

## **Core Services Category:** Environment

### **Study Area:** Consolidation and Elimination

**High Level Recommendation:** Eliminate committees, commissions and councils of the Environment Department and transfer radiation materials licensing functions to the Department of Health.

The proposed legislation includes the following:

- Transfers radiation licensing functions from New Mexico Environment Department (NMED) to the Department of Health (DOH). NMED retains radiation materials licensing functions.
- Transfers to NMED the rulemaking authority currently held by the Water Quality Control Commission (WQCC), and specifies that two of its public members must represent industry.
- Eliminates the Occupational Health and Safety Review Commission (OHSRC) and transfers functions to the Environmental Improvement Board (EIB).
- Eliminates the Wastewater Technical Advisory Committee and transfers powers to NMED.
- Eliminates the Storage Tank Committee, Occupational Health and Safety Special Committees, and the Food Sanitation Advisory Council.

### **Background and Findings:**

The NMED director may appoint a Food Service Sanitation Advisory Council but it appears that the agency has not done so in recent history, which would indicate that such a council may be eliminated.

Three members comprise the Occupational Health and Safety Review Commission. The committee did not meet in 2010 and met twice in 2009. The proposed legislation would transfer the powers and duties of the commission to the Environmental Improvement Board. It eliminates the commission and the Occupational Health and Safety Special Committees.

The Medical Imaging and Radiation Therapy Health and Safety Act is administered by the Environment Department with the Environmental Improvement Board having the power to promulgate rules and regulation. The proposed legislation transfers authority to the Department of Health, including promulgating rules.

Powers and duties of the Utility Operator Act are transferred from the Water Quality Control Commission to NMED. The powers and duties are administrative in nature and it may make more sense for department staff to assume this role but with the hiring freeze the department already struggles to meet performance measures.

The Wastewater and Technical Advisory Committee meets regularly, approximately six times per year for a full day, to provide standardized objective evaluation of wastewater treatment and disposal technologies, which are then listed by the department for approved use.

The bill includes the following sunset language:

- The Water Trust Board would sunset July 1, 2013.
- The Environmental Improvement Board would sunset July 1, 2014.
- The Radiation Technical Advisory Council would sunset on July 1, 2015.
- The Radioactive Waste Consultation Task Force would sunset on July 1, 2013.

The Radiation Technical Advisory Council advises the agency on both radiation matters and on the Medical Imaging and Radiation Therapy Health and Safety Act. It is a volunteer council and the expertise would be lost by its elimination. An added workload to the Environmental Improvement Board may exhaust its volunteer members and members' expertise in new issue areas may be limited.

**Fiscal Implications:** Transferring the Medical Imaging and Radiation Therapy Health and Safety Act to the Department of Health may cost the general fund approximately \$200 thousand and add 3 FTE. NMED is currently responsible for both the licensing functions for radioactive materials and the professional licenses for radiation professionals. Because NMED's Radiation Control Bureau licenses radioactive materials through an agreement with the Nuclear Regulatory Commission, and registers and inspects all radiation machine facilities in the state, the staff conducts inspections of both machines and licensed individuals at each medical facility at the same time. For example, when NMED sends one inspector to Lovelace Hospital, which has a radioactive materials license for nuclear medicine, brachytherapy and gamma knife, that one inspector conducts both radioactive materials license inspections, verifies licenses for the nuclear medicine technologist, inspects the radiology department X-ray machines, verifies the radiological technologist licenses, and inspects the linear accelerators and verifies the radiation therapist licenses.

Nominal savings may be realized by the proposed elimination of boards, committees, councils, commissions and task forces. Of course, some powers and duties are transferred to the Environmental Improvement Board, which may increase frequency and duration of meetings.

The elimination of the Wastewater Technical Advisory Committee might reduce the opportunity for vendors and consultants to have the products and services reviewed independently in an open forum by unbiased professionals. This voluntary, multi-disciplinary committee is providing services that would otherwise require an additional general fund appropriation and FTE of approximately \$70 thousand.

**Estimated Savings (in thousands of dollars)**

FY11	FY12	Recurring or Nonrecurring	Fund Affected
2.0	2.0	Recurring	General Fund

**Cost to Implement (in thousands of dollars)**

FY11	FY12	Recurring or Nonrecurring	Fund Affected
	270.0	Recurring	General Fund