

Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

12 VAC 5-490 – Virginia Radiation Protection Regulations: Fee Schedule
Virginia Department of Health
Town Hall Action/Stage: 4601/7786
February 17, 2017

Summary of the Proposed Amendments to Regulation

The State Board of Health (Board) proposes to amend its Virginia Radiation Protection Regulations: Fee Schedule regulation to set a registration fee for x-ray device private inspectors.

Result of Analysis

There is insufficient information to ascertain whether benefits will outweigh costs for this proposed regulation.

Estimated Economic Impact

Since 2008, x-ray device private inspectors have been required to meet the qualifications in 12 VAC 5-481-340¹ for registration with the Board but have not historically been charged a fee for that registration. Instead, the Board used its general fund appropriations to cover the cost of administering this registration program. In 2015, the General Assembly removed general fund support for this and other Board registration programs. In 2016, the General Assembly approved legislation that allows the Board to charge x-ray device private inspectors a fee not greater than \$150 for annual registration.²

¹<http://law.lis.virginia.gov/admincode/title12/agency5/chapter481/section340/>

² <http://lis.virginia.gov/cgi-bin/legp604.exe?161+ful+CHAP0685>

The Board now proposes to amend this regulation to require x-ray device private inspectors to pay an annual \$150 registration fee. Board staff reports that this fee will cover the costs of staff time spent verifying registrants' education, training and occupational history as well as time spent two times per year maintaining and updating the list of registered inspectors. To the extent that requiring registration of x-ray device private inspectors provides the benefit of additional safety to the public, requiring the payment of fees to support that registration will provide the same benefit. Any benefits would need to be weighed against the additional \$150 cost that these inspectors will incur each year to maintain registration.

Businesses and Entities Affected

These proposed regulatory changes will affect the 174 x-ray device private inspectors that are currently registered with the Board, as well as any x-ray device inspectors that may be registered in the future.

Localities Particularly Affected

No locality is likely to be particularly affected by these proposed regulatory changes.

Projected Impact on Employment

Increasing the cost of entering or remaining in a profession generally will decrease the number of individuals who choose to practice in that profession. Imposing a \$150 fee on x-ray device private inspectors may slightly decrease the number of individuals who choose to be inspectors.

Effects on the Use and Value of Private Property

These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

Real Estate Development Costs

These proposed regulatory changes are unlikely to affect real estate development costs in the Commonwealth.

Small Businesses:

Definition

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and

(ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

Costs and Other Effects

Board staff reports that all registered x-ray device private inspectors would qualify as small businesses. All of these businesses will incur additional annual costs of \$150 per inspector on account of this proposed regulation.

Alternative Method that Minimizes Adverse Impact

There are likely no other available methods that would both meet the Board’s goal of having this registration program be self-supporting and further minimize adverse impacts for registrants.

Adverse Impacts:

Businesses:

Affected businesses will incur additional annual costs of \$150 per inspector on account of this proposed regulation.

Localities:

Localities in the Commonwealth are unlikely to see any adverse impacts on account of these proposed regulatory changes.

Other Entities:

No other entities are likely to be adversely affected by these proposed changes.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order Number 17 (2014). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

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