

## **Consultation on revoking DfES registration of radioactive materials used in schools.**

### **Response from The Society for Radiological Protection**

The Society for Radiological Protection welcomes the opportunity to be invited to respond to DfES on their proposals regarding the registration of radioactive materials used in schools. We fully support the continued safe use and management of radioactive materials in schools as an important part of education and promotion of a better understanding of radiation and radiological protection. In considering the proposals made in the consultation document, the Society took a view on their potential practical impact, specifically in respect of possible differences in impact that may arise due to current practice in Scotland, and how this may differ in England and Wales. The Society for Radiological Protection, in principle, fully endorses a move towards deregulation, provided that this will not result in any diminution of the excellent health and safety standards that have existed to date. Moreover, the Society would be concerned if the revocation of an existing regulatory registration control resulted in sources being inappropriately procured or being lost/discarded from schools and turning up in the public domain, probably causing disproportionate alarm by comparison to any actual radiation hazard. Specifically the Society would endorse a more straightforward regulatory framework (such as there is the potential to exist through universal implementation of IRR99 and a revised Exemption Order for Schools) which is devoid of ambiguity, without unnecessary cost burden to education, and which is readily understood and complied with by those to whom it applies.

At this time, the Society does NOT support the proposal to revoke Regulation 7 of The Education (Schools and Further and Higher Education) Regulations 1989 (as amended), although would fully support such action if confidence existed that the necessity to retain it had been superseded because IRR99 (the requirement to have available the advice of an RPA) and a revised RSA93 Exemption Order (with a requirement for registration of sources with the regulator) were satisfactorily implemented universally in the UK. It has been pointed out by some of our membership that both HSE and SEPA are already taking an interest in the control of radioactive materials in schools in Scotland and have commenced inspection of premises. This is not thought to be the case in England and Wales. The removal of the requirement to notify HSE of the appointment of an RPA by IRR99 leaves HSE with no way of knowing whether an educational establishment has advice available to them. Furthermore HSE is unlikely to be aware of the use of low level radioactive sources in schools where they are operating below the levels for notification given in IRR99. There is no regulatory requirement to notify the relevant Environment Agencies of the use of the 1963 Exemption Order nor provide a list of the sources procured, used and disposed of.

For this particular practice sector, revocation would remove the only statutory requirement for maintained schools and colleges using radioactive materials (RAM) to register the procurement, usage and holdings with any external authority. This would essentially allow schools and colleges to hold and use any type of RAM, albeit within the legislative provisos of IRR99 and relevant RSA93 Exemption Orders, which have no registration conditions. Indeed, some schools might purchase or work with radioactive sources in 'blissful ignorance' of their responsibilities, given that not all schools benefit from advice provided by a Radiation Protection Adviser. If unsuitable sources are obtained, the subsequent disposal costs could run to many thousands of pounds.

As it stands, the statutory requirement to register has a number of important benefits. It allows the number of sources kept in maintained schools to be regulated and monitored. It provides a degree of reassurance to all stakeholders (e.g. teachers, governors, administrators, parents, students and the general public) that statutory controls are actually in place. Revocation could see this level of reassurance disappear, which in turn might see science departments put under pressure to remove the practical use of RAM from the curriculum (e.g. supervised experiments and/or demonstrations). This would be disastrous for the teaching of science in schools, particularly at a time when we should be stimulating pupils into pursuing their scientific studies and showing by practical experience that radioactive materials can be safely used and stored. The UK should be careful in taking any actions that could further deplete the already low numbers of students entering higher education to study physical sciences.

Revocation would leave sole dependence on an outdated and out of print 1963 Exemption Order to control the type and quantities of sources schools can obtain and use. In fact, the activity limits detailed in the DfES guidance (AM1/92) are far more stringent than those of the Exemption Order. Further, revocation of the regulation ahead of a revised Exemption Order being put in place opens up the risk that any registration of sources in education would be subject to the cost-recovery charging scheme of the EA and SEPA. Unless this was clarified ahead of DfES revoking the regulation, how can a satisfactory impact assessment of the regulatory change be calculated?

Regardless of whether revocation happens or not, the Society feels that the DfES guidance (AM 1/92) must be reviewed, updated and strengthened. However, it is also believed that The Radioactive Substances (Schools etc) Exemption Order 1963 (SI 1832), as a statutory instrument, must be retained, albeit with revisions appropriate to the present day.

At the very least, the Society for Radiological Protection recommends that DfES delays taking action to revoke the regulation under consideration until the outcome of the current review of the Exemption Orders being undertaken by Defra is completed. Furthermore it would be beneficial to obtain from HSE information regarding how effective the implementation of IRR99 has been in higher education. Whereas it has been noted by some of our membership that both HSE and SEPA are undertaking a positive inspection role in schools in Scotland, their routine inspection regime in respect of schools in England and Wales having only nominal activity sources should be clarified.