

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

Agency Name

Division

Kaye Norton

Contact

246 North High Street Columbus OH 43215-0000

Agency Mailing Address (Plus Zip)

614-644-8184

Phone

Fax

Kaye.Norton@odh.ohio.gov

Email

3717-1-05.1

Rule Number

NO CHANGE

TYPE of rule filing

Rule Title/Tag Line

Water, plumbing, and waste: plumbing system.**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 was reviewed pursuant to five year requirements, and it is 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 3717-1-05.1 sets forth requirements for plumbing systems in food service facilities. No changes are proposed.

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 rule references the NSF standard; Ohio Building code; and the American Society of Sanitary Engineering (ASSE) standard. These industry standards are generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule.

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:

Exempt from inclusion in this filing pursuant to R.C. 121.75

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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 cost to install and maintain their plumbing system according to the Ohio building code. Cost of installing and maintaining their plumbing system will vary depending on the type of system being installed and the contractor doing the work. Also if the facility is required to obtain a plumbing permit it will vary by jurisdiction. If the facility is in an area where the Ohio Department of Commerce has jurisdiction, the charge for plumbing permit is a flat \$200 with a \$20 charge per fixture.

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? **Yes**

This rule requires a plumbing permit to be obtained prior to installation of new plumbing fixtures. The permit requirement is under the Ohio building code which is administered through the Ohio Department of Commerce.

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**

Page B-1

Rule Number: 3717-1-05.1

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
Yes	No	No	No

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 cost to install and maintain their plumbing system according to the Ohio building code. Cost of installing and maintaining their plumbing system will vary depending on the type of system being installed and the contractor doing the work. Also if the school is required to obtain a plumbing permit it will vary by jurisdiction. If the school district is in an area where the Ohio Department of Commerce has jurisdiction, the charge for plumbing permit is a flat \$200 with a \$20 charge per fixture.

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 for this rule is the installation and maintenance of the plumbing system in a food service operation/retail food establishment. Costs will vary depending on the

size of the facility.

(a) Personnel Costs

Not applicable

(b) New Equipment or Other Capital Costs

Equipment costs will be the installation of the plumbing system which includes the fixtures (used for the distribution and use of water in a building) and backflow devices (used to prevent the backflow of contaminated water into the water supply). Costs will vary depending on the type of fixtures and backflow devices that need to be replaced. A sink for handwashing will cost \$270 and up. Three compartment sink - \$1000 and up. Toilet \$120 and up. Backflow devices: carbonator \$125 and up; atmospheric \$95 and up.

(c) Operating Costs

Costs associated with the maintenance (cleaning, repair or replacement) of the plumbing system which includes the plumbing fixtures, plumbing lines and backflow preventers will vary depending on size of the facility.

(d) Any Indirect Central Service Costs

not applicable

(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.

Economic impact will be the expense of installing and maintaining commercial plumbing systems in the facilities. However if the plumbing system is installed and

maintained properly it will not have to be replaced as often.