

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 Health

DIVISION: N/A

RULE IDENTIFIER: 216-RICR-50-15-5

RULE TITLE: Lead Inspection

REASON FOR RULEMAKING: This regulation is being created to include all lead inspection rules and regulations originally found in the Lead Poisoning and Prevention regulation (216-RICR-50-15-3). Further amendments to this regulation include aligning with new Environmental Protection Agency and Housing and Urban Development standards. Additionally, it includes regulations regarding Lead Hazard Mitigation and Certificates of Lead Conformance, which authority to perform and/or enforce has been granted to RIDOH by the Housing Resource Commission.

ANY FINDINGS REQUIRED BY LAW AS A PREEQUISITE TO THE EFFECTIVENESS OF THE RULE: N/A

TESTIMONY AND COMMENTS:

A comment was receiving noting that the clearance standards are not listed as being below the acceptable hazard standard. To avoid confusion regarding clearance standards, RIDOH added a statement to section 5.8.5 noting the clearance standards.

CHANGES TO THE TEXT OF THE RULE:

Various corrected PBLC – 30 form to newly titled forms and definitions LHM-2-1, LHM-2-2 or LHM-2-3. This original form has been divided into three different forms to be more specific about the lead work that was performed.

§ 5.8.5 added a statement regarding clearance standards

REGULATORY ANALYSIS:

In development of this rule, consideration was given to:

- 1) Alternative approaches;
- 2) Overlap or duplication with other statutory and regulatory provisions; and
- 3) Significant economic impact on small business

No alternative approach, duplication or overlap was identified based on available information. RIDOH has determined that the benefits of the rule justify its costs.