

Radiation Protection Authority of Zimbabwe

"... protecting people and the environment against radiation effects ..."

POLICY

ENFORCEMENT.

RPAZ/PO/EN-01

June, 2014

ENFORCEMENT POLICY

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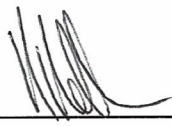
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RPAZ ENFORCEMENT POLICY

APPROVED BY RADIATION PROTECTION BOARD



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DATE: June 19, 2014

RPAZ ENFORCEMENT POLICY

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Document Availability

The document can be viewed on the RPAZ website (www.rpaz.co.zw). To order a printed copy of the document in English, please contact,

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RPAZ ENFORCEMENT POLICY

1 INTRODUCTION

The Radiation Protection Authority of Zimbabwe (RPAZ) is a statutory body with a mandate to protect people and the environment from the harmful effects of radiation. It was established in terms of the *Radiation Protection Act [Chapter 15:15]* (the Act).

In carrying out its responsibilities the Authority undertakes the following activities,

- a) Establishing requirements and guidance addressing the possession and use of radiation sources;
- b) Issuing authorizations for the possession and use of radiation sources and to operate facilities in accordance with prescribed requirements;
- c) Conducting inspections to verify compliance with prescribed requirements;
- d) Carrying out enforcement actions to address non-compliance.

2 PURPOSE

The *RPAZ Enforcement Policy* provides guidance to the staff and stakeholders on the Authority's approach to compliance and enforcement. Adequate protection is presumptively assumed by compliance with the following, regardless of whether the conditions or provisions are written on the license,

- (a) The Act and any regulations derived from the Act;
- (b) Requirements prescribed by the Authority in any authorization or any standard, guide or requirement.

Compliance is verified through inspections that are carried out by RPAZ, in accordance with the *Inspections Policy*. In the event of non-compliance, RPAZ shall take necessary enforcement action. The enforcement actions shall be in accordance with *Section 18* of the Act. Enforcement actions shall properly reflect the safety or security significance of the violations and shall be carried out on a risk graded approach.

3 SCOPE

This policy applies to all persons or organizations responsible for activities that give rise to radiation risks as set forth in the Act.

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4 POLICY STATEMENT

RPAZ shall take the necessary enforcement actions against any individual to deal with non-compliance with the prescribed requirements as set forth in *Section 14 of the Act (Prohibition of Certain Practices)*.

Sections 18 and 20 of the Act provide for the establishment and implementation of an enforcement process for managing non-compliance with prescribed requirements.

In the event of non-compliance, RPAZ shall require the licensee to take corrective actions.

RPAZ shall identify and document the nature of violations and the period of time allowed for correcting them, and shall communicate this information in writing to the licensee.

The licensee shall be held accountable for remedying violations, performing a thorough investigation in accordance with an agreed timetable and for taking all the measures that are necessary to prevent recurrence of violations.

RPAZ shall confirm that the licensee has effectively implemented any necessary corrective actions.

In accordance with the Act and regulations thereunder provide guidance on enforcement actions that may be taken as a response to non-compliance. As such, RPAZ shall take enforcement actions that may include, but are not limited to,

- a) Verbal notification;
- b) Imposition of additional regulatory requirements and conditions;
- c) Written notices or warnings;
- d) Closure of facilities;
- e) Seizure of substances or equipment as stated in the Act.

4.1 PROHIBITION OF PRACTICE

RPAZ shall revoke the authorization of the licensee to conduct any activities involving the use of radiation at any facility.

An immediate prohibition of practice shall be issued for gross or serious non-compliance.

Failure to adhere to or address issues raised in verbal and/or written notifications, written warnings and additional regulatory requirements shall lead to a prohibition of practice. The prohibition may be,

- a) Temporary – can be lifted subject to satisfactory fulfillment of conditions issued within the agreed timeframe; or
- b) Permanent – closure of facility or cessation of practice.

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4.2 PROSECUTION

Enforcement actions may also entail prosecution when dealing with the disposition of severe violations and also where the licensee or authorized party does not cooperate satisfactorily in the remediation or resolution of the violation.

5 IMPLEMENTATION

RPAZ shall implement this policy in line with relevant guidance documentation.

RPAZ shall deal with any issues of non-compliance through the implementation of a three step enforcement process,

1. Identification of Violations
2. Assessment of the Severity or Significance of the Violation.
3. Imposition of Enforcement Action(s)

In imposing an enforcement action, RPAZ shall take a graded approach to non-compliance and the following factors shall be considered:

- a) The safety and security risk posed by the violation;
- b) The complexity of the corrective action that is needed;
- c) Whether it is a repeat violation;
- d) Whether there has been wilful violation of the limits and conditions specified in the authorization or in regulations;
- e) The licensee's compliance history.

6 RESPONSIBILITIES

6.1 Chief Executive Officer

The Chief Executive Officer (CEO) shall be responsible for:

- a) Overseeing the implementation of this policy;
- b) Appointing inspectors as stated in *Section 7* of the Act;
- c) Mobilizing resources and support required for enforcement;
- d) Providing guidance on enforcement issues;
- e) Protecting the interests and image of RPAZ in the conduct of enforcement;
- f) Reporting to the Board on implementation of the policy.

6.2 Inspections and Dosimetry Manager

The Inspections and Dosimetry Manager or any other manager charged with overseeing the enforcement function at any time shall be responsible for:

- a) Enforcement strategies to support the implementation of this policy;
- b) Guiding and directing inspectors in their enforcement duties;
- c) Reviewing any enforcement recommendations;
- d) Recommending enforcement actions to the CEO;

6.3 Inspectors

The Inspector shall be responsible for,

- a) Identifying any violations during inspections;
- b) Recommending enforcement actions to the Inspections and Dosimetry Manager ;
- c) Carrying out enforcement actions as directed by the Manager and/or CEO;
- d) Verifying that corrective actions have been taken.

6.4.1 Legal and Corporate Affairs

The Legal and Corporate Affairs Manager or Officer shall be responsible for providing legal advice and guidance in the carrying out of all enforcement actions

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REFERENCES

- a) The Radiation Protection Act [Chapter 15:15]
- b) IAEA Safety Standards, General Safety Requirements Part 1, Government, Legal and Regulatory Framework for Safety, No. GSR Part 1
- c) IAEA Safety Standards, General Safety Requirements Part 3, Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards Interim Edition, No. GSR Part 3 (Interim)
- d) IAEA Safety Standards, Safety Guide, Regulatory Inspection of Nuclear Facilities and Enforcement by the Regulatory Body, No. GS-G-1.3
- e) IAEA Safety Standards, Safety Guide, Regulatory Control of Radiation Sources, No. GS-G-1.5
- f) IAEA-TECDOC-1526 Inspection of Radiation Sources and Regulatory Enforcement (Supplement to IAEA Safety Standards Series No. GS-G-1.5)

“... protecting people & the environment against radiation effects ...”

Safety Principles:

- Justification of facilities and activities
- Optimisation of protection
- Limitation of risks to individuals
- Protection of present and future generations
- Prevention of accidents
- Emergency preparedness and response
- Protective actions to reduce existing or unregulated radiation risks

— Fundamental Safety Principles: Safety Fundamentals,
IAEA Safety Standards Series No. SF - 1 (2006)

Radiation Protection Authority of Zimbabwe

Harare