

## CONCISE EXPLANATORY STATEMENT

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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-50-05-1

**RULE TITLE:** Public Drinking Water

**REASON FOR RULEMAKING:**

In accordance with the Administrative Procedures Act, the Rhode Island Department of Health (RIDOH) is amending the Public Drinking Water regulations (216-RICR-50-05-1) (Regulations) pursuant to its authority under R.I. Gen. Laws § 46-13-18(a) and Chapter 23-1. Most of the amendments are to incorporate the revisions to the National Primary Drinking Water Regulations (“NPDWR”) for Consumer Confidence Reports (the “Revised CCR NPDWR”) promulgated in 2024 by the Environmental Protection Agency (“EPA”) under the federal Safe Drinking Water Act (“SDWA”). The Revised CCR NPDWR was published as a Final Rule on May 24, 2024 (89 Fed. Reg. 45980). RIDOH is proposing amendments to the Regulations consistent with the Revised CCR NPDWR because RIDOH is the state primacy agency responsible for enforcing the federal NPDWRs in Rhode Island. In accordance with SDWA and 40 CFR Part 142, RIDOH must adopt state regulations that are at least as stringent as the NPDWRs in order to attain and maintain primacy.

The Revised CCR NPDWR provisions that RIDOH is proposing to adopt are located in 40 CFR 141 Subpart O, which are located in §§ 1.16.11 and 1.16.12 of the proposed amendments to the Regulations. To the extent helpful, the table below compares the section numbering for the Revised CCR NPDWR, RIDOH’s proposed CCR changes, and RIDOH’s current CCR regulations:

Revised CCR NPDWR	Revised RI Regulation Effective 2026	RI Regulation Effective 9-18-2024
40 CFR 141 Subpart O — Consumer Confidence Reports	§ 216-RICR-50-05-1.16.11 — Consumer Confidence Reports	§ 216-RICR-50-05-1.16.11 — Consumer Confidence Reports
§ 141.151 — Purpose and applicability of this subpart	§ 1.16.11(A) — Purpose and Applicability of § 1.16.11 of this Part	§ 1.16.11(A) — Purpose and Applicability of this Subpart
§ 141.152 — Compliance dates	§ 1.16.11(B) — Compliance dates	§ 1.16.11(B) — Effective dates
§ 141.153 — Content of the reports	§ 1.16.11(C) — Content of the reports	§ 1.16.11(C) — Content of the reports
§ 141.154 — Required additional	§ 1.16.11(D) — Required	§ 216-RICR-50-05-1.16.12 —

health information	additional health information	Required additional health information
§ 141.155 — Report delivery, reporting, and recordkeeping	§ 1.16.11(E) — Report delivery, reporting, and recordkeeping	§ 1.16.12(G) — Report delivery and recordkeeping
§ 141.156 — Summary of report contents	§ 1.16.11(F) — Summary of report contents	
Appendix A to Subpart O of Part 141 — Regulated Contaminants	§ 216-RICR-50-05-1.16.12 — Appendix A to § 1.16.11 — Regulated Contaminants	§ 216-RICR-50-05-1.16.13 — Appendix A to § 1.16.12 — Regulated Contaminants

RIDOH is also making some corrections and clarifications to other sections of the Regulations.

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

**TESTIMONY AND COMMENTS:**

RIDOH received a comment recommending that some of the language in § 1.16.11(D)(4)(a) be revised. Specifically, the commenter suggested replacing the following language as follows:

- Original language: “You can also use a filter certified by an American National Standards Institute accredited certifier to reduce lead in drinking water.”
- Proposed language: “You may also use a filter that is certified to reduce lead in drinking water by a certification body accredited to ISO/IEC 17065, where the accreditation body meets the requirements of ISO/IEC 17011.”

The commenter justified this change as follows: “The main reason for our suggestion is because ANSI themselves do not provide accreditation, instead you should specify the accreditation and certification requirements you intend to rely on.”

RIDOH responds as follows: The language that RIDOH has proposed in § 1.16.11(D)(4) is pulled from the Revised CCR NPDWR promulgated by EPA in 2024 (specifically, see 40 C.F.R. § 141.154(d)(1) as codified July 1, 2024). RIDOH must adopt regulations that are at least as strict as the NPDWR in order to obtain primary enforcement responsibility from EPA for the Revised CCR NPDWR. RIDOH consulted with EPA about this particular provision, and EPA confirmed that: “the regulatory language in 40 C.F.R. § 141.154(d)(1) is written as intended. ANSI accredits the certifying organizations such as NSF and WQA and they do the certification of the POU units. The ANSI accreditation includes audits of the certification organizations and their procedures.” For that reason, RIDOH has determined it will not modify the language originally proposed.

**CHANGES TO THE TEXT OF THE RULE:**

- **§ 1.16.11(B)(1)** – RIDOH is making a technical revision to fix language in the compliance date section of the Consumer Confidence Reports section of the Regulations (§ 1.16.11), specifically to update the reference to the effective date of the Regulation amendments. RIDOH’s timing for publishing the Regulations is such that the effective date will be in January 2026. The exact language being changed is reflected in red below:
  1. Beginning on the effective date of the January 2025 amendments to § 1.16.11 of this Part through December 31, 2026, community PWS must comply with §§ 141.151 through 141.155, as codified in 40 CFR part 141, subpart O, on July 1, 2023, with the following modifications.

The final rule—which includes the changes identified above—is consistent with, and a logical outgrowth of, the rule proposed in the notice as required by R.I. Gen. Laws § 42-35-6.1.

**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.