

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT
SENATE BILL NO. 617
(First Reprint)

May 12, 2011

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 617 (First Reprint) without my approval.

This bill would lessen radiation protection requirements for x-ray diagnostic facilities that perform 750 or fewer x-rays per year. Specifically, the bill exempts such facilities from current requirements for testing the chemicals and processors which are used to develop x-ray film. Proponents of this bill offer this legislation as a means to alleviate burdens and reduce compliance costs for diagnostic facilities that make infrequent or limited use of such diagnostic equipment. While my Administration is firmly committed to eliminating red tape and reducing unnecessary regulatory costs, I do not believe that this bill strikes the right balance. In my view, any proposed savings in regulatory costs is outweighed by the additional health risk to patients and health care workers that would occur if this bill were signed into law.

Both the Department of Environmental Protection and the Department of Health and Senior Services expressed concerns about this bill as it worked its way through the legislature. These Departments explained that the regulatory threshold of 750 diagnostic x-rays per year was arbitrarily drawn and not rationally related to the health concerns for the individual patients and equipment operators. The testing requirements are intended to protect the health of patients and workers by, among other things, ensuring that the x-rays taken at medical facilities are clear. First, this protects patients by reducing the chance of misdiagnosis arising from difficult to read x-rays. Second, it protects patients and equipment operators from

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

excessive exposure to radiation when multiple x-rays are taken due to poor image quality. Excessive radiation exposure increases the risk of cancer and other diseases.

The existing requirements are consistent with a study of the National Council on Radiation Protection and Measurements, which specifically concluded that x-ray facilities that perform less frequent diagnostics present special control risks in x-ray processors. The bill would also undermine the success of the current regularly program. Under the current regulatory program, the Department of Environmental Protection has seen a significant decline in violations over the years, from numbers in the thousands to a little over one hundred, and attributes these declines to auditing measures which identify and correct violations almost immediately. We owe it to the public to continue these health and safety measures since each and every patient and health care worker is vulnerable to risks from radiation and quite properly expect uniform levels of protection regardless of the frequency of x-ray diagnostics performed at a medical facility.

Accordingly, I herewith return Senate Bill No. 617 (First Reprint) without my approval.

Respectfully,

/s/ Chris Christie
Governor

[seal]

Attest:

/s/ Jeffrey S. Chiesa
Chief Counsel to the Governor