

John R. Ashcroft

Secretary of State
Administrative Rules
RULE TRANSMITTAL

Administrative Rules Stamp

RECEIVED

By Administrative Rules SOS at 8:58 am, Mar 14, 2024

Rule Number 10 CSR 60-10.040

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Aaron Mealy Phone (573) 526-2957 FAX (573) 751-3110

Email address aaron.mealy@dnr.mo.gov

Data Entry Aaron Mealy Phone (573) 526-2957 FAX (573) 751-3110

Email address aaron.mealy@dnr.mo.gov

Interagency mailing address 1101 Riverside Jefferson City – Public Drinking Water Branch

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination

Effective Date for the Emergency _____

☒ Proposed Rulemaking __ Rule X Amendment __ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☐ Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission

Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

SMALL BUSINESS
REGULATORY FAIRNESS BOARD

MARCH 14, 2024
RECEIVED

JCAR Stamp

RECEIVED

By JCAR at 8:29 am, Mar 14, 2024

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

December 15, 2023

Ms. Missy Newman
Missouri Department of Natural Resources
1101 Riverside Drive
Jefferson City, MO 65102

Dear Ms. Newman:

This Office has received your proposed amendments for the following regulation:

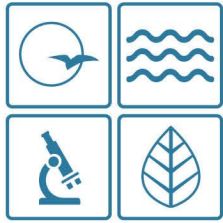
- 10 CSR 60-10.040 Prohibition of Lead Pipes, Lead Pipe Fittings and Lead Solder and Flux

Executive Order 17-03 requires this Office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, or adopt new regulations. After our review, we approve the submission and the regulatory impact report (if applicable) to JCAR and the Secretary of State.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan Yelton".

Jonathan Yelton
Deputy General Counsel



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Michael L. Parson
Governor

Dru Buntin
Director

The Honorable John R. Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

Re: 10 CSR 60-10.040 Prohibition of Lead Pipes, Lead Pipe Fittings and Lead Solder and Flux

Dear Secretary Ashcroft:

CERTIFICATION OF ADMINISTRATIVE RULE

I hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by the Department of Natural Resources.

The department further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo. 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

The department has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo., a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: section(s) 640.100, RSMo.

Pursuant to section 536.016, RSMo., the department finds this proposed rulemaking to be necessary to accomplish the purposes of Section 640.100, RSMo. I certify that the proposed rulemaking is based upon substantial evidence identified in the official record.

Pursuant to section 640.015, RSMo, the department certifies that

<input type="checkbox"/>	No Regulatory Impact Report is required, pursuant to Section 640.015, RSMo.
<input type="checkbox"/>	No Regulatory Impact Report is required because the rulemaking does not prescribe environmental conditions or standards.
<input type="checkbox"/>	No Regulatory Impact Report is required as the rulemaking substantially restates or repeats existing federal statutes or regulations.
<input checked="" type="checkbox"/>	The rulemaking prescribes environmental conditions or standards and therefore included with this filing is a Regulatory Impact Report for the rulemaking.



The Honorable John R. Ashcroft
Page Two

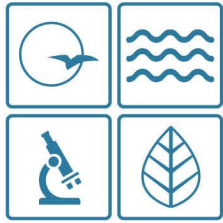
Thank you for your attention to this matter. If you have any questions about this rulemaking please contact David Lamb, Public Drinking Water Branch at 573-751-2674.

Sincerely,

A handwritten signature in black ink that reads "Dru Buntin". The signature is written in a cursive, flowing style.

Dru Buntin
Director

Enclosure: Rule Transmittal Sheet
 Proposed Amendment to 10 CSR 60-10.040
 Small Business Impact Statement
 Regulatory Impact Report
 Governor's Office Approval Letter



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Michael L. Parson
Governor

Dru Buntin
Director

Sarah Schappe
Joint Committee on Administrative Rules
State Capitol, Room B8
Jefferson City, MO 65101

Dear Sarah Schappe:

The Missouri Department of Natural Resources is filing today a proposed amendment with the Office of the Secretary of State. We are providing a copy of this rulemaking as required by Section 536.024, RSMo, for review by the Joint Committee on Administrative Rules.

The department has determined and hereby certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business, or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Pursuant to Section 640.015, RSMo, the department certifies that:

<input type="checkbox"/>	No Regulatory Impact Report is required, pursuant to Section 640.015, RSMo.
<input type="checkbox"/>	No Regulatory Impact Report is required because the rulemaking does not prescribe environmental conditions or standards.
<input type="checkbox"/>	No Regulatory Impact Report is required as the rulemaking substantially restates or repeats existing federal statutes or regulations.
<input checked="" type="checkbox"/>	The rulemaking prescribes environmental conditions or standards and therefore included with this filing is a Regulatory Impact Report for the rulemaking.

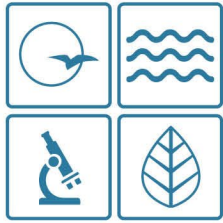
Thank you for your attention to this matter. If you have any questions about this rulemaking please contact David Lamb, Public Drinking Water Branch at 573-751-2674.

Sincerely,

Dru Buntin
Director

Enclosures: Proposed Amendment to 10 CSR 60-10.040
Governor's Office Approval Letter





MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Michael L. Parson
Governor

Dru Buntin
Director

Missouri Small Business Regulatory Fairness Board
Missouri Department of Economic Development
P.O. Box 1157
Jefferson City, MO 65102-1157

The Missouri Department of Natural Resources is filing today, a proposed amendment with the Office of the Secretary of State.

Pursuant to Section 536.300, RSMo., the department determined that the rulemaking will have an economic impact on small businesses and is providing a copy of this proposed rulemaking and the Small Business Impact Statement as an enclosure.

Thank you for your attention to this matter. If you have any questions about this rulemaking, please contact David Lamb, Missouri Department of Natural Resources' Water Protection Program's Public Drinking Water Branch at 573-751-2674.

Sincerely,

Dru Buntin
Director

Enclosure: Proposed Amendment to 10 CSR 60-10.040
Small Business Impact Statement



**DECLARATION
OF PUBLIC COST**

I, Dru Buntin, Department of Natural Resources, do declare that it is my opinion that the cost of proposed rule 10 CSR 60-10.040, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

A handwritten signature in black ink that reads "Dru Buntin". The signature is written in a cursive, flowing style.

Dru Buntin
Director
Department of Natural Resources

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 10—Plans and Specifications; Siting Requirements; Recreational Use of
Impoundments**

PROPOSED AMENDMENT

10 CSR 60-10.040 Prohibition of Lead Pipes, Lead Pipe Fittings and Lead Solder and Flux

PURPOSE: This proposed amendment updates the lead free standard and federally required state enforcement actions.

- (1) This rule applies to all public water systems.
- (2) For the purpose of this rule, the term lead free **means:***[, when used with respect to—]*
 - (A) *[Solder and flux, refers to solders and flux]* **Not** containing *[not]* more than two-tenths percent (0.2%) lead **when used with respect to solder and flux; and**
 - (B) *[Pipes and pipe fittings, refers to pipes and pipe fittings containing not]* **Not** more than *[eight percent (8.0%)]* **a weighted average of twenty-five hundredths of a percent (0.25%) lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.***;* **and**
 - (C) *Plumbing fittings and fixtures intended by the manufacturer to dispense water for human ingestion, refers to fittings and fixtures that are in compliance with standards established in accordance with 42 U.S.C. 300g–6(e).]*
- (3) As of January 1, 1989, **no person may use any pipe, any pipe or plumbing fitting or fixture, any solder, or any flux that is not lead free as defined in Section (2) of this rule in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption.** *[all materials used in the construction, expansion, modification or improvement of a public water system or customer water system shall be lead free.]* This section shall not apply to leaded joints necessary for the repair of cast iron pipes **or the installation of fire hydrants.**
- (4) Any customer water system constructed, expanded, modified or repaired after January 1, 1989 that is connected to a public water system, and later is found to contain materials that are not lead-free, shall have the water meter removed or otherwise have the service line severed from the public water system when the supplier of water is so ordered by the appropriate local governmental authority (if one exists) or by the department. The requirements of this section shall not apply to any customer water system previously served by a water system other than a public water system.
- (5) **All community public water systems must have a locally enforceable mechanism, such as an ordinance, resolution, by-law, or contract, in place to require that any pipe, pipe fitting, plumbing fitting, plumbing fixture, solder, or flux installed or used as part of a repair at any residential or nonresidential facility which is connected to the public water system be lead free.**

~~[(5)]~~ (6) No ordinance or rule established by a unit of local government or a supplier of water for the prohibition of lead pipe, lead pipe fittings and lead solder and flux shall be less stringent than the requirements of this rule.

AUTHORITY: section 640.100, RSMo 2000. Original rule filed June 2, 1988, effective Aug. 31, 1988. Amended: Filed Aug. 14, 2001, effective April 30, 2002. Amended: Filed March 14, 2024.

**Original authority: 640.100, RSMo 1939, amended 1978, 1981, 1982, 1988, 1989, 1992, 1993, 1995, 1996, 1998, 1999.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources. To be considered, comments must be received by the end of the public comment period, which is 5 p.m. May 23, 2024. A public hearing is scheduled for May 16, 2024, at 10:00 a.m., at the Department of Natural Resources, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO 65101. The meeting is hybrid, and a virtual option is available at <https://stateofmo.webex.com/stateofmo/j.php?MTID=md28bd04c1b52a20652498b9c4a61bcbf>, meeting number (access code) 2632 573 0762, password DNR, or call-in number 1-650-479-3207. Comments may also be submitted to Aaron Mealy, Water Protection Program, PO Box 176, Jefferson City, MO 65102-0176, via email at aaron.mealy@dnr.mo.gov, or online at <https://apps5.mo.gov/proposed-rules/welcome.action#OPEN>.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	10 CSR 60-10.040 Prohibition of Lead Pipes, Lead Pipe Fittings and Lead Solder and Flux
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Natural Resources	\$0

III. WORKSHEET

N/A

IV. ASSUMPTIONS

There are no public costs associated with the proposed amendment.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name	10 CSR 60-10.040 Prohibition of Lead Pipes, Lead Pipe Fittings and Lead Solder and Flux
Type of Rulemaking	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule action:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the proposed rule action by the affected entities:
1,431 Community Water Systems	N/A	Less than \$500

III. WORKSHEET

N/A

IV. ASSUMPTIONS

The proposed amendment will require community public water systems to have a locally enforceable mechanism such as an ordinance, resolution, by-law or contract in place that will require the use of lead-free plumbing in the repair of any residential or nonresidential facility connected to the public water system. There may be a cost associated with the development or revision of a local ordinance or similar enforcement mechanism if they decide not to use the model ordinance that the department is providing. The department expects this scenario to be uncommon and that the cost will not exceed \$500 in the aggregate.

Small Business Regulatory Fairness Board Small Business Impact Statement

Date: 3/14/2024

Rule Number: 10 CSR 60-10.040

Name of Agency Preparing Statement: Missouri Department of Natural Resources

Name of Person Preparing Statement: Aaron Mealy

Phone Number: 573-526-2957

Email: aaron.mealy@dnr.mo.gov

Name of Person Approving Statement: David Lamb

Please describe the methods your agency considered or used to reduce the impact on small businesses (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

The department expects that the proposed amendment to 10 CSR 60-10.040 will not impact many, if any, small businesses. The amendment will incorporate federal regulation changes made to §143 Subpart B – Use of Lead Free Pipes, Fittings, Fixtures, Solder, and Flux for Drinking Water. The federal changes revised the definition of lead free from eight percent to twenty-five hundredths of a percent as a weighted average on all wetted surfaces. This amendment will update the state regulation to align with current federal requirements. The amendment also includes a requirement that community public water systems have an ordinance or similar mechanism in place that requires any material installations or repairs at any residential or nonresidential facility connected to the public water system be lead free. Since federal regulation bans the manufacture of plumbing materials for potable purposes that are not lead free, this amendment should not add to the cost of purchasing plumbing materials for any public water systems, or customers of any public water system, as plumbing materials that do not meet the lead free definition should not be available in commerce.

40 CFR 143.14 requires the state to enforce the lead-free standards through a plumbing code or other means that the state determines to be appropriate. The department determined that the least stringent method for regulating the requirement is to propose that public water systems have an ordinance or similar mechanism in place that requires any installations or repairs at the public water system to be lead-free. The department is providing a model ordinance for community public water systems to use. Associated costs from developing an ordinance may be eliminated or reduced for systems using the department's model ordinance. Any community public water system that also classifies as a small business may decide to develop their own ordinance or other appropriate

mechanism to comply with the rule. In this instance, there is a possibility for a small business to incur a cost to comply with the proposed amendment. The department expects this scenario to be uncommon.

Please explain how your agency has involved small businesses in the development of the proposed rule.

The department held a public rulemaking forum on September 14, 2023 to make the public and stakeholders aware of the department's intent to amend the rule. Prior to the rulemaking forum, the department sent two notices to 4,337 stakeholder contacts to provide notice to all interested parties of the upcoming rulemaking forum. The notices were sent to all of Missouri's public water system contacts, including any that may meet the definition of a small business.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

There are no probable costs or monetary benefits to the department or any other state agency. There are no fees associated with the proposed amendment.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Any public water system that classifies as a small business will be required to comply with the rule. They will need to update their existing ordinances or other mechanism for enforcing the lead free standard to incorporate the federal definition change of lead free. Small businesses that are customers of public water systems will need to comply with the lead free provisions of local ordinances, however, because federal regulations ban the introduction of potable plumbing materials that do not meet the lead free standard from being introduced into commerce, this is not expected to have an adverse impact on any small businesses.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

The proposed amendment will require public water systems to demonstrate they have a locally enforceable mechanism, such as an ordinance, in place that is up to date with the federal lead-free definition. The local entity developing or updating their ordinance or other enforceable mechanism to comply with this rule may incur associated costs if they decide not to use the model ordinance that the department is providing. The department expects this scenario to be uncommon and for costs to be minimal.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Any Missouri public water system that also classifies as a small business.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes ☐ No ☒

If yes, please explain the reason for imposing a more stringent standard.

Regulatory Impact Report

10 CSR 60-10.040 Prohibition of Lead Pipes, Lead Pipe Fittings and Lead Solder and Flux

Pursuant to Section 640.015, RSMo, all rulemakings that prescribe environmental conditions or standards promulgated by the Department of Natural Resources pursuant to authorities granted in Chapters 640, 260, 278, 319, 444, 643, or 644 shall be based on a regulatory impact report. This requirement does not apply to rules where the Department Director determines that immediate action is necessary to protect human health, public welfare, or the environment; or to rules of applicable federal agencies adopted by the Department without variance.

Upon completion of the comment period, official responses will be developed and made available on the agency web page prior to filing an Order of Rulemaking with the Secretary of State. Contact information is at the end of this regulatory impact report.

1. A report on the peer-reviewed scientific data used to commence the rulemaking process.

In 2011, Congress enacted the Reduction of Lead in Drinking Water Act (RLDWA). The RLDWA revised the definition of lead free by lowering the allowable maximum lead content from eight percent to a weighted average of twenty-five hundredths percent for the wetted surfaces of plumbing products. It also revised the definition of lead free to include a statutory method for the calculation of lead content. For the RLDWA, the EPA used a variety of data sources to develop limits to protect human health and identify products and manufacturers that may be subject to the rule. On September 1, 2020, EPA published a final rule in 40 CFR 143.10-20 that codified the lead free standards and enforcement requirements of the RLDWA. The Department is adopting these requirements and is taking in to account the peer-reviewed scientific data that was used to develop the federal regulatory standards.

Further information on the available scientific data used to develop the federal standards is available at www.regulations.gov by searching docket EPA-HQ-OW-2015-0680.

2. A description of persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.

All public water systems in Missouri will be required to comply with the lead free standards set by 40 CFR 143.10-20 and adopted as part of this proposed amendment. All community water systems must have a locally enforceable mechanism, such as an ordinance, resolution, by-law, or contract, in place to require that any pipe, pipe fitting, plumbing fitting, plumbing fixture, solder, or flux installed or used as part of a repair at any residential or nonresidential facility which is connected to the public water system be lead free.

The department does not foresee costs associated with this proposed amendment. Since federal regulation bans the introduction of potable plumbing materials that do not meet the lead free standard from being introduced into commerce, it is unlikely that systems or customers of systems can purchase materials that do not comply with the rule. The department is also providing a model ordinance to systems to help alleviate any potential costs associated with developing or revising a locally enforceable mechanism to meet the enforcement requirements in section 5 of the proposed amendment. The department expects any cost associated with revising a system's current ordinance or enforcement mechanism to be minimal.

3. A description of the environmental and economic costs and benefits of the proposed rule.

This proposed amendment will have a positive environmental effect by reducing the potential for leaded products to be introduced in to public drinking water systems. The reduction of lead in plumbing products reduces the potential for exposure to customers of public water systems from lead that may leach out of their plumbing or fixtures. The department anticipates no economic costs from the proposed amendment because the lead-free definition incorporates the federal definition for lead free which was also incorporated into the existing federal ban on the introduction of plumbing materials for potable drinking water purposes into commerce. Therefore, systems should no longer be able to purchase plumbing products that do not meet this requirement.

4. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.

The proposed amendment has no fiscal impact to the department or any other public agency associated with both the implementation and enforcement of the rule. Any work related to addressing non-compliance arising from the updated lead-free standard or local enforcement requirement will be absorbed with existing staff. There is no effect on state revenue.

5. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.

The amendment incorporates the federal definition of lead free which is established in federal law and regulations as well as establishes that public water systems must have a locally enforceable mechanism in place to require any plumbing used as part of the repair at any residential or nonresidential facility that is connected to the public water system be lead free. The department has relied on local enforcement of the federal lead ban requirements since the initial incorporation of the federal lead ban since 1989. Most systems should have an existing mechanism in place, that just needs to be updated to reflect the current change in the federal definition of lead free. The department anticipates little to no economic cost for systems to update these ordinances, by-laws, etc. to comply with the rule. The benefit of the rule is that it will provide a secondary mechanism to the federal ban to prevent the use of plumbing in customer water systems that is not lead free. This will reduce the potential of exposure to lead to these customers.

The cost of inaction is that 10 CSR 60-10.040 will not be up to date with federal requirements. If the state does not incorporate the federal definition of lead free in to state rule and does not implement an enforceable mechanism to enforce the lead ban requirements, there may be situations where older stock of plumbing supplies that do not meet the current lead free definition could be used illegally by customers of public water system, increasing the possibility of exposure to lead from their drinking water supply. In addition to this environmental exposure, the state would also be in jeopardy of losing federal funds as in order for the state to receive its full allotment of Public Water System Supervision Performance Partnership Grant funds, the state must enforce the requirements of section 1417(a)(1) of the Safe Drinking Water Act and § 143.13.

6. A determination of whether there are less costly or less intrusive methods for achieving the proposed rule.

The department identified the proposed amendment as the least costly and intrusive method for complying with the lead-free plumbing standard and enforcement requirements of 40 CFR 143.10-20. The state does not have a statewide plumbing code and has relied on local enforcement mechanisms to enforce the lead ban requirements since its inception in 1989. The department has required systems to maintain a local enforcement mechanism in the past through the sanitary survey process. The department must update the state rule to keep it current with federal regulation which will require systems to update their local enforcement mechanisms as well. Most systems will just need to update their existing ordinances to comply. That will be much more timely and effective than establishing a new statewide plumbing code, which is the other viable option federal regulations provide to comply with the enforcement requirements of 40 CFR 143.10-20.

7. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

No alternative methods were identified. The proposed amendment is necessary to align the state regulation with existing federal requirements. In absence of a state plumbing code and with past reliance on local enforcement of the lead ban, no other alternatives were identified that would be feasible.

8. An analysis of both short-term and long-term consequences of the proposed rule.

In the short-term, systems will need identify a locally enforceable mechanism to comply with the enforcement provision of the rule. For most systems, this will involve updating their existing ordinances, bi-laws, etc., to incorporate the lead-free definition.

In the long-term, once the locally enforceable mechanism is in place there should be minimal consequences for public water systems. The corresponding federal ban on introducing potable plumbing into commerce that is not lead free should prevent most if not all customers from having the ability to utilize plumbing products that are not

compliant. Local enforcement of the rule would then be similar to existing practices implemented by systems who currently enforce the lead ban under the current state rule.

9. An explanation of the risks to human health, public welfare or the environment addressed by the proposed rule.

The proposed amendment addresses the potential for customers of public water systems to be exposed to lead that may leach from plumbing and fixtures. Lead is a neurotoxin and exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, and kidney or nervous system problems. The proposed amendment incorporates the federal definition of lead free which has established a lower threshold for lead content in potable plumbing, thereby reducing the risk to consumers.

10. The identification of the sources of scientific information used in evaluating the risk and a summary of such information.

The department is revising the state definition of lead free to be consistent with the federal definition. Further information on the available scientific data used to develop the federal standards is available at www.regulations.gov by searching docket EPA-HQ-OW-2015-0680.

11. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.

N/A

12. A description of any significant countervailing risks that may be caused by the proposed rule.

No countervailing risks were identified.

13. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.

As state regulations must be equivalent to federal regulations to maintain primary enforcement of the Safe Drinking Water Act in Missouri, there are no alternatives to the state amending the regulation to adopt the federal definition of lead free. In regard to the local enforcement provisions proposed in the rule, the state could pursue the development of a statewide plumbing code. This would require legislative action and the creation of a new bureaucracy to implement the legislation. This has been determined to not be a feasible approach.

14. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State.

You may provide comments on either the Regulatory Impact Report (RIR) or the draft rule text by sending them to the contact listed below or on the web site <https://dnr.mo.gov/proposed-rules/welcom.action> during the RIR comment period.

Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176
Drinking.Water@dnr.mo.gov

Copies of the comments made on either the Regulatory Impact Report or the draft rule text may be obtained by request from the contact listed above or by accessing the Rules In Development section on the web site <https://dnr.mo.gov/proposed-rules/welcom.action> for this particular rulemaking.

The Department accepted comments on the Regulatory Impact Report from December 24, 2023 to February 21, 2024. No comments were received.