



NEWS RELEASE

ALABAMA DEPARTMENT OF PUBLIC HEALTH

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ADPH poses civil penalty against company for failing to secure nuclear gauge FOR IMMEDIATE RELEASE

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The Alabama Department of Public Health has proposed a \$3,125 civil penalty against Birmingham Engineering & Construction Consultants, Inc., headquartered in Birmingham, for a violation of the Rules of the State Board of Health. The department identified the violation as a result of a portable gauge containing a radioactive source falling from a company truck and becoming lost along a right of way on Aug. 28, 2008.

The violation involved the failure to properly secure portable nuclear gauges when not in use. Such portable gauges are used in highway and construction projects to measure the density and moisture content of soil and foundation material. The Rules of the State Board of Health require two independent systems to secure the gauges.

In this instance the Birmingham Engineering & Construction Consultants, Inc. truck left the job site and drove across town with the gauge sitting on the open tailgate. It subsequently fell from the truck and was found by a citizen who later returned it. The rules require that such devices be placed in a locked box and that the box be secured to the truck prior to transportation.

“We expect all companies that hold Alabama Radioactive Material licenses to safely and securely handle nuclear material by adhering to the rules,” said Kirksey E. Whatley, Director of the Office of Radiation Control. “This violation is a concern because someone could have been exposed to radiation if the device had not been found by a responsible individual, or if it had been damaged by the fall or hit by another vehicle sufficient to cause the radiation sources to be exposed.”

After the Aug. 28 incident the company took immediate corrective actions to properly secure its radioactive gauges during transportation. Birmingham Engineering & Construction Consultants, Inc. has until Dec. 14 to pay or contest the proposed civil penalty. If the proposed civil penalty is contested and subsequently imposed by the Alabama Department of Public Health the company may request a hearing.

For additional information on the regulation of radioactive devices please call the Office of Radiation Control, Alabama Department of Public Health at 1-800-582-1866 or visit www.adph.org/radiation.

