

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY: Rhode Island Department of Labor and Training

DIVISION: Workforce Regulation and Safety

RULE IDENTIFIER: 260-RICR-30-10-2

RULE TITLE: Boiler and Pressure Vessel Inspection

REASON FOR RULEMAKING:

The Department of Labor and Training is amending 260-RICR-30-10-2 to modernize and clarify the boiler and pressure vessel inspection program and incorporate current national safety standards by reference. Substantive updates include revising incorporated materials to the ASME CSD-1:2024, Boiler & Pressure Vessel Code (BPVC) (Edition 2025) and National Board Inspection Code (NBIC) (2025) editions; updating the definition of “Administrator” to clarify that duties assigned by statute may be performed by the Chief Boiler and Pressure Vessel Inspector when expressly delegated by the Director of Labor and Training, while preserving flexibility should the Administrator position be separately filled in the future; reorganizing and alphabetizing the definitions section; revising “certificate of competency” to recognize National Board and other-state credentials as qualifying pathways; to allow the Chief Inspector to require applicants participate in an interview, training session, or other professional dialogue as part of the qualification assessment; and adding definitions for “Commission” and “Commission Card,” reflecting that Rhode Island issues a Commission (evidenced by a Commission Card) to authorized inspectors. The regulation is further updated to mirror current Department practice of commissioning inspectors based on National Board credentials or equivalent foreign US state commissions (while retaining, as allowed by statute, the option of an Administrator approved examination); to require submission of inspection reports within five (5) business days; to require insurers to notify the Chief Inspector within five (5) business days when coverage is written, cancelled, not renewed, or suspended for unsafe conditions (replacing the former 30-day timeline); to remove owner-user inspection agency provisions that are duplicative or no longer necessary; to update procedures and signage for condemned boilers and pressure vessels; to consolidate or eliminate

provisions already covered by the adopted national codes; and to update installation requirements, including a carbon monoxide detector in or immediately adjacent to the boiler room for new, reinstalled, and second-hand installations. The rule also clarifies the code application hierarchy so that applicable provisions of the adopted codes govern first and, only when no applicable provision exists, the Chief Inspector may specify requirements using professional judgment grounded in training, experience, and knowledge of the adopted codes and industry practice. No fee increases are proposed.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: None.

TESTIMONY AND COMMENTS: None.

CHANGE TO TEXT OF THE RULE: There was one post-comment minor grammatical change to amended Section 2.5.20 (previously Section 2.5.23) entitled “Working Pressure for Existing Installations.” The mistakenly included second “the” was deleted from the second to last sentence of that section. There were no other post-comment changes to text.

REGULATORY ANALYSIS:

The amendments improve legal certainty and administrative efficiency without adding cost. Clarifying that the Chief Inspector may perform Administrator duties when expressly delegated preserves the statutory structure while aligning with current operations. Reframing inspector qualification around a Rhode Island Commission (evidenced by a Commission Card) with a certificate of competency as the prerequisite streamlines credentialing and promotes reciprocity with the National Board/other states. Time-certain deadlines for inspection reports and insurer notifications strengthen oversight. Consolidating or removing provisions already addressed by national codes minimizes duplication and compliance complexity, while updated condemnation and installation practices enhance field safety. The rule introduces no fee increases or staffing needs and is not expected to affect state or municipal budgets or impose material burdens on small businesses.