



Radiation Protection Authority Of Zimbabwe

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

RPAZ POLICY

ENFORCEMENT POLICY

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ENFORCEMENT POLICY

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DEFINITIONS

The terms are defined in the Radiation Protection Act, Regulations and IAEA Glossary

The Company Secretary; the Legal Advisor of the Authority

Authority; the Radiation Protection Authority of Zimbabwe.

Authorization; a permission granted by the regulatory body to a person, natural or juridical, who has applied to carry out an activity or practice. An authorization may take the form of a licence or registration.

Authorization suspension, revocation or modification; In the event of continual, persistent or extremely serious non-compliance, or a significant release of radioactive material to the environment due to serious malfunctioning at or damage to a facility, the regulatory body shall direct the operator to curtail activities and may suspend or revoke the authorization. The operator shall be directed to eliminate any unsafe conditions.

Decommissioning; administrative and technical actions taken to allow the removal of all the regulatory controls from the facility (except for a repository which is closed which is closed and not decommissioned).

Enforcement; The application by a regulatory body of sanctions against an operator, intended to correct and, as appropriate, penalize non-compliance with conditions of an authorization.

Exemption; a determination by the Authority that a source or practice need to be subject to some or all aspects of regulatory control on the basis that the exposure (including potential exposure) due to the source or practice is too small to warrant the application of those aspects.

Graded Approach; For a system of control, such as a regulatory system or a safety system, a process or method in which the stringency of the control measures and conditions to be applied is commensurate, to the extent practicable, with the likelihood and possible consequences of, and the level of risk associated with, a loss of control.

Legal person; any organization, corporation, partnership, firm, association, trust, estate, public or private institution, group, political or administrative entity or other

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persons designated in accordance with national legislation, who or which has responsibility and authority for any action taken under these Regulations.

Licensee; the holder of a current licence granted for an activity or practice, which has recognized rights and duties for the activity or practice, particularly in relation to protection and safety.

Operator; Any organization or person applying for an authorization or authorized and/or responsible for nuclear, radiation, radioactive waste or transport safety when undertaking activities or in relation to any nuclear facilities or sources of ionizing radiation. This includes inter alia, private individuals, governmental bodies, consignors or carriers, licensees, hospitals, self-employed persons, etc.

Registrant; an applicant who is granted registration of a practice or source and has recognized rights and duties of such a practice or source, particularly to protection and safety.

Registration; a form of authorization for practices of low or moderate risks whereby the legal person responsible for the practice has, as appropriate, prepared and submitted a safety assessment of the facility and equipment to the regulatory body. The practice or use is authorized with conditions or limitations as appropriate. The requirements for safety assessment and the conditions or limitations applied to the practice should be less severe than those for licensing.

Regulatory Inspection; an examination, observation, surveillance, measurement or test undertaken by or on behalf of the regulatory body to assess structures, systems, components and materials, as well as operational activities, processes, procedures and personnel competence.

Safety culture; the assembly of characteristics and attitudes in organizations and individuals which establishes that, as an overriding priority, protection and safety issues receive the attention warranted by their significance.

1.0 INTRODUCTION

In the event of non-compliance, the Authority shall require the licensee to take corrective actions. The Authority 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. The Authority shall confirm that the licensee has effectively implemented any necessary corrective actions.

The Radiation Protection Authority (Authority) 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 Radiation Protection Act [Chap 15:15] as read with section 46 of the Radiation Protection (safety and security of radiation sources) Regulations, 2011. Sections 18 and 20 of the Act provide for the establishment and implementation of an enforcement process for managing non-compliance with prescribed requirements and licensing conditions.

2.0 PURPOSE

The RPAZ Enforcement Policy provides guidance to the staff and stakeholders on the Authority's approach to compliance and enforcement.

3.0 SCOPE

The policy applies to all persons or organizations responsible for regulatory process. Adequate protection is presumptively assumed by compliance with the following, regardless of whether the conditions or provisions are written on the license,

- 1) The Act and any regulations derived from the Act;
- 2) Requirements prescribed by the Authority in any authorization or any standard, guide or requirement.
- 3) Licensing conditions attached to the license certificate.

4) International safety standards and best practice.

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

4.0 POLICY STATEMENT

Authority 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 corrective actions 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 all 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 warning;
- b) Imposition of additional regulatory requirements and conditions.
- c) Written notices or warnings.
- d) prohibition of facilities.
- e) Seizure of substances or equipment as stated in the Act.

- f) revoke, suspend or modify an authorization.
- g) litigation.

The Authority is empowered to appoint suitably qualified individuals to be inspectors under Radiation Protection Act, (Part II Section 7) to enforce the relevant statutory provisions and regulations under the Act. In carrying out enforcement actions the Authority may require support and co-operation of other Government agencies responsible for law enforcement. The administration of this policy is supported by procedures and guidance for the undertaking of enforcement actions.

5.0 IMPLEMENTATION

The Authority shall implement this policy in line with relevant procedures and guidance documentation and 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, the Inspector 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.

5.1 Graded Approach

This reflects the ability to escalate the regulatory actions if the initial response does not achieve compliance results. The actions must consider the risks posed by the non-compliance observed by the inspectors.

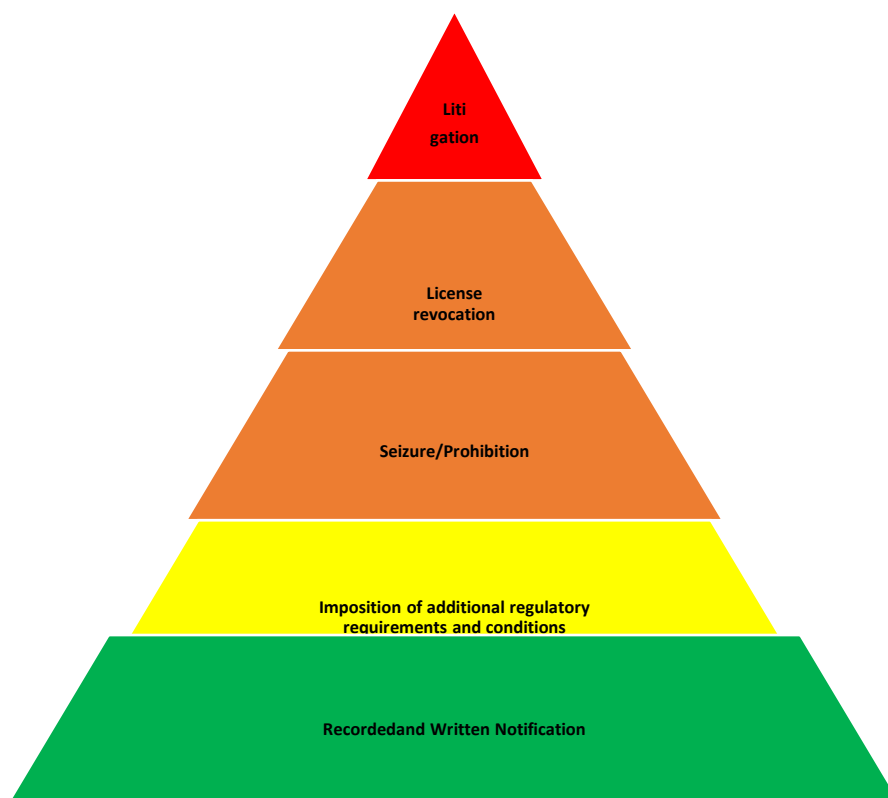


Figure 1. Graded approach to corrective action sequence

5.2 Prohibition of Practice

The Authority shall implement a graded approach on enforcement actions in line with the Authority's risk informed decision making tool. RPAZ shall revoke, suspend, and modify the authorization of the licensee to conduct any activities involving the use of radiation or management of Naturally occurring radioactive materials at any facility. An immediate prohibition of practice shall be issued for gross or serious non-compliance.

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Failure to adhere to or address issues raised in verbal and/or written warnings and additional regulatory requirements shall lead to a prohibition of practice. The prohibition may be and not limited to;

- 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.
- c) Seizure of substances or equipment as stated in the Act - The Authority may confiscate a radiation source if the storage or use poses a radiation safety risk to users, public or environment.
- d) Verbal warning - The Inspector shall give a recorded caution on non-compliance and corrective action during the inspection process.
- e) Written notices or warnings - Inspectors shall give written caution on corrective action during the inspection process.
- f) Litigation - The Authority may institute legal action to compel compliance in accordance with the severity of the risk associated with non-compliance..

5.3 Appeals

The licensee can appeal against a decision made by the Authority in accordance with Section 19 of the Act.

6.0 RECORD KEEPING

Details of all breaches must be entered into the Authority's RAIS and the server and the website updated when the licensee closes out the required action. All hard copies shall be kept at the Records Department.

7.0 RESPONSIBILITIES

7.1 Chief Executive Officer

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

- a) Overseeing the implementation of this policy and subsequent procedures.
- b) Appointing Inspectors and enforcement officers as provided for under *Section 7* of the Act.
- c) Allocation of resources and support required for enforcement.
- d) Providing guidance on enforcement issues.

7.2 Director Regulatory Services

The Director Regulatory Services 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.
- e) Advises inspectors on the ground on which on-the-spot enforcement action to take.

7.3 Company Secretary – Legal Advisor

- a) Establish formal arrangements with relevant governmental agencies where enforcement requires the involvement of the police, security, customs, Justice and Legal departments or other authorities.
- b) Reviewing and advising on procedures and guidance on enforcement action to be taken by the regulatory department.
- c) Advising the Authority on all potential legal risks on enforcement strategies and actions.

7.4 Regulatory Manager and Regional Manager

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- a) Develop the enforcement program in line with regulatory processes.
- b) Recommends enforcement actions to the Director of Regulatory Services and Legal Advisor.

8.0 POLICY REVIEW

This Enforcement Policy shall be reviewed, examined, and revised every two years, or earlier where circumstances warranting such revision arises.

REFERENCES

- a) The Radiation Protection Act [Chapter 15:15]
- b) IAEA Functions and Processes of the Regulatory Body for Safety, GSG-13 (2018)
- c) IAEA Safety Standards, General Safety Requirements Part 1, Government, Legal and Regulatory Framework for Safety, No. GSR Part 1
- d) IAEA Management and Leadership for Safety GSR Part 2 (2016)
- e) IAEA Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards GSR Part 3 (2014)
- f) IAEA Inspection of Radiation Sources and Regulatory Enforcement TECDOC-1526 (2007)
- g) IAEA Safety Standards, Safety Guide, Regulatory Inspection of Nuclear Facilities and Enforcement by the Regulatory Body, No. GS-G-1.3