

MDEStat Meeting

April 8, 2008



Definition

A violator is in **Significant Non-Compliance (SNC)** if the violation(s) meets any of the following criteria:

- exceeds SNC thresholds established by a corresponding federal program;
- has caused actual, or has the potential to cause adverse impact to public health or the environment;
- represents willful, chronic or recalcitrant behavior;
- substantially deviates from the terms of a permit, order, settlement agreement, or from statutory or regulatory requirements; or
- is not corrected within 60 days following the issuance of a Notice of Violation, Site Complaint or Inspection Report by the Department.

Table 1: Dental Inspections in Other States: January-March 2008 Responses from State Radiation Programs

	Does your state conduct unannounced dental x-ray inspections	If yes to the first question, what changes in compliance have been noted	What is the most frequent violation encountered in dental x-ray facilities	What is the range of penalty amounts assessed for dental x-ray machine violations
State Responses				
Arizona	Yes	Does not remember	Failure to register an additional unit	Zero to \$3,000
Wisconsin	Yes	N/A	No quality control, tube arm drifts, exposure switch not working	No monetary penalties assessed but can range from \$100 to \$100,000
New Mexico	Yes	No changes	Tube stability	No monetary penalties assessed
Kentucky	No	N/A	No Dosimetry Monitoring, Technique factors not listed	\$100.00 per day
Hawaii	No	N/A	No written SOP	Zero to \$23,775
Texas	No	N/A	Failure to perform equipment performance	\$500-\$3,000
Minnesota	No	N/A	Darkroom Fog, failure to perform equipment performance, No Quality Control, Unable to see patient during exposure	\$500.00 (Penalties can range up to \$10,000). Most facilities do not get fined.

Table 1: Dental Inspections in Other States: January-March 2008 Responses from State Radiation Programs (Con't)

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State Responses				
South Dakota	No	N/A	Kvp accuracy	Does not assess monetary penalties
New York	No	N/A	Inconsistent timers	No monetary penalties assessed but can range from \$100 to \$2000
Rhode Island	No	N/A	No personnel monitoring, lack of technique charts, non-licensure of x-ray staff	Does not have civil penalties. This is a director decision.
South Carolina	No	N/A	No Standard operating procedures, Failure to perform equipment performance	\$5,000 to \$15,000 (this penalty amount is for an installation issue)
Utah	No	N/A	Do not track specific violations	No monetary penalties assessed but can range from \$250 to \$5,000
Oregon	No	N/A	Darkroom	No monetary penalties

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State Responses				
West Virginia	No	N/A	No personnel monitoring, no shielding plan, no radiation protection plan	If violations are not corrected, the facilities registration may be suspended
Delaware	No	N/A	Expired certificate	No monetary penalties assessed but can range up to \$500
California	No	N/A	Failure to register all the x-ray machines and lack of a quality control program	If violations are not corrected, the facilities registration may be suspended. Have authority to penalize up to \$5,000
Puerto Rico	No	N/A	Shielding plan	\$1,000
Massachusetts	No	N/A	Failure to register all the x-ray machines	No monetary penalties
New Jersey	No	N/A	Failure to register all the x-ray machines	\$100 to \$300
Ohio	No	N/A	Quality control	No monetary penalties assessed but have civil authority
Florida	No	N/A	Failure to register all the x-ray machines	No monetary penalties assessed

Table 2: Types of Radiation Facilities Regulated by MDE

Facility Type	Registered X-ray Tubes*	Inspection Frequency
High Energy & Particle Accelerators	3 facilities, 3 Certified Tubes	Annual
Medical (Therapy) Accelerators	41 facilities, 60 Certified Tubes	Annual
Hospitals (ex. CT scanners, General Purpose machines, Bone Density, Fluoroscopic machines)	61 facilities, 1155 Certified Tubes	Biennial
Physicians: Chiropractic, MD, GP, Podiatric	1275 facilities, 1811 Certified Tubes	Biennial
Industrial (ex. Cabinet Radiography, Scanners, Spectrographic)	241 facilities, 464 Certified Tubes	Triennial
Dental	2674 facilities, 9149 Tubes	Triennial
Veterinary	431 facilities, 538 Tubes	Triennial
Mammography (MQSA)	131 facilities, 206 tubes	Annual

Table 4: Radiation Machines Division Statistics

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	4,833	4,843	4,855
No. of sites inspected	1,917	390	331
coverage rate	38%	8%	7%
Number of sites inspected with significant violations	980	229	152
No. of enforcement actions excluding compliance assistance	5	2	0
Amount of penalties obtained	\$30,700	\$12,000	\$0

Table 5: Radioactive Materials Licensing Statistics

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	632	632	636
No. of sites inspected	283	80	57
coverage rate	32%	12%	8%
Number of sites inspected with significant violations	77	24	3
No. of enforcement actions excluding compliance assistance	9	1	1
Amount of penalties obtained	\$20,900	\$33,900	\$0

Table 6: Ambient Air Quality Control High-Impact Facilities

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	3,652	3,652	3,652
No. of sites inspected	432	108	84
coverage rate	71%	39%	24%
Number of sites inspected with significant violations	21	4	2
No. of enforcement actions excluding compliance assistance	26	5	5
Amount of penalties obtained	\$272,000	\$389,500	\$130,000

Table 7: Ambient Air Quality Low-Impact Facilities

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	18,814	18,814	18,814
No. of sites inspected	1,375	246	202
coverage rate	12%	6%	9%
Number of sites inspected with significant violations	57	1	11
No. of enforcement actions excluding compliance assistance	103	25	24
Amount of penalties obtained	\$90,800	\$42,600	\$18,300

Table 8: Air Quality Complaints

	FY07	FY08 Q1	FY08 Q2
No. of complaints received at all sites	707	150	137
No. of sites inspected	277	78	57
coverage rate	65%	68%	50%
Number of sites inspected with significant violations	30	0	0
No. of enforcement actions excluding compliance assistance	4	0	0
Amount of penalties obtained	\$0	\$0	\$0

Table 9: Asbestos Program

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	135	140	128
No. of sites inspected	814	260	131
coverage rate	25%	32%	16%
Number of sites inspected with significant violations	2	0	0
No. of enforcement actions excluding compliance assistance	3	0	2
Amount of penalties obtained	\$750	\$2,250	\$2,250

Table 10: ARMA Source Categories

Source category	examples	number of registered sources	fed. or state inspection frequency reqmt.	No. of sites inspected in FY07	FY07 coverage rate
1. Title V sources	power plants, chemical plants, cement plants, certain landfills, a paper mill, a steel mill, and incinerators	136 (w/T5 permits) 144	2 years (fed)	141	98%
2. Synthetic Minors	asphalt plants, large stone crushing plants at quarries, pharmaceutical plants, and facilities with emergency generators with limits on operations & emissions	176	5 yrs (fed)	145	82%
3. Other State operating permit sources (not synthetic minors)	crematories, printers, cement crushing plants, coal processing plants, and some light manufacturing operations	231	none	129	56%
4. Other high-impact sources that don't have fed or state operating permits	facilities with boilers > 10 MM Btu/hr. subject to fed NSPS	58	none	17	29%
5. gas stations subject to Stage II Vapor Recovery		1,700	none	1,137	67%
6. dry cleaners		500	5 years (fed)	159	32%
7. other small sources	small printers, stand-by generators, charbroilers, small boilers, auto body shops	8,790	none	79	0.8%
8. air quality complaints	usually odor, dust, or smoke	707 complaints received	none	277	65%
9. asbestos abatement projects	projects range from a single pipe wrapping to a major project at a power plant	3,277 asb. removal notifications rcvd.	one project per contractor annually (meeting this reqmt.)	814	25%
Total registered sources of air pollution		11,600	NA	180	NA

Table 11: ARMA Vacancy Summary

	12/3/07	1/8/08	2/21/08	4/8/08
Total positions vacant	13	19	16	19
Vacancies with exceptions approved by DBM	7	4	2	5
Positions vacant more than 4 months	10	11	9	11
Positions vacant more than 6 months	6	9	7	9

ARMA Vacancies as of 4/3/08

PIN	Program/Division	Vacancy Date	Class/Grade	Exceptions to OB	Excep. To DBM	Excep. Apprvd by DBM	MS 22 to OHR	MS 22 Apprvd by OHR	Interv. Quests to OHR	Interview Question Recvd & Approved by OFP	Announcement Posted/ Closed	Notes
018492	Planning/RGGI	04/18/07	Admin. III/18 (Class was changed)	01/08/08			09/26/07 resub. 12/07/07	??	??			****Pilot study has been re-opened on 3/25/08 (Class Unit has 45 day turnaround)
C7030	Planning/SIP	05/16/07	Nat. Res. Plnr. (previous class PHE I)/13	09/11/07	09/25/07		09/26/07	10/10/07	01/15/08	R1/17/08 A1/17/08		***
C7039	Planning/Climate Change	06/12/07	Administrato r III/18	06/20/07	06/26/07	07/08/07	07/05/07	08/21/07	??		P10/23/07 C12/04/07 New date: P01/15/08 C01/30/08	****Pilot study has been re-opened on 3/25/08 (Class Unit has 45 day Turnaroud
C7041	Planning/Admin. Serv.	Vacant Contractual 06/12/07	Admin. Aide/11	01/07/08			01/08/08	3/7/08	3/28/08			***
C7042	Mobile/Admin. Serv.	Vacant Contractual 06/12/07	Office Secretary II/9	09/26/07			08/24/07	08/28/07	10/10/07	R0/12/07 A0/12/07		***

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018370	Planning/ Spec. Prog.	07/15/07	Admin.. II/17 (Class was changed)	09/26/07			09/26/07 resub. 12/11/07	??	??			****Pilot study has been re-opened on 3/25/08 (Class Unit has 45 day turnaround)
074063	Planning SIP	07/15/07	PHE IV/18	09/26/07			09/26/07	10/01/07	02/1/08	R02/1/08 A02/1/08		***
063992	Comp./ Field Serv.	09/30/07	Sanitarian II Reg/12	10/25/07			1/22/08	02/08/08	2/10/08	R 2/12/08 A 2/12/08		***
077329	Air Mon./ Data Mgmt.	10/24/07	Environ. Spec. II/13 3/25/08 class approved as NRP II/14	2/19/08			2/6/08		EDC 4/15/08			***
018238	Planning /Reg.Dev	11/27/07	PHE VI /18	2/25/08			2/5/08	2/29/08	2/1/08	R3/3//08 A 3/5/08		***
074046	Comp /Air Mon.	12/07/07	Environ. Program Mgr. I/18	12/11/07	DNR	01/30/08	01/02/08	01/16/08	01/8/08	R01/17/08 A01/17/08		Hired, start date 4/16/08
074053	Comp. Process Comp.	12/31/07	PHE I/13	01/7/08	3/5/08	3/19/08	12/04/07	01/16/08	01/22/08	R01/22/08 A01/23/08	P 3/26/08 C 4/18/08	Waiting closing date

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065116	Director's Office	01/02/08	Administrative Aide/11	12/31/07			12/31/07	01/16/08	01/07/08	R 01/17/08 A 01/17/08		***
C2005	RHP/Machines	01/04/08	Health Physicist Trainee/13	2/25/08			12/20/07	01/16/08	01/11/08	R 01/17/08 A 01/17/08		***
066367	RHP Machines	01/14/08	Environ. Program Mgr. I/18	3/28/08			EDC 4/4/08		??			Contractual Conversion
025695	Permits/Chemical	1/30/08	PHE IV/17	2/25/08			2/25/08	2/29/08	2/29/08	R 3/3/08 A 3/5/08		***
069489	AG's Office	2/26/08	Asst. Attorney VI/22			3/28/08						Hired, start date 4/23/08
016632	Compliance/Asbestos	3/1/08	PHE 1/13 (Class was changed)	??			EDC 4/4/08		??			*3/4/08
063986	AG's Office	3/14/08	Asst. Attorney VI/22			3/28/08						Recruitment being handled by AG's Office – In process of developing announcement

ARMA Vacancies as of 4/3/08

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Yellow highlighting: date seems late or item seems overdue.

* HRC requested MS 22, exception, or interview questions from administration on this date and has not received.

** Funding issues

*** Awaiting Exception Approval from DBM

****Class being studied by Larry Short in Classification Unit

EDC: Estimated Date of Completion DNR: Did not Record P: Posted C: Closed R: Received A: Approved