

TITLE 675 DEPARTMENT OF HOMELAND SECURITY

Regulatory Analysis
LSA Document #XX-XXX

I. Description of Rule

This proposed rule makes amendments to the existing 2012 Indiana Plumbing Code. The proposed amendments have been drafted to: (1) remain in compliance with the Safe Drinking Water Act (SDWA) as administered by the Environmental Protection Agency (EPA); and (2) retain current grant funding levels for the Indiana Department of Environmental Management (IDEM) as received from the EPA.

a. History and Background of the Rule – The current Indiana Plumbing Code, (675 IAC 16-1.4) was adopted and updated in 2012. These rules establish the regulatory framework which set forth enforceable standards for plumbing systems and components to protect life, health, and safety of building occupants and the public.

In 2011, U.S. Congress passed the Reduction of Lead in Drinking Water Act (RLDWA), which revised the definition of ‘lead-free’ by lowering the maximum lead content of the wetted surfaces of plumbing products – such as pipes, pipe fittings, plumbing fittings, and fixtures – from 8% to a weighted average of 0.25%. The act established a delayed effective date of January 4, 2014, providing a three-year timeframe for affected parties to transition to the new requirements.

It is necessary to amend the 2012 Indiana Plumbing Code to implement the new definition created by Congress. If the lead-free definition is not adopted, Indiana risks losing federal U.S. EPA grant funding to support IDEM’s drinking water program. If IDEM’s drinking water program does not receive federal grant funding, there will be a direct impact on public health for Indiana’s residents.

This proposed rule was drafted by an internal working group at the Indiana Department of Homeland Security (IDHS) and has taken into account comments and concerns received by interested stakeholders.

b. Scope of the Rule – The proposed rule is generally intended to implement the revised definition of ‘lead-free’ to remain in compliance with the SDWA as administered by the EPA. Additionally, another amendment has been made to simplify and clarify the revised definition.

c. Statement of Need –The proposed rule is needed to ensure compliance with the federal statutory changes of the SDWA which is administered by the EPA. These changes are being implemented into the Indiana Plumbing Code, which is an adopted statewide rule enforceable throughout Indiana. Noncompliance with the federal statutory changes would result in lost federal grant funds provided to the state by the EPA.

d. Statutory Authority for the Proposed Rule – [IC 22-13-2-2](#)

e. Fees, Fines, and Civil Penalties – The proposed rule does not add or increase any fees, fines, or civil penalties.

II. Fiscal Impact Analysis

a. Anticipated Effective Date of the Rule – July 1, 2025

b. Estimated Fiscal Impact on State and Local Government – If Indiana does not comply with [40 CFR 143.14](#), the Indiana Department of Environmental Management (IDEM) would lose potential funding for the Public Water Supply Supervisions (PWSS) program. The PWSS program is responsible for implementing the Safe Drinking Water Act and provides compliance assistance for public water systems. In Fiscal Year 2023, IDEM received \$2,027,656 in PWSS grant funding.

c. Sources of Expenditures or Revenues Affected by the Rule – Indiana Department of Environmental Management funding would be impacted for future fiscal years until this proposed rule is adopted and implemented. The impact would be on PWSS funding for IDEM’s Drinking Water Branch.

As a condition of receiving a full allotment of Public Water System Supervision grants under §1443(a) of the Safe Drinking Water Act, and as provided in 40 CFR §143.14, States must enforce the requirement of §1417(a)(1) of the Safe Drinking Water Act and [§143.13](#) through State or local plumbing codes, or such other means of enforcement as the State may determine to be appropriate.

III. Impacted Parties

The proposed rule impacts public health for all individuals residing, visiting, or doing business in the Hoosier state.

IV. Changes in Proposed Rule

The following is a table identifying each of the substantive changes in the proposed rule.

New Requirements	
Section	Description
675 IAC 16-1.4-3 (b)(20)	Adds the definition of “Lead-free pipe and fittings” to be consistent with the federal definition.
675 IAC 16-1.4-7 (c)	Adds a new section to identify when compliance with the new Indiana definition, which adopts the federal definition, is required.

V. Benefit Analysis

This rule update will help ensure that vulnerable populations, such as children, are less likely to be exposed to lead in drinking water. The health effects of lead include preterm birth, declining cognitive function in children, and hypertension and coronary heart disease in adults. According to Harvard’s Department of Environmental Health, reducing lead levels in drinking water would yield at least [\\$9 billion in annual health benefits](#). By adopting this rule, it is another step toward protecting public health and benefiting communities across Indiana.

The standards in this rule update mirror a federal manufacturing requirement. Thus, manufacturers should already be in compliance with the lead-free definition, which means there will be no additional costs by adoption of this rule. Additionally, by adopting this proposed rule, IDEM will be able to continue receiving full federal PWSS grant funding to support Indiana's drinking water program.

VI. Cost Analysis

The United States Environmental Protection Agency (EPA) provides a detailed cost analysis of the new "lead-free" definition in the [federal register](#). Please also see the "[Technical Support Document for the Proposed Rule: Use of Lead Free Pipes, Fittings, Fixtures, Solder and Flux for Drinking Water.](#)"

There will be no statewide cost for adopting this amendment, because manufacturers have already complied with this lead-free definition when it was enacted by Congress in 2014.

If this lead-free definition amendment is not adopted, Indiana will potentially lose federal U.S. EPA grant funding to support IDEM's drinking water program. If IDEM's drinking water program does not receive federal grant funding, there will be a direct impact on public health for Indiana's residents.

Noncompliance with the Safe Drinking Water Act may subject Indiana to enforcement actions. Additionally, noncompliance with such requirements may subject state agencies to enforcement actions and possible penalties by applicable federal regulators, such as seeking injunctive or declaratory relief, civil penalties, or criminal penalties.

VII. Sources of Information

Two studies were relied upon to complete the cost-benefit analysis. The first independent study was from the Harvard Department of Environmental Health and was utilized for calculating the health benefits that would result from reducing lead levels in drinking water. The Harvard Department of Environmental Health study can be found [here](#).

The second independent study that was relied upon was the Environmental Protection Agency's (EPA). The EPA provided a detailed cost analysis of the new "lead-free" definition. The EPA's cost analysis can be found [here](#).

VIII. Regulatory Analysis

Overall, the proposed rule is intended to implement the federal statutory changes made to the SDWA as administered by the EPA. The federal statutory changes would be implemented into the Indiana Plumbing Code, which is an adopted and enforceable statewide rule. The Drinking Water Branch of IDEM carries out the requirements of the SDWA, with the sole purpose of ensuring that Public Water Supplies (PWS) deliver water to homes and businesses across Indiana that is adequate in quantity and safe to drink. Noncompliance with the federal statutory changes would remove grant funding and inhibit the Drinking Water Branch's ability to ensure that Public Water Supplies function properly.

The Compliance section of the Drinking Water branch is responsible for implementing SDWA rules and regulations that are applicable to approximately 4,043 active Public Water Supplies across the state. These systems range from small restaurants and office buildings to large utilities providing water to entire cities. If the lead-free definition amendment is not adopted, Indiana risks losing federal grant funding from the EPA that supports IDEM's drinking water program. Without this grant funding, there will be a direct impact on the public health of people across the state.

In conclusion, the proposed rule is necessary to keep the public health of Indiana residents and visitors through the implementation of the federal statutory changes as adopted into the Indiana Plumbing Code, and the benefits of the rule far outweigh the costs.

IX. Contact Information of Staff to Answer Substantive Questions

Additional Information for OMB and SBA Review

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