

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

Agency Name

Division

**Jodi Govern**

Contact

**246 North High St. P.O. Box 118 Columbus OH  
43216-118**

Agency Mailing Address (Plus Zip)

**614-466-4882**

Phone

Fax

**3717-1-03.3**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Food: destruction of organisms of public health concern.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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:

Ohio Revised Code Section 3717.05 requires the Director of Agriculture and the Public Health Council to base the Ohio Uniform Food Safety Code, which is the statewide standard for food safety in food service operations and retail food establishments, on the most current version of the FDA Model Food Code. These amendments are to ensure that the Ohio Uniform Safety Code continues to conform with the FDA Model Food Code.

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:

Content of this rule is destruction of organisms of public health concern in food. Language changes have been made to conform to the current FDA Model Food Code. Hot holding temperature has been reduced to 135 degrees Fahrenheit from 140 degrees Fahrenheit. References to Ohio Revised and Administrative Codes have been added.

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:

The rule incorporates references to the Ohio Revised Code and Administrative Code which are the law of the State of Ohio and generally available in law libraries, state agencies, and on the internet. It also references United States Department of Agriculture publications which are industry standards, and which are generally available to persons who reasonably can be expected to be affected by the rule. The documents are available at federal agencies, federal government printing offices, and on the internet.

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:

Pursuant to R.C. 121.71 to 121.75, this material is exempt.

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:

LSC asked us to revise file an improved formatting of the table.

12. 119.032 Rule Review Date: 7/27/2004

(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.

Not applicable

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:

Unknown. These are standards currently being followed by industry.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

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