

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:11-3-04

Rule Type: Amendment

Rule Title/Tagline: Chemical, bacteriological, and temperature standards.

Agency Name: Department of Agriculture

Division: Dairy

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 6/16/2023
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? 917.02
5. What statute(s) does the rule implement or amplify? 917.02
6. What are the reasons for proposing the rule?

This rule contains a typographical error which needed correction.

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

This rule outlines the chemical, bacteriological, and temperature standards for frozen desserts. The rule is being amended to correct a typographical error.

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. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Pursuant to section 121.75 of the Revised Code, the code sections incorporated into this rule are exempt from compliance with sections 121.71 to 121.74 of the Revised Code.

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. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

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?

Milk haulers, dealers, producers, and processors all must meet the requirements of the rules and pay a \$15 one-time licensing fee to the Department's Dairy Division. As outlined in 917.031, the inspection fees for the Dairy Division shall not exceed 63% of the estimated cost of administering and enforcing Chapter 917 of the Revised Code. Additionally, there are record keeping requirements which require time for employer compliance; however, the machinery used in this industry automatically records this information.

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
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

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 does not specifically require a license; however, all manufacturers of frozen desserts must obtain a milk processor license through the Department pursuant to ORC 917.09 and OAC 901:11-2.

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? Yes

Failure to comply with these rules may result in the embargo and destruction of food products.

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

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable