

COVID-19 ADVISORY

Radiation Protection Element
Issued April 21, 2020



New Jersey
Department of
Environmental
Protection

DEP issues guidance for Radioactive Materials License Holders for compliance concerns due to the COVID-19 Pandemic

Who is affected by this advisory?

This advisory affects all radioactive materials licensees.

Why is DEP addressing these issues?

As part of the state's coordinated response to address the novel coronavirus (COVID-19) outbreak, as of today Governor Phil Murphy has declared a State of Emergency and a Public Health Emergency under Executive Orders 103, 104, 107, 108, and 109. The New Jersey Department of Environmental Protection (DEP) understands that the unprecedented circumstances of the COVID-19 outbreak, including the need to restrict unnecessary travel and adopt social distancing practices as described in the Executive Orders, has created limitations for many regulated entities, including Radioactive Materials License holders, largely due to workforce reductions and limited access to licensed facilities. As a result of the limitations stemming from the outbreak, and in accordance with the Executive Orders, the Department is responding to the immediate needs of the radioactive materials license holders, to allow these entities to focus their attention on the highest priorities, while continuing to meet the necessary requirements that help ensure public health and safety.

What is DEP doing?

The DEP's Bureau of Environmental Radiation (BER) is collaborating with the U.S. Nuclear Regulatory Commission to provide recommendations on how to continue to ensure public health and safety despite the logistical concerns and challenges anticipated as a result of the measures undertaken in accordance with the Executive Orders.

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The BER recognizes that during the current COVID-19 public health emergency that licensees may experience challenges in meeting certain regulatory requirements. The BER has multiple methods of providing relief from regulatory requirements while continuing to maintain safety and security. These methods fall broadly into different categories, which include exemptions from regulatory requirements, amendments to license conditions, or enforcement discretion. Each method has specific requirements and is appropriate under certain circumstances. The BER encourages licensees to contact us upon identifying any potential compliance issues resulting from the COVID-19 public health emergency. Licensees that anticipate that they will be unable to comply with a regulatory requirement or license condition should contact us as soon as a potential issue is identified. The BER will consider these requests for relief on a case-by-case basis.

The Department will continue to exercise enforcement discretion to provide the necessary flexibility to allow the Radioactive Materials Licensees to continue to provide essential services relied on by the public in a manner that is protective of public health and in compliance with applicable regulations despite staffing limitations and other needs related to measures intended to reduce the rate of community spread of COVID-19.

What should I do?

For now, the BER is issuing the following guidance for licensees to ensure the continuity of radiation safety during COVID-19 related restrictions. This is a rapidly evolving situation and subject to change.

1. If the licensee is not prohibited by facility, local, state, or national governmental guidance or orders related to COVID-19 at the time a regulated task is required, then the licensee shall assume it must perform the task(s) in compliance with all regulations.
2. Licensees should continue following the current regulations.
3. If the radiation safety officer or other person responsible for completing a required regulated task is unable to perform his or her duties due to illness or governmental guidance or orders related to COVID-19, a licensee must make reasonable efforts to find another qualified individual who can timely perform the regulated task.
4. All licensees must document any mitigating factors encountered during this time with COVID-19 indicated and make the documentation available at inspection. Staff of the BER will consider documented extenuating circumstances when making final decisions regarding compliance actions.

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Compliance with the following requirements is required at all times:

1. Reports of lost, stolen or missing radioactive sources
2. Notification of incidents involving radioactive material
3. Notification of exceeding annual dose limits
4. Notification of medical events as described in current state regulations

Who should I contact with questions?

If you have questions concerning the status of your license, your compliance with regulations, or the process by which you may make the BER aware of and request alternatives to compliance with applicable regulatory requirements, please contact us via email or at (609) 984-5462. Please direct your emails to Jodie Murl (Jodie.murl@dep.nj.gov) and they will be forwarded to the appropriate section Supervisor.

Please note this advisory is intended to be a summary explanation. If you have any questions related to compliance, please contact the number listed above.