



November 5, 2014

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Henry Waxman
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Upton and Ranking Member Waxman:

I am writing on behalf of Elekta, Inc., to request that you oppose proposed language included in Section 402 of the Senate Fiscal Year 2015 Energy & Water Appropriations bill draft during year-end appropriations discussions with the Senate. If enacted, this language would change current policies on the use of radioactive materials in life-saving medical devices, and would eventually limit patient access to and physician choice of these essential therapies.

Physician professional societies and other expert stakeholders have expressed profound concern that the policies proposed in Section 402 would have adverse consequences for patient access and outcomes. Further, the Nuclear Regulatory Commission (NRC), which oversees the handling of radioactive materials in the health care setting, has publicly commented on the Senate language in letters to the leaders of the Energy & Water Appropriations Subcommittees in both chambers, stating, “the draft legislation could actually lead to less effective security for radiation sources, impose unnecessary burdens on legitimate users of these sources, including health care and small businesses.”¹

Consistent with the NRC’s conclusions, Elekta, along with other health care stakeholders, believe that Section 402 is unnecessary because of ongoing collaboration between industry and the government to ensure the security of radiological sources.

Similar language is not found in the House Energy & Water Appropriations legislation, nor does it appear this language has been vetted by authorizing committees in either the House or Senate. In addition, the Senate’s proposed changes to current policy appear to be “authorizing” provisions, and are therefore improperly included in appropriations legislation.

¹ NRC letters: <http://www.nrc.gov/reading-rm/doc-collections/congress-docs/correspondence/2014/feinstein-09-05-2014.pdf>; <http://www.nrc.gov/reading-rm/doc-collections/congress-docs/correspondence/2014/simpson-09-10-2014.pdf>

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Elekta is a medical technology company focused on pioneering significant innovations and clinical solutions for treating cancer and brain disorders. The company develops sophisticated tools and treatment planning systems for radiation therapy, radiosurgery and brachytherapy, as well as workflow enhancing software systems across the spectrum of cancer care. The Senate language would have a negative effect on all of our therapies that use radioactive materials.

On behalf of the Elekta board of directors, the hospitals and physicians that use the therapies and tools we create, and the patients who receive life-saving care from Elekta technology, I ask that the Committee communicate these concerns to House Appropriations Committee Chairman Rogers and Ranking Member Lowey, as well as House Leadership, urging them to oppose acceptance of the Senate language in any year-end appropriations omnibus discussions with the Senate.

Sincerely,

Robert D. Thomas

Vice President, Health Policy and Government Relations

Elekta, Inc.