

Governor's Office of Management and Budget

Alexis Sturm

Director



Regulatory Sunset Act Study of

The Radiation Protection Act of 1990

May 8, 2026

**To the Honorable JB Pritzker
Governor of Illinois**

Governor Pritzker:

As required by Section 5 of the Regulatory Sunset Act (5 ILCS 80/1 et seq.), GOMB facilitated a study with the Illinois Emergency Management Agency and Office of Homeland Security (IEMA-OHS), the agency responsible for oversight of the Radiation Protection Act of 1990 (420 ILCS 40) (the Act), which is scheduled to be repealed on January 1, 2027. This study provides justification for the recommendation to continue this Act.

GOMB's examination of this Act was conducted considering the factors set out in Sections 6 and 7 of the Regulatory Sunset Act. The following report outlines the work of GOMB's study and details the criteria and data utilized to arrive at the above recommendation.

Respectfully,

Alexis Sturm
Director
Governor's Office of Management and Budget

GOMB Regulatory Sunset Act Report: Radiation Protection Act of 1990

The State of Illinois, acting through the Illinois Emergency Management Agency and Office of Homeland Security (IEMA-OHS or the Agency), licenses medical and industrial entities that own and/or operate any type of radiation-producing electronic device. This can include but is not limited to hospitals, medical offices, dental offices, veterinary offices, chiropractic/podiatric offices, manufacturing facilities, schools, research and development, law enforcement including local/county units, prisons and court houses.

Individual operators of radiation equipment for human use (radiography, nuclear medicine and radiation therapy) and certain types of industrial applications (industrial radiographers using any combination or both x-ray and radioactive materials) are credentialed under part of the Radiation Protection Act. In addition to the professions listed below, IEMA-OHS also licenses and registers the possession of radioactive material. However, those licenses are issued to facilities and not individuals.

Professions that utilize radiation producing machines, require certification and accreditation for different programs regulated under the Radiation Protection Act. All entities owning/operating radiation producing equipment are required to register. Entities providing mammography services are required to be certified. Personnel applying radiation for medical purposes are required to be accredited. Operators of some industrial radiography equipment are required to be certified. As it pertains to radioactive material use, licenses are issued to businesses.

The programs administered under this Act further the mission of protecting the public from unnecessary exposure to ionizing radiation. Through the various administrative rules, the Agency implements protective standards for diagnostic imaging, therapeutic and clinical research uses of radiation, as well as safeguards for sources of radiation used in research, industry and academia.

Agency programs under this Act also support the public interest by establishing standards for training, accreditation, and administrative oversight of professions which use or administer radiation. For example, the Agency regulates over 35,000 radiation machines in approximately 11,000 medical and industrial facilities, licenses 1,412 facilities that use radioactive material, and accredits over 15,000 individuals that apply ionizing radiation to patients in Illinois.

1. License Count and Fee Structure (5 ILCS 80/6(1) and (3))

As of July 31, 2025, IEMA-OHS states that there are 142,359 active licenses regulated under this Act in Illinois. See the following table for the number of licenses issued by IEMA-OHS in the fiscal years indicated:

License, Credential, Certification Type	FY21	FY22	FY23	FY24	FY25
Facility Registrations	10,786	10,693	10,571	10,514	10,383
Certified Mammography Facilities	336	333	336	346	350
Medical Radiographers	14,382	14,588	14,369	15,042	15,166
Industrial Radiographers	1878	2026	2169	2254	2534
Diagnostic Imaging/Therapeutic Radiological Physicists	364	399	425	437	456
Radiation Machine Service Providers	262	263	218	230	249

This Act applies the following licensure fee structure:

License Type	Fee Amount	Online Payment
Diagnostic Imaging Specialist or Therapeutic Radiological Physicist Registration		
Application Fee	\$ 200	<input type="checkbox"/>
Renewal Fee	\$ 150	<input type="checkbox"/>
Industrial Radiographer Certification	Fee Amount	Online Payment Option
Application Fee	\$ 125	<input checked="" type="checkbox"/>
Renewal Fee	\$ 125	<input checked="" type="checkbox"/>
Examination Fee	\$ 150	<input checked="" type="checkbox"/>
Medical Radiation Technology Accreditation	Fee Amount	Online Payment Option
Application Fee	\$ 120	<input checked="" type="checkbox"/>
Renewal Fee	\$ 120	<input checked="" type="checkbox"/>
Examination Fee (<i>payable to ARRT, not IEMA-OHS</i>)	\$ 140	<input checked="" type="checkbox"/>

Additional fees under this act:

The assessed fee for a radioactive materials license, as detailed in 32 Ill. Adm. Code Part 331, differs based on the complexity of the radioactive material use and the number of sites at which it will be used and/or stored. New applications and changes to a license which would impact fees are pro-rated in accordance with Agency administrative rules. Radioactive material license fees do not have an online payment option. Radioactive materials licensing fees are substantially higher than individual professional licensing/certification costs. Additional fees are detailed in 32 Ill. Adm. Code Part 334 and Part 620 for owners or operators of any property that has been used for the milling of source material or the generation of low-level radioactive waste, respectively.

Operators of installations using or in possession of radiation-producing machines are assessed annual fees in accordance with 32 Ill. Adm. Code 320.10. The fee is assessed per radiation-producing machine and varies with the Classification of the facility – ranging from \$50 to \$250 per device, per year. Radiation-producing machine service providers are assessed annual fees in accordance with 32 Ill. Adm. Code 322.60. The annual fee is \$100 and does not carry an additional application/duplicate or examination fee. Finally, mammography installations are assessed annual fees in accordance with 32 Ill. Adm. Code 370.60. The fee is \$1300 and does not carry an additional application/duplicate or examination fee.

2. Obtaining Certification in Illinois (5 ILCS 80/6(11))

Radioactive material licenses are issued to businesses. The applicant completes an online application and submits supporting documentation described by detailed guidance documents. The information submitted is reviewed by qualified staff to verify that the commitments and operations will not

adversely impact the health and safety of the public and confirm that users of radioactive material are qualified for the types of use(s) they are seeking. Minimum national standards are published by the U.S. Nuclear Regulatory Commission in their “NUREG 1556 series”. Testing requirements for entities seeking to use radioactive material will be done by the issuing/certifying body for radioactive material licenses. In Illinois, the issuing/certifying body is not IEMA-OHS.

Registrations for facilities that possess and/or use electronically produced radiation must complete an online registration form. Once completed, the information is reviewed by qualified staff and entered into a database. On a periodic basis and based on the hazard of the equipment, the facility and radiation producing equipment are inspected against Agency regulations by qualified inspectors. Accreditation for medical equipment operators and certification of industrial radiographers requires an application and supporting training documentation which is evaluated by qualified staff to verify that individuals seeking accreditation/certification meet the qualifications for the respective license.

As it pertains to radioactive material licenses, the regulatory requirements are specified in rule, Title 32 10 CFR § 34.45; 32 Ill. Adm. Code 330; 420 ILCS 40. Where regulations are ambiguous (e.g., provide operating and emergency procedures), detailed guidance is available from the U.S. Nuclear Regulatory Commission. Standards for testing and licensure of persons using radiation producing machines are established by rule under the authority of the statute.

Third party entities test aspects of different programs that are required to meet regulatory requirements. This applies to accreditation of medical operators and certification of industrial radiographers.

Medical accreditation programs use the American Registry of Radiological Technologist (ARRT) for the required test. Applicants seeking accreditation contact the ARRT following completion of the required education and take the required test. When the test is passed, the applicant is eligible for accreditation in Illinois. The ARRT is also used under a co-operative agreement to administer a limited exam to named individuals. With passage of the exam, the individual is eligible for accreditation in a limited category. Industrial radiographers are certified through a testing process which is administered under contract with the Conference of Radiation Control Program Directors (CRCPD) as established by Agency rules. Applicants are submitted on a roster. Testing is conducted at locations throughout the United States. The applicant is contacted by the vendor to set up a date and location for testing. Once the testing is successfully completed, the applicant is eligible for certification in the category associated with the completed testing.

Additional information about ARRT and CRCPD is available:

- American Registry of Radiological Technologists (ARRT) <https://www.arrt.org/pages/about-the-profession/arrt-certification-and-registration>
- Conference of Radiation Control Program Directors (CRCPD) www.crcpd.org

3. Equity Concerns (5 ILCS 80/6(10), (12) and (13))

IEMA-OHS states that equity issues may have an impact on entities seeking to become licensed in the State of Illinois. These issues include financial challenges including the cost to obtain licensure and failure to complete licensure due to access to training and education.

Persons who speak English as a second language may also have difficulty with the licensure process. IEMA-OHS asserts that it has done its best to minimize any barriers to licensure by requiring universally

accepted qualification requirements and imposing fair standards of professionalism.

4. Agency recommendations to change the statute (5 ILCS 80/6(4) and (9))

IEMA-OHS does not have amendatory recommendations for this Act. The Agency reports that sufficient flexibility is provided in the statute to make the appropriate changes within the administrative rules.

The Agency is working to modernize operations and improve responsiveness to public/business inquiries. These operational improvements are not expected to necessitate revisions to the Act.

5. Agency efforts to comply with enabling laws (5 ILCS 80/6(3), (4) and (5))

Administrative rules for this Act are broad to support implementation of the statute. As such, timely updates and revision of those rules are often complicated due to complex interactions with federal agencies.

6. Recent bills introduced by the General Assembly (5 ILCS 80/6(9))

According to IEMA-OHS, the Act was amended with Public Act 104-0330 in the Spring 2025 legislative session to add Section 50: Collection, storage, and disposal of radiation sources; fees. The Agency may collect, store, and dispose of uncontrolled sources of radiation that have entered the public domain, and that the Agency considers to be a threat to public health and safety or the environment. The Agency may assess actual costs, as appropriate, for the collection, storage, and disposal of uncontrolled sources of radiation that have entered the public domain and that the Agency considers to be a threat to public health and safety or the environment against any person that owns, owned, possesses, or is responsible for the radioactive material entering the public domain. This new authority provides increased public health and safety.

Additionally, all relevant sections were amended to update the Agency's new name and specifically:

- Section 4 updated definitions to be consistent with all Agency statutes/regulations;
- Section 5 specific requirements for mammography were added;
- Section 6 exam requirements for limited radiographers were revised to reflect current process;
- Section 7a added the ability of the agency to extend terms of certification to meet exam requirements;
- Section 34 added the correct name for Illinois State Police;
- Section 35 removed obsolete language regarding Federal Facilities Compliance Fund.

7. Stakeholder Feedback and Protocols for Licensure (5 ILCS 80/6(5), (6), (7), (8), (10) and 5 ILCS 80/7)

According to IEMA-OHS, per 2 Ill. Adm. Code 1800, the Agency welcomes feedback from the public on its programs and requirements. The Agency proactively seeks out stakeholder feedback on draft amendments prior to filing for promulgation. The Agency promulgates all rules in accordance with the Illinois Administrative Procedure Act which also provides a process for public comment. In addition, the Agency has posted numerous documents, as well as current and proposed regulations, on its website to provide information, with the goal of transparency, and to be sensitive to the needs of both the public and the regulated community.

The Agency evaluates feedback received and compares against technical and compatibility requirements not only specified by the U.S. Nuclear Regulatory Commission, but also other federal oversight agencies and national industry standards.

8. Public Outreach (5 ILCS 80/6(5), (6), (7) and (8) and 5 ILCS 80/7)

The Agency promulgates all regulations in accordance with the Illinois Administrative Procedure Act (IAPA) which requires two public comment periods. In addition, the Agency proactively seeks stakeholder comment on draft amendments prior to filing for promulgation pursuant to the IAPA. Moreover, the Agency uses its website for public posting of proposed/pending rules and other reports and information notices.

Public comment received on the administration of the radioactive materials program is reviewed in much the same way as stakeholder comment on proposed rulemaking. The nature of the concern is first evaluated to see if it relates to a regulatory requirement or a matter of procedure/policy. If a regulatory requirement, the public is informed of the opportunity for input on proposed rulemakings and the requirement that that State of Illinois maintain a compatible program with the National Materials program (e.g., the U.S. Nuclear Regulatory Commission and the 39 Agreement States). If the nature of the concern relates to a policy or procedural matter, the equivalent federal document will be consulted for variation. Input from Agency legal staff and any potential impacts to public health and safety then inform the response to the public. Finally, the nature of the concern is evaluated to ensure the Agency is not acting in a manner which could be perceived as an unpromulgated regulation. Any changes made in response to the complaint are then documented and implemented in a manner which is consistent across the entire regulated community.

9. Industry Standards (5 ILCS 80/6(11) and (12))

IEMA-OHS states that with regard to professions which require the use and possession of radioactive material, the minimal national standards are promulgated under the Atomic Energy Act of 1954 and amendments resulting from the Energy Policy Act of 2005. Those rules, in part, are found in 10 CFR, Parts 19 through 150. To ensure the State of Illinois maintains a compatible level of regulation, as detailed in Section 10.10 of the Act, Agency rules pertaining to the regulation of this activity “shall require compliance with, standards for the protection of the public health and safety and the environment which are equivalent to, to the extent practicable, or more stringent than, standards adopted and enforced by the U.S. Nuclear Regulatory Commission for the same purpose, including requirements and standards promulgated by the U.S. Environmental Protection Agency.”

With regard to professions utilizing radiation-producing machines, the Food and Drug Administration (FDA) regulates the manufacture of electronically produced radiation machines for medical use and has authority for some non-human use equipment (cabinet and analytical machines). A number of nationally recognized organizations address the relevant radiation safety perspectives and have put forth recommendations for safe use and operation of radiation producing equipment.

Changes to qualifications, technology and practices routinely evolve and require an ongoing assessment of administrative rules. Due to the compatibility requirements with the national standards, these rule changes are often initiated at the federal level (U.S. NRC, U.S. EPA and U.S. FDA) with 3 years given to the State to adopt equivalent changes. The last such changes were finalized in October 2024. A full list of regulatory revisions for radioactive material use is available here: <https://www.nrc.gov/cdn/nmss/2024/il-srschart.pdf>. Additional amendments to administrative rules affecting radiation producing equipment are currently in process for 32 Ill. Adm. Code Part 360 (fluoroscopy) and Part 370 (mammography).

As it pertains to the use and possession of radioactive materials, there is a single set of minimal standards established by the U.S. Nuclear Regulatory Commission (NRC). States elect to become an “Agreement State” and assume an equivalent and compatible level of regulatory authority for the programs administered under this Act; or the authority is retained and enforced by NRC. Illinois is an Agreement State. More information on “Agreement States” is available here:

<https://www.nrc.gov/about-nrc/state-tribal/agreement-states.html>.

An analogous regulatory framework exists for the U.S. FDA and the U.S. EPA with the States. As it pertains to radiation producing machines, surrounding states have essentially equivalent/comparable standards. At a minimum, the states of Wisconsin and Indiana have standards for operators of radiation producing equipment for medical purposes.

The minimal national standards for all “Agreement State” regulations must be essentially identical to those of the NRC for the possession of radioactive materials. A limited number of administrative rules provide additional flexibility, but cannot result in any significant transboundary implications and must meet the essential objectives of the NRC. As a result, implementations among Agreement States will not be identical. States may elect to impose more stringent regulatory standards but are still subject to a compatibility review.

10. Public Complaint Resolution (5 ILCS 80/6(3), (7), (8) and (10) and 5 ILCS 80/7)

During the past five fiscal years, IEMA-OHS has received no complaints from the public regarding the Act, no complaints with regard to professions related to radiation-producing machines, and no complaints with regard to professions related to radioactive material licensees.

As it pertains to radioactive material use, qualified radioactive material inspectors are responsible for investigating and resolving complaints with radioactive materials licensees. As it pertains to radiation producing machines, qualified inspectors and members of their supervisory chain are responsible for investigating and resolving complaints with electronically produced radiation devices.

Investigations into complaints or allegations are initiated within 30 days of receipt. Additionally, as described in the applicable allegation procedures, if the identity of the alleged/concerned citizen is known; they are contacted within 30 days for acknowledgement. Agency staff attempt to determine validity, consequence, any non-compliance, root cause, and corrective actions as expeditiously as possible and follow up with the alleged within 30 days thereafter. As described above, the complexity of the incident could extend the investigation several weeks.

Complaints	FY21	FY22	FY23	FY24	FY25
credentials/certifications issued relative to radiation-producing machines	0	0	0	0	0
radioactive material licensees	0	0	0	0	0

11. Disciplinary Action (5 ILCS 80/6(14))

According to IEMA-IOHS, as it pertains to radioactive material licensees, disciplinary action would be placed on the business rather than an individual. It is possible for an individual to be subject to escalated enforcement, and those consequences are detailed in Administrative Rules, 32 Ill. Adm. Code Part 310.

12. Conclusion

The Act remains an integral component in the 1987 Agreement between the State of Illinois and the NRC related to the State's commitment to execute a compatible regulatory and response program. The State of Illinois radioactive materials program is routinely audited by the NRC and has consistently been given the highest rating possible. In 2023, the Illinois program was recognized for best practices and called "a model program for other states."

The practices subject to the Act include the administration of radiation to patients and human research subjects, the use of sources of radiation in industry and research, as well as the safeguarding of large radioactive sources from those who would use them for illicit intent. Regulation serves to strengthen public trust in Illinois' radioactive materials program. The lack of regulatory oversight would fail to ensure the public and the environment are adequately protected from sources of ionizing radiation which could lead to substantial health issues. The Act enables the Agency to respond and assess incidents involving radiation where significant harm to the public or the environment may exist. In addition to authorizing programs for effective and timely regulatory oversight, the Act also provides the authority to protect radioactive material against criminal or terrorist acts.

The risks associated with this regulated industry are significant. There have been 261 reported radiation events and allegations over the last five years in which the agency has investigated and enforced appropriate compliance actions. These events include excessive radiation doses to patients and users, illegal waste disposals, and theft or loss of material. Without the current Agency programs pursuant to this Act, these events could have continued in perpetuity or possibly escalated beyond a point of reasonable recovery. Appropriate regulatory oversight as well as prompt Agency response and assessment, are integral to mitigating harm to the public from sources of radiation.

Based on the factors in 5 ILCS 80/6 and the additional criteria in 5 ILCS 80/7, GOMB finds that the Act should be recommended for continuation. The record should expressly state that the public protection benefits of regulation outweigh the regulatory costs and that no less restrictive alternative would adequately address the significant and discernible harms identified in this report.

The Act should be continued to promote and enhance the safety and welfare of the public, without burdening licensees or commerce.