

Concise Explanatory Statement

Office of Radiation Protection Fees



WAC 246-254-070 for Fees for specialized radioactive material licenses.

Comment Received	Department of Health Determination
Commenter concerned over the recent increases that result in a 55.8% increase in two years. Requests clarification on the purpose of the public hearing and asks the Department to elaborate on the regulatory provisions and basis for the fee increase.	No change to proposed rule. The Department of Health (department) recognizes fee increases may cause financial hardship on recipients and that operating costs for businesses continues to increase. The department is required by law to set fees at a level that covers the cost of administering each licensing and regulation of professions, occupations, or businesses. The entire department is experiencing funding reductions and increased expenditures from the 2025-2027 state budget (ESSB 5167). The Office of Radiation Protection does not have a revenue source that can subsidize or supplement the fees. The fee increase is necessary to address cost-of-living and job classification adjustments made in the 2025-2027 state budget (ESSB 5167) and a new database. The new database replaces an outdated and failing system. The public hearing is held to take testimony on the proposed changes and hear public comment.
Commenter objects to the proposed increase in the nuclear laundry license fee under WAC 246-254-070(1)(b), concerned that the 19% increase from 2024 to 2025, following a 29% increase the previous year, is not supported by corresponding increases in inspection or oversight activities. States that the fee analysis report lacks data connecting higher budgetary needs to actual program costs, as required by RCW 43.70.250, and highlights that staff have acknowledged limitations in their capacity to evaluate the fee schedule in the Economic Impact Analysis. Notes that Washington's fee is significantly higher than those in other states overseeing	No change to proposed rule. The department acknowledges the commenter's concerns to the fee increases. However, the Office of Radiation Protection does not have a revenue source that can subsidize or supplement the fees. The Economic Impact Analysis outlines the fee increase is to address cost-of-living and job classification adjustments made in the 2025-2027 state budget (ESSB 5167) and adding a new database. The new database replaces an outdated and failing system. Prior to the 2024 fee adjustment, the department had not done a fee adjustment in almost 8 years, during this time period inflation significantly increased, increasing the program's operating costs. The last fee adjustment did not incorporate adjustments for costs that were yet unknown.

similar facilities and urges the Department to defer the increase until a complete, data-driven cost analysis is conducted to ensure fees accurately reflect administrative costs.	Staffing and recruitment challenges has resulted in a significant delay in regulatory requirements and capacity. The department will continue to evaluate program efficiencies and cost-containment measures while ensuring that licensing fees remain aligned with the statutory requirement that regulatory fees recover, but not exceed, the cost of administering the program.
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WAC 246-254-130 for Radioactive waste disposal site surveillance fee.

Comment Received	Department of Health Determination
Commenter strongly opposes the proposed increase in the regulatory site surveillance fee from \$26 to \$126 per cubic foot of waste, noting that the adjustment is disproportionate and risks discouraging use of the state's compliant low-level radioactive waste disposal facility. States that the increase could negatively affect smaller waste generators, reduce disposal volumes, and undermine the facility's financial sustainability and regulatory mission. Emphasizes that the fee's purpose should be to support oversight, not deter compliance, and that no other program fee increases exceed 25%. Urges the Department to wait and adopt a more measured, incremental, or tiered approach to ensure costs are equitably distributed and aligned with public safety objectives.	No change to proposed rule. The department recognizes fee increases may cause financial impacts for recipients and that operating costs for businesses continue to increase. At the same time, the Department recognizes the importance of maintaining the viability of the US Ecology Radioactive Waste Disposal Site and will continue to work to maintain costs as low as possible. We are required by law to set fees at a level that covers the cost of administering the licensing and regulation of professions, occupations, or businesses. The Office of Radiation Protection does not have a revenue source that can subsidize or supplement the fees. The fee increase is necessary to support the administrative cost of fulfilling the Agency's responsibility and obligation for public health and safety in Washington State.

Notes: The Department of Health did not receive written comments for WACs 246-254-020, 246-254-053, 246-254-080, 246-254,090, 246-254-100, 246-254-120, 246-254-140, and 246-254-150.



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