



Colorado Department
of Public Health
and Environment

Colorado Department of Public Health and Environment
Hazardous Materials and Waste Management Division
Radiation Management Program

Notice to employees

Standards for protection against radiation (Part 4); Notices, instructions, and reports to workers: inspections (Part 10); employee protection

To report radiation safety concerns or violations
by your employer

Telephone:
303-692-3300 (general division concerns)
303-877-9757 (radioactive materials concerns)
303-692-3448 (X-ray or machine-based concerns)

The Colorado Department of Public Health and Environment (the Department) is the regulatory agency responsible for licensing and inspecting commercial uses of radiation and radioactive materials in Colorado. Within the Department, the Hazardous Materials and Waste Management Division (the Division) is responsible for licensing and inspecting the use of radioactive materials and registering and inspecting radiation producing machines.

What does the Division do?

The Division's primary responsibility is to ensure that workers and the public are protected from unnecessary or excessive exposure to radiation. The Division does this by establishing requirements in the State of Colorado Rules and Regulations Pertaining to Radiation Control, 6 CCR 1007-1 (the Regulations), in licenses issued to radioactive materials users, and in registrations of radiation producing machines.

What responsibility does my employer have?

Any company that conducts activities licensed or registered by the Division must comply with the Department's requirements. If a company violates the Department's requirements, it can be fined or have its license or registration modified, suspended, or revoked.

Your employer must tell you which Department radiation requirements apply to your work and must post Department Notices of Violation involving radiological working conditions.

What is my responsibility?

For your own protection and the protection of your co-workers, you should know how Department requirements relate to your work and should follow them. If you observe violations of the requirements or have a safety concern, you should report them.

What if I cause a violation?

If you engaged in deliberate misconduct that may cause a violation of the Department's requirements, or would have caused a violation if it had not been detected, or deliberately provided inaccurate or incomplete information to either the Department or to your employer, you may be subject to enforcement action. If you report such a violation, the Department will consider the circumstances surrounding your reporting in determining the appropriate enforcement action, if any.

How do I report violations and safety concerns?

If you believe that violations of Department rules, the terms of the license, or the terms of the registration have occurred, or if you have a safety concern, you should report them immediately to your supervisor. You may report violations or safety concerns directly to the Division. However, the Department encourages you to raise your concerns with the licensee or registrant since the licensee or registrant has the primary responsibility for, and is most able to ensure, safe operations. If you choose to report your concern directly to the Division, you may report it to a Division inspector or call the phone numbers above. If you send your concern in writing, it will assist the Division in protecting your identity if you clearly indicate that you would like your concern to be considered as an allegation.

What if I work with radioactive material, radiation producing machines, or in the vicinity of a radiation area?

If you work with radioactive materials or near a radiation source, the amount of radiation exposure that you are permitted to receive may be limited by Department regulations. The limits on exposure for workers at Division licensed facilities whose duties involve exposure to radiation are contained in Part 4, Sections 4.6, 4.12, and 4.13 of the Regulations depending on the part of the regulations to which your employer is subject. While these are the maximum allowable limits, your employer should also keep your radiation exposure as far below those limits as is "reasonably achievable."

May I get a record of my radiation exposure?

Yes. Your employer is required to make available to you the information in your dose records (as maintained under the provisions of Section 4.46 of the Regulations). In addition, your employer is required to provide you with an annual report of the dose you received in that monitoring year if the dose exceeds 100 millirem, or if you request an annual report.

How are violations of Department requirements identified?

The Division conducts regular inspections at licensed and registered facilities to assure compliance with Department requirements. In addition, your employer and site contractors may conduct their own inspections to assure compliance.

May I talk with a Division inspector?

Yes. Inspectors want to talk to you if you are worried about radiation safety or have other safety concerns about licensed or registered activities. Your employer may not prevent you from talking with an inspector. The Division will make all reasonable efforts to protect your identity where appropriate and possible.

May I request an inspection?

Yes. If you believe that your employer has not corrected violations involving radiological working conditions, you may request an inspection. Your request should be addressed to the Hazardous Materials and Waste Management Division and must describe the alleged violation(s) in detail. It must be signed by you or your representative.

How do I contact the Department?

Talk to a Division inspector on-site or call the phone numbers listed above. You can also e-mail safety concerns regarding radioactive materials to cdphe_hmrmat@state.co.us; and safety concerns regarding radiation producing machines to cdphe_hmrxraycomments@state.co.us.

Can I be fired for raising a safety concern?

Federal law prohibits an employer from firing or otherwise discriminating against you for bringing safety concerns to the attention of your employer or the Department. You may not be fired or discriminated against because you engage in certain protected activities, including but not limited to:

- asking the Division to enforce its rules against your employer;
- refusing to engage in activities which violate Division requirements;
- providing information or preparing to provide information to the Division or your employer about violations of requirements or safety concerns; or
- asking for, or testifying, helping, or taking part in a Department, Congressional, or any Federal or State proceeding.

What forms of discrimination are prohibited?

It is unlawful for an employer to fire you or discriminate against you with respect to pay, benefits, or working conditions because you help the Department or raise a safety issue or otherwise engage in protected activities.

How do I file a discrimination complaint?

If you believe that you have been discriminated against for bringing violations or safety concerns to the Department or your employer, you may file a complaint with the Department, the U.S. Department of Labor (DOL), or appropriate state entities. Additional information is available at the DOL web site at www.osha.gov. Filing an allegation, complaint, or request for action with the Department does not extend any time limit requirement to file a complaint with the DOL. To file a complaint with the Department, you may contact the Division.

What can the Department of Labor do?

The DOL will notify your employer that a complaint has been filed and will investigate your complaint.

If the DOL finds that your employer has unlawfully discriminated against you, it may order that you be reinstated, receive back pay, or be compensated for any injury suffered as a result of the discrimination and be paid attorney's fees and costs.

What will the Department do?

The Division will evaluate each allegation of harassment, intimidation, or discrimination to determine whether sufficient information is provided to initiate Division involvement. To assist in this evaluation, an investigator from the Division may interview you and gather any applicable documentation in your possession. If the Division determines that the allegation falls within its purview, the Division will initiate an investigation of your allegation of discrimination unless, prior to the initiation of such investigation, you choose to engage in mediation with your employer in an attempt to settle your allegation of discrimination. If a settlement is reached and the Division is provided such agreement for review and finds it acceptable, the Division will close your allegation of discrimination and will not perform an investigation. However, any settlement agreement between you and your employer on your discrimination claim will not impact, in any way, the resolution of the underlying technical issues or any other allegation you may have filed or will file with the Division. Alternatively, if an acceptable settlement is not reached, the Division may initiate an investigation.

If the Division or the DOL finds that unlawful discrimination has occurred, the Department may issue a Notice of Violation to your employer, impose a fine, or suspend, modify, or revoke your employer's license or registration.