

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3717-1-07.1
Rule Type: Amendment
Rule Title/Tagline: Poisonous or toxic materials: operational supplies and applications.
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 requirements for storing and use of poisonous or toxic materials within the food service operation and retail food establishment. Proposed changes include: (B) remove "the" between "for" and "cleaning"; remove "of" between "sanitizing" and "equipment"; add "," remove "and the control of" and added "licensed application for controlling" between "utensils" and "insects"; and add "or for using as an incidental use pesticide as defined in paragraph (C)(3) of this rule," between "rodents," and "shall"; (C)(3) remove "after July 1, 2004" and add "," between "use" and "or"; (H) updated reference to Food, Drug and Cosmetic Act; (L)(1) add "Except as specified in (L)(2) of this rule, a" to the beginning of the paragraph; (L)(2) add "If used, a" to the beginning of the paragraph; add "and" between "linens" and "single-service"; and replaced "articles, or" with "and".

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.**

A misspelled word was corrected.

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 the cost to purchase equipment and supplies; 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