



UTAH RADIATION CONTROL BOARD POSITION STATEMENT

"Citizen's State Initiative Number 1"

October 24, 2002

At the October 4, 2002, Utah Radiation Control Board meeting, the Board voted to issue a position statement regarding Citizen's State Initiative Number 1 - Radioactive Waste Restrictions Act. Members of the Radiation Control Board were concerned about the broad scope of this initiative and its reach beyond taxation questions. As a Board of citizens, appointed by the Governor to represent differing interests, the Board is charged with both regulatory and policy-making responsibility to the citizens of Utah. The Board also has a responsibility to educate where circumstances dictate. The Board was established in concert with the creation of the Department of Environmental Quality in 1991 and such establishment was supported by a broad base of stakeholders. Modifications to membership on the Board have been made through the legislative process as recently as the last legislative session that strengthen the Board representation.

The Board does not believe citizens of the state are best served by (1) the elimination of the Executive Director of the Department of Environmental Quality from the Board (19-3-103(1), page 14, Radioactive Waste Restrictions Act (RWRA), (2) appointment of a member of the general public (one who represents organized consumer groups) (19-3-104(h), page 15, RWRA in lieu of a member of the general public representing no special interests, (3) and the addition of a representative of an independent scientific organization (19-3-104(i), page 15, RWRA where the term, independent scientific organization, is undefined. There are additional questions raised by initiative language that are unclear and make it impossible to assess the total impact to membership on the Board.

The Board notes in the "short title" to Citizen's State Initiative Number 1, there is no mention of how the initiative improves regulation or translates into better protection of citizen's health, safety, and the environment. As one example, the Department is required under 19-1-101(1)(a)(ii), page 5, RWRA to enter into cooperative agreements with independent scientific organizations to provide reviews of environmental monitoring plans, collection of independent quality control monitoring samples, and subsequent independent laboratory analysis of monitoring samples in the field of radioactive waste. In voter information compiled by the Legislative Fiscal analyst, it is estimated that this would cost taxpayers an additional \$300,000 from general fund monies.

The Division of Radiation Control already has been reviewing environmental monitoring plans of Envirocare, has been collecting independent samples (state inspectors take split samples during Envirocare sampling events), and has had the State Health Laboratory conduct the analysis of such samples. This oversight is funded through the collection of disposal fees from Envirocare without further cost to the citizen of Utah. Division staff are uniquely qualified in disciplines of health physics, groundwater hydrology, and engineering to fairly and technically evaluate environmental monitoring data and have been conducting such monitoring for several years. All

such information is documented and available for public review.

The RWRA is simply not a "tax radioactive waste to benefit education and the homeless" initiative. Citizen's State Initiative Number 1 involves issues in several areas of state radiation policy. As the radiation policy-making body concerned with the health and environment of Utah's citizens that may be impacted by radioactive waste, we encourage all citizens of Utah to take the time to educate themselves regarding the content of this initiative and vote on November 5, 2002.

This position statement was passed by a vote of 6-0 with one abstention by the Radiation Control Board at the October 24, 2002 meeting by teleconference.