

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3717-1-04

Rule Type: Amendment

Rule Title/Tagline: Equipment, utensils, and linens: materials for construction and repair.

Agency Name: Ohio Uniform Food Safety Code

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 11/13/2018
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3717.04, 3717.05
5. **What statute(s) does the rule implement or amplify?** 3717.04, 3717.05
6. **What are the reasons for proposing the rule?**

This rule is being proposed due to the required five year review as well as updating the rules to be consistent to the current version of the Food and Drug Administration's (FDA) Model Food Code. Section 3717.05 (B)(1) of the Revised Code requires the Ohio uniform food safety code to be based on the most current version of the FDA model food code.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides standards for materials that may be used for construction and repair of equipment and utensils in a food service operation or retail food establishment. Proposed changes include: (G)(1) reword floating paragraph and made it (G)(1); (G)(2) remove "that" between "wood" and "may"; (G)(2)(a) remove "and" at the end of the paragraph; (G)(2)(b) remove period and add "; and" at the end of the paragraph; (G)(2)(c) add new section "Wood fermentation tanks, wood maturation barrels, and other wood used in the alcoholic beverage making process"; (G)(3) add "Whole"; remove "Wood shipping containers in which whole"; add "may be kept in the wood shipping containers in which they were"; remove "are" before "received"; add ",until" after "received"; removed "if" in front of the fruits; and remove "kept in them until"; (G)(4) remove "Untreated wood containers or wood containers treated with a preservative that meets the requirements specified in 21 C.F.R. 178.3800, and"; add "If the nature of" to the beginning of the paragraph; remove "that is stored in them is whole, uncut, raw food that"; added ", the whole, uncut, raw food may be kept in:" at the end of the paragraph; and delete the "." at the end of the paragraph; (G)(4)(a) add new section "Untreated wood containers; or"; and (G)(4)(b) add new section "Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 C.F. R. 178.3800."

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**
The incorporations by reference found in this rule are exempt from compliance with O.R.C. 121.71 to 121.74 under O.R.C. 121.75, and the incorporated materials are readily available online.
10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The estimated cost would include purchasing approved materials, equipment, etc.; and staff time to ensure compliance.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? Yes**

- 16. Does this rule have an adverse impact on business? No**

- 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**