

Frequently asked questions: Information for radiation protection agencies

Modernization of Alberta's Radiation Protection Program

With the proclamation of the *Ensuring Safety and Cutting Red Tape Act, 2020*, Alberta's previous *Radiation Protection Act* and previous *Occupational Health and Safety (OHS) Act* have been combined into a new OHS Act. This document provides answers to common questions asked by Alberta's radiation protection agencies.

This document is organized as follows:

- Questions about changes to Alberta's Radiation Protection Program (the Program)
- Questions about changes to legislation
- Questions about agency manuals, records and annual reporting

Questions about changes to Alberta's Radiation Protection Program

1. What are the main Program governance changes?

The previous system of agency agreements has been replaced with a new system of agency designations. Radiation agencies are no longer able to issue legal directives to address non-compliance with health and safety rules. Instead, compliance issues are now formally addressed by OHS officers. Open channels of communication between radiation agencies and Labour and Immigration will help ensure compliance with radiation health and safety rules. Agencies may still communicate with employers to inform them of Program requirements (e.g., the need to have equipment inspected and for a registration certificate) and encourage compliance as per existing day-to-day status quo.

2. When do the changes take effect?

The changes to the Radiation Protection Program take effect on **December 1, 2021**, which is the same date that the new legislation comes into force.

3. Why have the names (of types) of radiation agencies changed?

The names of radiation agencies changed to provide better clarity for the public on the role of each type of agency. This is in response to over the ambiguity of the previous naming system. To clearly distinguish between inspection agencies and registration agencies, the names changed as follows (underlining added for emphasis):

Previous naming system	New naming system
Authorized Radiation Protection Agency	Authorized Radiation Protection <u>Inspection Agency</u>
Authorized Radiation Health Administrative Organization	Authorized Radiation Health <u>Registration Agency</u>

4. Where are radiation agency names listed?

Radiation agency names are listed on the Alberta.ca OHS web pages. They are no longer listed in any schedules of any regulation.

5. Will radiation agencies still have a signed agreement with the government?

Under the new legislation, administrative agreements are no longer required. Instead, radiation agencies are designated by a Director Order under Section 58 of the OHS Act (as per authority the Minister delegated to the Director). Moving forward, radiation agencies are required to comply with Program terms, conditions and requirements as a term of their Director Order.

6. Has the scope-of-work of radiation agencies changed?

The scope-of-work of radiation agencies remains largely the same; however, radiation agencies no longer have formal enforcement powers, as enforcement powers now reside with OHS officers. While there is greater clarity on this in the new Guide for Alberta's Radiation Protection Program, inspection agencies have always had the ability to assess compliance with all radiation health and safety rules.

Inspection agencies are now able to review and approve codes of practice for portable radiation equipment used in industrial radiography and for laser light shows used for entertainment. All radiation agencies now have service standards, which are both flexible and help ensure Program expectations are met.

7. When can a code of practice be used in place of an in-person inspection?

Designated radiation equipment always requires a valid registration certificate before the equipment can be used. Typically, registration certificates are only issued after the equipment has been inspected by an inspection agency. In some cases, an in-person inspection may not be feasible.

As per the Guide to Alberta's Radiation Protection Program, the use of codes of practice in place of in-person inspections are limited to industrial radiography and laser light show entertainment work sites that are temporary in nature where the use of engineering controls may be limited. Under these work conditions, strict adherence to administrative controls is necessary to reduce the likelihood of radiation incidents including unintentional exposures.

As a part of modernization of Alberta's Radiation Protection Program, inspection agencies are now authorized to review codes of practice. An inspection agency, at its discretion and where feasible, may physically inspect the portable designated radiation equipment in conjunction with reviewing a code of practice (however, this might not always be feasible such as when laser light show equipment is rented for a weekend event). Due to the technical subject matter involved, the expert knowledge of inspection agencies is well suited for reviewing codes of practice.

Previously, codes of practice (which are prepared by an employer or an employer's Radiation Safety Officer or Laser Safety Officer) were reviewed by a Director.

8. Can a registration agency set standards beyond the Program Guide?

In general no, but there are special considerations for self-governing professions (also known as regulatory colleges). Registration agencies that are also regulatory colleges can set radiation health and safety standards for its regulated members that exceed the minimum standards of this Program.

For example, a regulatory college could require that all inspections be conducted in person, regardless of the allowances for remote inspections of lasers provided in the Guide for Alberta's Radiation Protection Program, so long as the requirements are stipulated under the authority of the regulatory college's professional legislation.

9. Can an agency promote OHS beyond radiation protection?

Radiation agencies may promote the benefits of OHS practices in general. However, a radiation agency may not make other aspects of OHS a mandatory part of a work site receiving a registration certificate for their radiation equipment.

10. Can a radiation agency subcontract?

A radiation agency may subcontract to supplement its own staff and if doing so, the agency must first notify a Director and ensure its subcontractors are qualified to perform the work, as per the staff qualifications in the Program Guide. The radiation agency remains responsible for all work carried out under its own designation. A Director may disallow any radiation agency from subcontracting.

Separate from the above, a radiation agency may use the services of another radiation agency, and if doing so, that work must be done under the subcontracted agency's designation (the documentation must make clear which agency performed the work).

11. How long are registration certificates valid?

Registration agencies set the expiration for the registration certificates, which may not exceed five years. To facilitate registration certificate renewal, a registration agency may issue an extension to a registration certificate for up to 60 days to allow an inspection agency sufficient time to complete their work or for an employer to take corrective actions following an inspection, so long as safety is not compromised during this period.

Registration agencies are encouraged to make all registration certificates valid for five years by default, unless there is an objective reason why the period should be shorter (e.g., a recommendation by an inspection agency for a given piece of equipment that suggests a more frequent inspection is needed for safety reasons).

12. Will existing registration certificates remain valid?

To maintain Program continuity, a registration certificate for radiation equipment that was valid immediately prior to the creation of the new Program remains valid as per the registration certificate's expiry date, terms and conditions.

13. While an inspection agency's junior inspector is gaining experience, can they perform inspections with a qualified inspector remotely assisting?

Agencies are responsible to ensure their staff are qualified as described in the Program Guide for the work that they perform, and to ensure that quality standards are met.

There is nothing in the Program that prevents an agency's 'inspector-in-training' from working under the direct supervision of a competent inspector, even if the competent inspector is at a different location and using electronic means of communication to assist remotely. It is the responsibility of the agency to determine what level of oversight is appropriate.

14. Is there a fee schedule for radiation agencies?

Radiation agencies may set their own fees. Registration agencies are encouraged to operate on a cost-recovery basis. It is envisioned that the market will set the price for inspection agencies whereby a 'supply equals demand' equilibrium is reached.

15. Is a radiation agency a government agency?

While the word "agency" appears in the titles of inspection and registration agencies, an inspection agency or a registration agency is not an agency, board or commission or public agency of government. When an inspection agency or registration agency acts or carries on its business, it does so in its own capacity and under its own designation. The agencies are not agents of government and are not representing or acting on behalf of government.

16. Do radiation agencies require insurance?

Yes, insurance is required as outlined in the Guide for Alberta's Radiation Protection Program. The type of insurance coverage has not changed from that stipulated in the previous system of agreements.

Questions about changes to legislation

17. Who is the Director?

Under the OHS Act, the Minister may appoint specific government staff as Directors. Under the OHS Act, a Director has all powers of an OHS officer, plus additional powers.

Under the previous Radiation Protection Program, one or two government staff, along with all registration agencies were appointed as Directors.

Moving forward, registration agencies no longer have the power of Director, which is why registration agencies are no longer able to issue directives.

18. Does the Program Guide have the force of law and can it ever be updated?

The Guide for Alberta's Radiation Protection Program (publication number RAD010 published by the Government of Alberta) has the force of law as it is adopted by Ministerial Order under Section 59 of the OHS Act.

As the Program Guide may be updated from time to time, agencies are encouraged to let the Director know of any issues with the Program Guide.

19. What are the main changes to radiation legislation?

Radiation protection rules moved from the former *Radiation Protection Act* and former Radiation Protection Regulation to the new OHS Act and OHS Code. With the governance switch from administrative agreements to agency designations and the new enforcement mechanism using OHS officers, Schedule 10 of the *Government Organization Act* and the Radiation Health Administration Regulation under the *Government Organization Act* are no longer being used for the Program.

20. Are there changes to radiation rules that moved to the OHS Act and OHS Code?

There are effectively no changes to radiation protection rules; however, duplication and unused provisions have been removed.

21. What regulatory gaps were addressed?

It has been clarified that a supplier may install, and an inspection agency may inspect, designated radiation equipment without there first being a registration certificate for that equipment.

22. Why has some language changed, for example the term “owner” replaced with “employer”?

Some language has been changed to harmonize with the definitions in OHS legislation. While owner and employer are often the same, one example of an area where this makes a difference is for demonstration equipment.

The employer is now required to obtain a registration certificate for the equipment, rather than the owner.

23. Does the OHS Code adopt Health Canada Safety Codes? If so, is the newest version always adopted?

Requirements from the Radiation Protection Regulation have been moved to the OHS Code. As a part of this, the OHS Code adopts the same Health Canada Safety Codes.

However, the newest versions of the safety codes or other adopted standards (CSA/ANSI) are no longer automatically adopted. As such, the version of the safety code or standard listed in the OHS Code must be followed. A Director may create an allowance to allow a newer edition of a safety code or standard to be followed, depending on the circumstances.

24. Are inspection agencies responsible for assessing adherence with parts of the OHS Code other than Part 20 (Radiation Exposure)?

Radiation agencies are responsible for assessing adherence with Part 20 of the OHS Code (Radiation Exposure) as well as Part 3 (Specifications and Certifications) of the OHS Code as it relates to designated radiation equipment.

If an inspection agency finds that a piece of designated radiation equipment does not meet the requirements of an applicable standard, it will not be eligible for registration. If an inspection agency becomes aware of other non-compliance (such as designated radiation equipment being used that does not have a registration certificate, dosimetry not being performed where required, or a shielding requirement not being met), they may report the issue to the OHS Contact Centre or LBR.RadiationProgram@gov.ab.ca.

25. Are inspection agencies responsible to review dosimetry results of workers?

Inspection agencies may confirm whether an employer is conducting dosimetry (such as by observing dosimeters being worn by workers or evidence of invoice payments of a dosimetry service provider), but is not responsible to review the dosimetry results of individual workers.

26. Where are radiation exposure limits listed?

Radiation exposure (dose) limits have been moved from the Radiation Protection Regulation to Schedule 12 of the OHS Code.

27. Will there be a training course on OHS legislation for agencies to take?

There is no longer a formal course or exam on OHS legislation. Such a requirement is now less relevant, as under the new legislation, radiation agencies no longer have formal enforcement powers.

Moving forward, radiation agencies are responsible to ensure they follow the Guide for Alberta's Radiation Protection Program and have competent individuals on staff.

Questions about agency manuals, records and annual reporting

28. What is the difference between an agency manual and a quality management plan?

The difference is in name only; there is no difference in terms of content. The radiation program is moving towards plain language where possible. As "agency manual" is plainer language, this is the preferred terminology moving forward.

29. Do radiation agencies need to update their agency manual? How much time does an agency have to update its manual?

While the new Program takes effect December 1, 2021, radiation agencies have until March 31, 2022, to update their agency manual as needed to transition to the new Program. In the interim, agencies must follow the requirements of the new Program.

Agencies must notify a Director of any updates to their agency manual by providing a copy to a Director by email at LBR.RadiationProgram@gov.ab.ca. The updated manuals do not need to be approved by a Director, but their content is subject to audit or review by a Director and a Director may require that a radiation agency make changes to its manual.

30. Will inspection agency manuals be provided to registration agencies?

Inspection agency manuals will not be provided to registration agencies as such information is not needed to inform items within the scope of work of the registration agencies.

Registration agencies are encouraged to have open channels of communication with inspection agencies to support day-to-day program activities.

31. Can agency records be kept electronically? Is an agency's normal back up process acceptable?

Agencies may decide whether to use paper or electronic records. For reasons of efficiency, it is anticipated that all agencies will adopt electronic record keeping systems if they have not already done so.

Agencies may use the normal backup process from their IT department so long as it meets the requirements in the Guide for Alberta's Radiation Protection Program.

32. Who do radiation agency records belong to?

Radiation agency records (including records created before the new legislation took effect) belong to the applicable radiation agency. Records must be managed as outlined in the Guide to Alberta's Radiation Protection Program. Agencies must provide records to a Director when requested by the Director. The agency records are subject to audit by a Director.

33. Will standardized inspection templates be provided to inspection agencies?

There are no plans for standardized inspection templates at this time. Inspection agencies can continue using their existing templates, which in practice, benefit from being customized to match the output of the inspection agency's test equipment.

34. Have there been any changes to annual reporting?

Annual reporting has been streamlined to provide only the information that is used by government. Annual reports are to be submitted electronically (paper copies are no longer required). If additional information is needed, a Director may request it from an agency on a case-by-case basis.

Agency annual reports are now based on calendar year (no longer fiscal year of the agency) and must be submitted by March 31 of the following year.