

**Rule Summary and Fiscal Analysis (Part A)****Ohio Uniform Food Safety Code**

Agency Name

Division

**Kaye Norton**

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**3717-1-02.3**

Rule Number

**NO CHANGE**

TYPE of rule filing

Rule Title/Tag Line

**Management and personnel: hygienic practices.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **Yes**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **3717.05**
5. Statute(s) the rule, as filed, amplifies or implements: **3717.05**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule has been reviewed pursuant to five-year review requirements and is being proposed without change.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

O.A.C. rule 3717-1-02.3 provides the license holder with the requirements for personal hygienic practices for food employees. The rule is proposed without

change.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date: **10/28/2014** and **10/15/2019**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The cost associated with this rule is the staff time for compliance and the need for hair restraints. It is difficult to estimate the amount of staff time needed to assure compliance with proper personal hygiene. The cost of hair restraints will vary from the type of hair restraint the facility uses. Costs from ten cents for one hair net to \$4.99 for a chef cap to 9.99 for a chef visor. Hair restraints are to be worn by individuals in the facilities who work with unpackaged food, food equipment or utensils or food-contact surfaces.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to

R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

**Rule Summary and Fiscal Analysis (Part B)**

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

The cost associated with this rule is the staff time for compliance and the need for hair restraints and any time associated with purchasing hairnets. It is difficult to estimate the amount of staff time needed to assure compliance with proper personal hygiene. The cost of hair restraints will vary from the type of hair restraint the facility uses. Costs from ten cents for one hair net (that may be worn for multiple days depending on the wear and tear of the hair net) to \$4.99 for a chef cap to 9.99 for a chef visor. Hair restraints are to be worn by individuals in the school cafeterias who work with unpackaged food, food equipment or utensils or food-contact surfaces.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

*Not Applicable.*

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

The cost associated with this rule is the staff time for compliance and the need for hair restraints and any time associated with purchasing hairnets.

(a) Personnel Costs

Personal costs may include purchasing their own hair restraint. Costs will vary from 10 cents for one hairnet that may last only a couple days to a chef's hat at \$4.99.

(b) New Equipment or Other Capital Costs

None

(c) Operating Costs

Cost would be ongoing cost of buying hair restraints and the staff time to order the hair restraints. Costs by the facility if purchased could vary from 10 cents for one hairnet that may last only a couple days to a chef's hat at \$4.99. Costs associated with operating are staff time to restrain hair.

(d) Any Indirect Central Service Costs

None

(e) Other Costs

None

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

No impact

7. Please provide a statement on the proposed rule's impact on economic development.

The economic impact of this rule is the cost of compliance with the standard for personal hygiene for food employees. This impact will be offset, since having the food employee practice proper personal hygiene, will prevent the contamination of the food that may lead to a foodborne illness.