

LEGISLATION CREATES IN DEPARTMENT COMMISSION ON RADIATION PROTECTION

Governor Robert B. Meyner on July 8, 1958 signed into law Senate 106, known as the "Radiation Protection Act." It is now Chapter 116, Public Laws of 1958.

The legislation creates in the State Department of Health the Commission on Radiation Protection to consist of seven members who will serve without pay. Five are to be appointed by the Governor with the advice and consent of the Senate. The other two are to be the Commissioner of Health and the Commissioner of Labor and Industry or their designated representatives.

The legislation requires that the five members appointed by the Governor shall have scientific training in medicine, radiology, radiation physics, atomic energy, biology or engineering. Appointments are for four years beginning July 1. The terms are staggered.

The Commission will have power to promulgate codes, rules and regulations to prevent unnecessary radiation after public hearing.

The State Department of Health is designated as the administrative agency for administering such codes, rules and regulations as may be adopted by the Commission. Among other things, the Department may require registration of the sources of radiation and inspect radiation sources and their shielding.

The Department may order violators of the act or code or rules and regulations to cease such violation within a time fixed by the Department. The Department may bring civil actions in Superior Court.

The act further provides that no ordinance, resolution or regulation of any municipality, county or local board of health concerning unnecessary radiation shall be effective until a certified copy of such ordinance or regulation has been approved by the State Commissioner of Health.

The State Department of Health has had a Program on Radiological Health for several years. Departmental staff have served as consultants to the former Governor's Advisory Committee on Radi-

ation Protection and to the current New Jersey Atomic Energy Study Commission.

The text of Chapter 116, Public Laws of 1958 follows:

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. This act shall be known and may be cited as the "Radiation Protection Act."

2. As used in this act, unless the context indicates another or different meaning or intent:

(a) "Commission" means the Commission on Radiation Protection created pursuant to this act;

(b) "Department" means the Department of Health;

(c) "Unnecessary radiation" means the use of gamma rays, X-rays, alpha and beta particles, high speed electrons, neutrons, protons and other atomic or nuclear particles in such manner as to be injurious or dangerous to the health of the people or the industrial or agricultural potentials of the State.

3. There is hereby created in the Department of Health the Commission on Radiation Protection which shall consist of 5 members with scientific training in medicine, radiology, radiation, physics, atomic energy, biology or engineering to be appointed by the Governor, with the advice and consent of the Senate, and the Commissioner of the Department of Health and the Commissioner of the Department of Labor and Industry or their designated representatives.

4. Commissioners appointed by the Governor shall be appointed for a term of 4 years commencing on July 1 of the year of appointment except that of those first appointed, 2 shall be appointed for terms of 1 year, 1 for a term of 2 years, 1 for a term of 3 years, and 1 for a term of 4 years, which terms shall commence on July 1, 1958. Each commissioner shall hold over after the expiration of his term until his successor has been appointed and has qualified.

Vacancies shall be filled for the unexpired term only in the manner provided for the original appointment.

5. Commissioners shall serve without compensation but shall be entitled to be reimbursed for expenses necessarily incurred in the performance of their duties.

6. The commission annually shall organize as soon as possible after July 1 and shall elect a chairman and a secretary from its own membership. Four members of the commission shall constitute a quorum to transact its business, except that codes, rules and regulations shall be adopted, amended or repealed by a vote of at least 5 members.

7. The commission shall have the power to formulate, adopt, promulgate, amend and repeal codes, rules and regulations as may be necessary to prohibit and prevent unnecessary radiation; provided, however, that no such code, rule or regulation and no such amendment or repeal shall be adopted except after a public hearing to be held after 30 days' prior notice thereof by public advertisement of the date, time and place of such hearing, in such a manner as may be provided by the commission, at which opportunity to be heard by the commission with respect thereto shall be given to the public; and provided, further, that no such code, rule or regulation and no such amendment or repeal shall be or become effective until 60 days after the adoption thereof as aforesaid. Any person heard at such public hearing shall be given written notice of the determination of the commission.

8. It shall be the duty of the commission to review the policies and program of the department as developed under authority of this act; to make recommendations thereon to the department; to provide the department with such technical advice and assistance as may be requested by the department.

9. The department shall:

(a) Administer this act and codes, rules or regulations promulgated by the commission;

(b) Provide the commission with the necessary personnel required to carry out its duties;

(c) Develop comprehensive policies and programs for the evaluation and determination of hazards associated with the use of radiation, and for their amelioration;

(d) Advise, consult, and co-operate with other agencies of the State, the Federal Government, other States and interstate agencies, and with affected groups, political subdivisions and industries;

(e) Accept and administer according to law loans, grants or other funds or gifts from the Federal Government and from other sources, public or private, for carrying out its functions under this act;

(f) Encourage, participate in or conduct studies, investigations, training, research and demonstrations relating to the control of radiation hazard, the measurement of radiation, the effects on health of exposure to radiation and related problems as it may deem necessary or advisable for the discharge of its duties under this act;

(g) Collect and disseminate health education information relating to radiation protection;

(h) Require registration of sources of radiation;

(i) Review plans and specifications on the design and shielding for radiation sources submitted pursuant to codes, rules or regulations of the commission for the purpose of determining possible radiation hazards;

(j) Inspect radiation sources, their shielding and immediate surroundings and records concerning their operation for the determination of any possible radiation hazard.

10. All sources of radiation shall be shielded, transported, handled, used and kept in such manner as to prevent all users thereof and all persons within effective range thereof from being exposed to unnecessary radiation.

11. Whenever the department finds that there has been a violation of any of the provisions of this act or any codes, rules or regulations of the commission, resulting from the construction, opera-

tion or maintenance of a source of radiation, it shall notify any person or legal entity found to be causing, allowing or permitting such violation, of the nature of that violation and order that prior to a time fixed by the department, which time shall not be later than 2 years from the date of service of the notice, that person or legal entity shall cease and abate causing, allowing or permitting such violation and take such action as may be necessary for the source of radiation to be constructed, operated or maintained in compliance with this act and codes, rules or regulations promulgated by the commission.

12. Whenever the department finds that an emergency exists requiring immediate action to protect the public health or welfare, it may issue an order reciting the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency. Such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but, on application to the department, shall be afforded a hearing within 5 days. On the basis of such hearing the department may continue such order in effect or revoke, amend or modify such order.

13. The department may bring a civil action in the Superior Court to prevent the violation of the provisions of this act or codes, rules or regulations promulgated by the commission and orders of the department and said court may

proceed in the action in a summary manner or otherwise and may restrain in all such cases any person or legal entity from violating any of the provisions of this act or said codes, rules, regulations or orders.

14. Any notice, order or other instrument issued pursuant to this act may be served personally or by mailing a copy thereof by certified mail directed to the person or legal entity effected.

15. No existing civil or criminal remedy for any action which is a violation of any code, rule or regulation of the commission shall be excluded or impaired by this act.

16. Any code or rule or regulation of the commission or determination or finding of the department shall be reviewable in the Superior Court by a proceeding in lieu of prerogative writ.

17. No ordinance, resolution or regulation concerning unnecessary radiation adopted by any municipality, county or local board of health shall be effective until a certified copy of such ordinance or regulation has been submitted to the commission and approved by the commissioner of the department. Such ordinances or regulations may not be approved unless the same shall be consistent with this act or any code, rule or regulation issued pursuant hereto.

18. This act shall take effect immediately.