

<b>Lead regulator</b>	Drinking Water Inspectorate
<b>Summary</b>	Summary report on measures or activities that should not be considered as a qualifying regulatory provision for the purposes of the business impact target.
<b>Submission type</b>	Non-qualifying regulatory provision (NQRP) summary
<b>BIT reporting period covered</b>	17/12/2020 – 16/12/2021
<b>RPC reference</b>	RPC-DEFRA-DWI-5121(1)
<b>Date of issue</b>	15 November 2021

## RPC opinion

<b>Rating<sup>1</sup></b>	<b>RPC opinion</b>
<b>Confirmed</b>	The RPC is content, based on the summary information provided, with the regulator's assessment of the measures against the exclusion categories in the present BIT framework and confirms that they are non-qualifying regulatory provisions.

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<sup>1</sup> There is presently no requirement for regulators to submit their NQRP summaries for Regulatory Policy Committee (RPC) assurance. The RPC welcomes the regulator's voluntary submission. This RPC assurance statement does not provide a detailed view of any specific activity in the regulator's summary document. Nor does it comment on any activities not included in the summary. Some activities might, however, have been the subject of separate assessments of qualifying regulatory provisions.

## Other comments

The regulator has produced a clear NQRP summary for the December 2020 – December 2021 BIT reporting period. The RPC welcomes the regulator's inclusion of non-regulatory provisions in the interests of full transparency.

Based on the summary information provided in the annex, the RPC confirms that these measures are non-qualifying and, on the whole, appear to be categorised under the correct administrative exclusions in the present BIT framework. Where the limited information provided presents uncertainty about the applicability of the specific exemption category, such as the measure listed under 'pro-competition', it appears likely that the measure would, in any case, be excluded from the BIT as *de minimis*.

### Regulatory Policy Committee

For further information, please contact [regulatoryenquiries@rpc.gov.uk](mailto:regulatoryenquiries@rpc.gov.uk). Follow us on Twitter [@RPC\\_Gov\\_UK](https://twitter.com/RPC_Gov_UK), [LinkedIn](#) or consult our website [www.gov.uk/rpc](http://www.gov.uk/rpc). To keep informed and hear our views on live regulatory issues, subscribe to our [blog](#).

## Annex

**Regulator:** Drinking Water Inspectorate

**Business Impact Target Reporting Period Covered:** 17/12/2020 – 16/12/2021

Excluded Category*	Summary of measure(s), including any impact data where available
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Measures certified as being below *de minimis* (measures with an EANDCB below +/- £5 million)

1. [Mild Steel Regulation 31 Letter](#)  
**Description:** Review of arrangements for Mild Steel products used in boreholes. The letter outlined that one month from the date of issue, mild steel must not be used in borehole construction or components used in boreholes unless it has been approved under the requirements of regulation 31(4)(a) of the Water Supply (Water Quality) Regulations 2016.  
**Justification:** Applications for product approval cost £350 each. In order to reach £5 million, this would require 14,286 applications. This is a higher number of applications than all regulation 31 applications received since the year 2000. In the first month since publication only a single application for mild steel has been received. Therefore, it is highly unlikely that the £5 million threshold will be reached and therefore this has been excluded under the *de minimus* category.
2. [Regulation 31 letter on resins used in water treatment](#)  
**Description:** Letter setting out Requirements for approval of Ion Exchange Resins under regulation 31 of the Water Supply (Water Quality) Regulations 2016 (as amended).  
**Justification:** Ion exchange resins have always required approval. This letter was to address resins used in treatment preparations (e.g. water softening resins used to soften the water dilute treatment chemicals). Applications for product approval cost £350 each. In order to reach £5 million, this would require 14,286 applications. This is a higher number of applications than all regulation 31 applications received since the year 2000. In the first month since publication, no new applications for resins were received. There are currently 8 approved ion exchange resins. Therefore, it is highly unlikely that the £5 million threshold will be reached and therefore this has been excluded under the *de minimus* category.
3. Publication of [Information Letter 01/2021](#), [Information Letter 02/2021](#) and updated Water Industry (Suppliers' Information) Direction 2021  
**Description:** Water Industry (Suppliers' Information) Direction 2021 updated to allow for the provisions of information regarding chemicals that are dosed into the drinking water at every water treatment works, service reservoir and distribution network, including membrane cleaning chemicals. In addition, new requirements to submit information regarding every current service reservoir, contact tank and final water storage tank.  
**Justification:** The reporting of service reservoir and treatment chemicals is considered an additional

Excluded Category*	Summary of measure(s), including any impact data where available
	<p>administration job for companies to compile pre-existing information. Therefore, under a worst case scenario we estimate that for each company it is 1 full working day per month to compile, update and submit these data. We estimate £50 per hour; 8 hours per day; one day per month, which equates to £4800 per company per year. Multiplied by 20 companies (England only) makes a worst-case, estimated £96,000 for the industry per year.</p> <p>4. Revocation of the Covid-19 related Information Letters  <b>Description:</b> The four information letters (IL 01/2020; IL 02/2020; IL 03/2020; and IL 04/2020) issued in 2020 relating to temporary arrangements for Covid-19 were revoked.  <b>Justification:</b> This measure removed temporary conditions set during the pandemic and returns the regulatory framework to "normal". The cost of the provisions is estimated to be well below £5 million and therefore this has been excluded under the <i>de minimus</i> category. The Covid-19 related Information Letters to which this letter relates to were logged in our 2020 RPC submission as non-regulatory provisions as these were ad hoc piece of guidance in reaction to the CoViD-19 outbreak that were not expected to be in place for more than 12 months.</p> <p>5. <a href="#">Information Letter 05/2021</a> – Requirements for PFAS Monitoring  <b>Description:</b> Information Letter setting out DWI's expected monitoring requirements for per and polyfluoroalkyl substances (PFAS's) at all raw water abstraction points.  The letter will require companies to submit a risk assessment methodology and results for all raw water abstraction sites to the Inspectorate by 31 December 2021 and will require companies to provide a plan of proposed monitoring programme to sample all abstraction sites at least once. Also, the proposed monitoring frequency of high priority raw water abstraction sites thereafter to the Inspectorate by 31 March 2022. A high priority site is defined as either currently in Tier 2 or above, or with an imminent risk of entering Tier 2 or above (the Tiers have been previously defined in the Inspectorate's Guidance specific to PFOS and PFOA in drinking water).  On 16 June 2021 the DWI consulted Water UK Clean Water Committee for comment and suggestions on the proposals to introduce raw water monitoring for PFAS's at all raw water abstraction points. Water UK responded on 30 July 2021 with support for the proposal following a risk-based approach to monitoring and stated that they estimated only 2% of their sites would fall under this category.  <b>Justification:</b>  There are 2025 raw water abstraction points in England. A PFAS sample</p>

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	<p>has a list price of £170.36. Therefore, considering a worst-case scenario, sampling the 2025 raw water sources in England every month (the maximum required sampling frequency set out in the Regulations), would cost the industry £4,139,748.</p> <p>However, IL 05/2021 defines high priority sites as those in Tier 2 or above. Water UK suggested that 98% of the raw water monitoring sites in the UK are in Tier 1, in their response to the Inspectorate's consultation for introducing raw water monitoring for PFAS's.</p> <p>Approximately 2% of sites in the UK are therefore in Tier 2 or above and would be considered as high priority sites. Consequently, it is likely that the additional monitoring for sites in Tier 2 or above (approx. 41 sites) would cost the industry £83,817.12 per year under a monthly sampling frequency. Therefore, it is highly unlikely that the £5 million threshold will be reached and therefore this has been excluded under the <i>de minimus</i> category.</p>
EU Regulations, Decisions and Directives and other international obligations, including the implementation of the EU Withdrawal Bill and EU Withdrawal Agreement	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Measures certified as concerning EU Withdrawal Bill operability measures	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Pro-competition	<p>6. Revision of <a href="#">New (Inset) Appointees in relation to public water supplies</a> Guidance</p> <p><b>Description:</b> A review and revision of the published guidance document on new appointments and variations.</p> <p><b>Justification:</b> This was a minor update to the Inspectorate's guidance to bring it up to date. The guidance is for licence applicants under section 4 of the Water Industry Act and promotes competition in an otherwise monopoly market.</p>
Systemic Financial Risk	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Civil Emergencies	<p>7. <a href="#">Network and Information Systems (NIS) Enforcement Policy</a></p> <p><b>Description:</b> Publication of the Network and Information Systems Enforcement Policy that sets out how the DWI will comply with and enforce under the Network and Information Systems Regulations 2018.</p> <p><b>Justification:</b> This measure is in place to prevent civil emergencies under the network and Information Systems Regulations 2018, which falls under the definition of a civil emergency as defined in section 1 of the Civil Contingencies Act 2004, specifically Section 1 (2)(e) and 1 (3)(a). The enforcement policy sets out how we will comply with the Legislative and Regulatory</p>

Excluded Category*	Summary of measure(s), including any impact data where available
	Reform Act 2006 and the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 in the use of our enforcement powers.
Fines and Penalties	<p><b>8.</b> Revision of DWI Enforcement Policy <b>**Not yet published**</b>  Note: This measure was included in the Inspectorate's 2020 submission but remains unpublished. Consequently, although included here, this measure may fall into the next reporting period.  <b>Description:</b> Revision of the DWI enforcement policy to include the ability to apply financial penalties to water companies under section 22A of the Water Industry Act 1991.  <b>Justification:</b> This measure is associated with our ability to apply fines, a power we have always had but never before used. It is currently undergoing ministerial sign-off.</p>
Misuse of Drugs	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Measures certified as relating to the safety of tenants, residents and occupants in response to the Grenfell tragedy	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Casework	<p><b>1.</b> Casework  <b>Description:</b> One measure to log all regular casework completed by the Inspectorate this parliamentary session. This includes (this list is not exhaustive but represents the predominant casework areas for the Inspectorate):</p> <ul style="list-style-type: none"> <li>- regulation 28(4) notices</li> <li>- regulation 21(3) notice</li> <li>- regulation 17(3) notice</li> <li>- regulation 20(4) notices</li> <li>- regulation 9(4) notices</li> <li>- section 19 undertakings</li> <li>- section 18 provisional enforcement order</li> <li>- regulation 15 approvals</li> <li>- radioactivity notices (regulation 6(12))</li> <li>- regulation 7 notices</li> <li>- event assessments</li> <li>- prosecution assessments</li> <li>- regulation 31 approvals</li> <li>- compliance assessments</li> <li>- risk assessment reviews</li> <li>- audits</li> </ul> <p><b>Justification:</b> This is a log of our casework for the parliamentary period.</p>
Education, communications and promotion	<p><b>2.</b> Event notification portal update  <b>Description:</b> Communication to water industry informing of an update to the DWI event notification portal to include a legal instruments flag.  <b>Justification:</b> Communication of minor change to our event notifications portal.</p>

Excluded Category*	Summary of measure(s), including any impact data where available
	<p>3. Guidance on the Water supply (Water Quality) Regulations 2016 <a href="#">specific to PFOS and PFOA concentrations in drinking water</a>  <b>Description:</b> Publication of guidance on the Water Supply (Water Quality) Regulations 2016 specific to PFOS (perfluorooctane sulphonate) and PFOA (perfluorooctanoic acid) concentrations in drinking water.  <b>Justification:</b> This measure communicates the updated guidance on PFOS for the industry. The guidance highlights the current regulatory requirements but does not in itself set new regulatory or deregulatory requirements.</p> <p>4. Publication of <a href="#">Long-term strategies to reduce lead exposure from Drinking Water</a> research project  <b>Description:</b> Publication of a research paper on long-term strategies for reducing lead exposure from drinking water.  <b>Justification:</b> This measure communicates the publication of the research into long-term strategies to reduce lead exposure from drinking water to the water industry. The research report details recommendations for the future and company's future strategies for reducing lead exposure from drinking water.</p> <p>5. <a href="#">Quarter 3 Chief Inspectors report for 2020</a>  <b>Description:</b> Quarterly Chief Inspector's report for Quarter 3 of 2020 summarising the performance of the industry for the Quarter, highlights good or bad practice within the water industry and provides guidance or advise to the industry.  <b>Justification:</b> This is a piece of communication to the water industry to aid future compliance by highlighting water quality events and industry good or bad practise that occurred in quarter 3 of 2020. The measure itself does not set any regulatory or deregulatory requirements.</p> <p>6. <a href="#">Quarter 4 Chief Inspectors report for 2020</a>  <b>Description:</b> Quarterly Chief Inspector's report for Quarter 4 of 2020 summarising the performance of the industry for the Quarter, highlights good or bad practice within the water industry and provides guidance or advise to the industry.  <b>Justification:</b> This is a piece of communication to the water industry to aid future compliance by highlighting water quality events and industry good or bad practise that occurred in quarter 4 of 2020 The measure itself does not set any regulatory or deregulatory requirements.</p> <p>7. <a href="#">Consumer Advice Leaflets</a>  <b>Description:</b> Consumer leaflets have been updated and published on the DWI website to inform the public on water quality related matters.  <b>Justification:</b> This measure updates leaflets on the</p>



Excluded Category*	Summary of measure(s), including any impact data where available
	<p>general topics covered by consumer leaflets on the DWI website that cover frequently asked, water quality related questions. This is also part of our work to comply with The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018.</p> <p>8. <a href="#">The Chief Inspector's report 2020</a>  <b>Description:</b> Statutorily required annual report produced by the Chief Inspector of Drinking Water. The Chief Inspector's report summarises the performance of the industry over 2020, highlights good or bad practise within the water industry and provides guidance or advice to the industry.  <b>Justification:</b> This is a piece of communication to the water industry to aid future compliance by highlighting water quality events and industry good or bad practise that occurred in 2020. The measure itself does not set any regulatory or deregulatory requirements.</p> <p>9. <a href="#">Information Letter 03/2021</a>  <b>Description:</b> Publication of an information letter to clarify the requirements for applying for notices under regulation 6(10) of the Regulations to the water industry.  <b>Justification:</b> This measure communicates clarity on existing guidance on applications for radioactivity notices to the water industry to aid future compliance. The measure itself does not set any regulatory or deregulatory requirements.</p> <p>10. <a href="#">Information Letter 04/2021</a> and <a href="#">Code of Practice on Technical Aspects of Fluoridation</a>  <b>Description:</b> Publication of the Code of practice on Technical aspects of fluoridation of water supplies and an accompanying information letter, communicating the publication of the drinking water fluoridation code of practice to the industry.  <b>Justification:</b> This code of practice is a piece of communication to the water industry following an incident. The objective is to prevent future incidents by reminding companies of their existing obligations and to aid future compliance. The information letter communicates the code of practice publication to the industry. These measures do not set any regulatory or deregulatory requirements.</p> <p>11. <a href="#">Chief Inspectors Report 2021 - Quarter 1</a>  <b>Description:</b> Quarterly report produced by the Chief Inspector of Drinking Water summarising the performance of the water industry over Quarter 1 of 2021. The report highlights the good or bad practise within the water industry and provides guidance or advice to the industry.  <b>Justification:</b> This is a piece of communication to the water industry to aid future compliance by highlighting water quality events and industry good or bad practise that occurred in Quarter 1 of 2021. The measure itself does not set any regulatory or deregulatory</p>

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	<p>requirements.</p> <p>12. <a href="#">Guidance note: Resilience of water supplies in water resource planning</a>  <b>Description:</b> This is a guidance note to supplement the existing guidance on long term planning for the quality of drinking water supplies.  <b>Justification:</b> This is a piece of communication to the water industry that provides guidance on resilience of water supplies in water resource planning with the emphasis on the consideration of impacts on drinking water quality when planning for sufficiency to aid future compliance. The measure itself does not set any regulatory or deregulatory requirements.</p> <p>13. Compliance Risk Index Dashboard **Not yet published but expected to be published before 16 December 2021**  <b>Description:</b> The dashboard displays the industry compliance risk index (CRI) score for the year-to-date as a whole and separately for England and Wales. The graphic provides a visual presentation of the CRI score (performance metric) for the year-to-date, across the industry.  <b>Justification:</b> This is improved visual representation of year-to-date CRI score data so that companies can see their progress throughout the year rather than waiting until the publication of the Chief Inspectors report at the end of the year. This measure communicates CRI scores to companies and requires no actions from water companies.</p>
Activity related to policy development	<p>14. Consultation on chemical and service reservoir data (including briefing note)  <b>Description:</b> The Briefing Note sets out the invitation to the consultation sent to the industry on Regular Reporting of Critical Treatment Chemicals and One-off Reporting of Service Reservoir, Final Water Storage Tank and Contact Tank Information.  <b>Justification:</b> Policy development activities do not in themselves impose new regulatory obligations. Including them in the BIT would create a disincentive for regulators around their engagement with regulated businesses.</p>
Changes to management of regulator	<p>15. <a href="#">DWI Liaison and Cascade for notifications</a>  <b>Description:</b> Publication of the amended inspector cascade list for notifications.  <b>Justification:</b> Notification to the industry of the amendment to the DWI cascade for notifications. The measure itself does not set any regulatory or deregulatory requirements.</p> <p>16. Drinking Water Inspectorate restructure  <b>Description:</b> Notification to the water industry of the DWI restructure.  <b>Justification:</b> Partial restructure to improve DWI</p>

Excluded Category*	Summary of measure(s), including any impact data where available
	resilience and reduce carbon footprint. The measure itself does not set any regulatory or deregulatory requirements.

\* For detailed guidance on the exclusion categories, please see

<https://www.gov.uk/government/publications/better-regulation-framework>

\*\* It is expected that these measures will be implemented in the period, although dates for these measures may fall into the next BIT. The draft version that is submitted, has been compiled to the best of our knowledge of whatever stage the measure is in and therefore it is not expected that measures would change categories (our impacts are usually well below the *de minimus* or exempt so the measure would have to be quite unusual to change category from our initial assumptions). The document is also kept in a draft state until the final opinion from the RPC is given in case there are any suggestions to make amendments. The final version is published on our website; as the legal deadline for this is two weeks after the BIT year end, this allows us to conclusively remove any measures that did not fall within the BIT period and publish a final version.

### Non-regulatory Provisions

'Non-regulatory provisions' (as defined by the Small Business, Enterprise and Employment (SBEE) Act 2015) are not statutorily required to be published, however, in the interest of full transparency, the Inspectorate choses to publish all of its measures, including non-regulatory provisions.

### Non-regulatory Provisions 17/12/2020 – 16/12/2021

Measure	Description	Reason for Non-RP
Guidance update – Guidance to Water and Health Professionals <a href="#">Drinking Water Safety</a>	Update to existing guidance to reflect changes in legislation and organisational structures. The guidance documents have been split into separate English and Welsh versions.	This measure relates to public health authorities, who are not considered businesses. Consequently, the measure is not for the purpose of a business activity (as defined by regulation 27(2) of the SBEE Act 2015) and therefore cannot be considered as a regulatory provision.
Publication of Green Economic Recovery update	Update published on the Green Economic Recovery Scheme by OfWat	The measure in itself does not set any regulatory requirements, guidance or recommendations, being merely the publication of an Ofwat process, which the DWI supports.
Chief Inspectors Report for Private Water Supplies 2020	Publication of the Chief Inspectors Report for Private Water supplies in England and Wales 2020.	All private water supply measures relate to Local authorities who are not considered businesses. Consequently, the measure is not for the purpose of a business activity (as defined by regulation 27(2) of the SBEE Act 2015) and therefore cannot

		be considered as a regulatory provision.
Publication of the Blue Book method for cyanide.	The standing committee of analysts (inorganic group) undertook a review and update of the blue book method for cyanide (following request from DWI). Ascorbic acid removed as a dechlorinating agent.	Publication for awareness. The measure in itself does not impose any requirements on the industry.
<a href="#">Persistent, Mobile and Toxic Substances Research report</a>	This measure communicates the publication of research completed on Persistent, Mobile and Toxic substances - hazards to drinking water in England and Wales.	The measure in itself does not set any regulatory requirements, guidance or recommendations, being merely the publication of scientific research. It is therefore not considered a regulatory provision under regulation 22(3) of the SBEE Act 2015.
Innovation One Stop Shop	Announcement on the DWI website of the successful application to regulator's pioneer fund to create a one stop shop with other regulators.	This measure does not impose any requirements on the industry. It is for information only.
<i>Cryptosporidium</i> PCR method development research report **Not yet published but expected to be published before 16 December 2021**	Publication of research report on the use of the Polymerase Chain reaction (PCR) for the analysis and enumeration of <i>Cryptosporidium</i> oocysts in drinking water. The measure does not ask for the industry to take action, but the publication of this report increases awareness and will open discussions on method development.	The measure in itself does not set any regulatory requirements, guidance or recommendations, being merely the publication of scientific research. It is therefore not considered a regulatory provision under regulation 22(3) of the SBEE Act 2015.
SARS-CoV-2 Literature Review Research Publication	Publication of "SARS-CoV-2 Drinking Water Risks: Literature Review", a review of existing academic literature to provide evidence on the risks to drinking water and subsequent virus transmission of SARS-CoV-2. The report was published to provide evidence-based assurance that the risk of transmission of the virus in drinking water is low.	The measure in itself does not set any regulatory requirements, guidance or recommendations, being merely the publication of a review of existing scientific research. It is therefore not considered a regulatory provision under regulation 22(3) of the SBEE Act 2015.
Private Water Supply Activity	One measure to capture all Private Water Supply related measures	All private water supply measures relate to local authorities who are not considered businesses. Consequently, the measure is

		not for the purpose of a business activity (as defined by regulation 27(2) of the SBEE Act 2015) and therefore cannot be considered as a regulatory provision.
<a href="#">Viruses in Ground Water research report</a>	Publication of research on viruses in groundwater. The output of a DWI funded research project.	This measure communicates the publication of research on the likelihood of viruses in groundwater to the water industry. The measure in itself does not set any regulatory requirements, guidance or recommendations, being merely the publication of scientific research. It is therefore not considered a regulatory provision under regulation 22(3) of the SBEE Act 2015.
<a href="#">Likelihood of three endocrine disrupting substances reaching drinking water</a> research report.	Publication of research on the likelihood of three endocrine disrupting substances reaching drinking water. This measure communicates the publication of research on endocrine disrupting chemicals (Bisphenol A, nonylphenol, and 17-B-estradiol) to the water industry.	The measure in itself does not set any regulatory requirements, guidance or recommendations, being merely the publication of scientific research. It is therefore not considered a regulatory provision under regulation 22(3) of the SBEE Act 2015.