues.

B. Anticipated personal services, operating costs or other expenditures by another state agency: Not Applicable

Anticipated Revenues for another state agency: Not Applicable

4. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Along with the costs and benefits discussed above, the proposed revisions:

- ☒_X_ Comply with a statutory mandate to promulgate rules.
- ☒_X_ Comply with federal or state statutory mandates, federal or state regulations, and Department funding obligations.
- ☒_X_ Maintain alignment with other states or national standards.
- ☒_X_ Implement a Regulatory Efficiency Review (rule review) result
- ☒_X_ Improve public and environmental health practice.
- ☐___ Implement stakeholder feedback.

Advance the following CDPHE Strategic Plan priorities (select all that apply):

Goal 1, Implement public health and environmental priorities

Goal 2, Increase Efficiency, Effectiveness and Elegance

Goal 3, Improve Employee Engagement

Goal 4, Promote health equity and environmental justice

Goal 5, Prepare and respond to emerging issues, and

Comply with statutory mandates and funding obligations

Strategies to support these goals:

- ☐___ Substance Abuse (Goal 1)
- ☐___ Mental Health (Goal 1, 2, 3 and 4)
- ☐___ Obesity (Goal 1)
- ☐___ Immunization (Goal 1)
- ☐___ Air Quality (Goal 1)
- ☐___ Water Quality (Goal 1)
- ☐___ Data collection and dissemination (Goal 1, 2, 3, 4, 5)
- ☒_X_ Implement quality improvement/a quality improvement project (Goal 1, 2, 3, 5)
- ☐___ Employee Engagement (Goal 1, 2, 3)
- ☐___ Decisions incorporate health equity and environmental justice (Goal 1, 3, 4)
- ☐___ Detect, prepare and respond to emerging issues (Goal 1, 2, 3, 4, 5)
- ☐___ Advance CDPHE Division-level strategic priorities.

The costs and benefits of the proposed rule will not be incurred if inaction was chosen. Costs and benefits of inaction not previously discussed include:

The cost of inaction by failing to implement the proposed changes will result in retaining some language that may be unclear or ambiguous or that may not be consistent with other radiation control regulations or national model regulations. Similarly, failing to update provisions pertaining to the incorporation by reference language will potentially make the rule incompatible with the Colorado Administrative Procedure Act requirements.

There are no benefits of inaction.

5. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

Rulemaking is proposed when it is the least costly method or the only statutorily allowable method for achieving the purpose of the statute. The benefits, risks and costs of these proposed revisions were compared to the costs and benefits of other options. The proposed revisions provide the most benefit for the least amount of cost, are the minimum necessary or are the most feasible manner to achieve compliance.

6. Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.

There were no alternatives to this rulemaking considered, as the corrections, revisions and clarifications to the rule will help make it more consistent with existing national model regulations and are intended to add clarity and understanding to the rule.

Alternatives to the revised language regarding incorporating documents by reference were not considered as this change is necessary to meet requirements of the Colorado Administrative Procedure Act. Failure to incorporate this language may result in the rule being negated or invalidated by the legislature.

7. To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.

The proposed changes did not require a data based evaluation or analysis. The proposed changes are minor technical changes that are expected to improve the implementation and understanding of the rule. The proposed updates pertaining to the documents incorporated by reference section are consistent with other recently amended radiation control rules and regulations.