

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Removal of Lead Based Paint from Exterior Surfaces (250-RICR-120-05-24)

Rule Identifier: 250-RICR-120-05-24

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: June 11, 2026

End of Public Comment: July 13, 2026

Rulemaking Authority:

R.I. Gen. Laws § 42-17.1-2(19) and R.I. Gen. Laws Chapter 23-23

Summary of Rulemaking Action:

The proposed amendments are to rectify an error in the previous submission of this regulation that included the incorrect number for percent lead by weight for lead-based paint and substances. In the last submission of this regulation, the measurement of "or greater than or equal to one (1.0) mg/cm² by an X-ray fluorescence analyzer" was added, to mirror the RI Department of Health regulations. One (1.0) mg/cm² by an X-ray fluorescence analyzer is converted to 0.5 percent by weight.

The proposed changes are:

- 24.4.A.5. "Lead-based substance" means any paint or other surface coating material containing more than 0.5 percent lead by weight calculated as lead metal in the dried solid, or greater than or equal to one (1.0) mg/cm² by an X-ray fluorescence analyzer.
- 24.4.A.6. "Lead based paint" means any surface coating material that contains more than 0.5 percent lead by weight calculated as lead metal in the dried solid, or greater than or equal to one (1.0) mg/cm² by an X-ray fluorescence analyzer.
- 24.5-2. Removal of paint, that is not a lead based substance, from a surface shall be exempted from this Regulation. To qualify for this exemption, a representative sample of any paint, which is to be removed from any surface, must be tested prior to the initiation of paint removal and must contain no more than 0.5% lead by weight calculated as lead metal in the dried solid, or greater than or equal to one (1.0) mg/cm² by an X-ray fluorescence analyzer. The person performing the paint removal operation is responsible for determining if lead paint is present on the structure. Paint removal operations which are exempt from the requirements of this Regulation must comply with the requirements of Part 5 of this Subchapter (Fugitive Dust).

Additional Information and Public Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until July 13, 2026 by contacting the appropriate party at the address listed below:

Brianna Giglietti
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235 Promenade Street
Room 330
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In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by a governmental agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within ten (10) days of the publication of this notice.

Regulatory Analysis Summary and Supporting Documentation:

The changes to the regulation are to fix a previous mistake, there is no significant adverse economic impact on small businesses, cities, or towns in the State.

For full regulatory analysis or supporting documentation contact the agency staffperson listed above.