

**Rule Summary and Fiscal Analysis (Part A)****Department of Agriculture**

Agency Name

**Food Safety**

Division

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**901:3-1-12**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Standards of identity.****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: **3715.02, 3715.021**
5. Statute(s) the rule, as filed, amplifies or implements: **3715.59, 3715.60**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Ohio Revised Code 3715.021 states that the director of agriculture shall adopt rules to conform with or be equivalent to the standards for foods established by the United States Department of Agriculture found in Title 21 of the Code of Federal Regulations. These rules adhere to the standards and good manufacturing practices for food processing establishments.

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:

Ohio Administrative Code 901:3-1-12 sets forth the standards of identity of various food products. Standards of identity are legal definitions of food products which outline what a food must contain, often in terms of ingredients and measurements, in order to be marketed as that product. These standards are adopted by reference to the particular food standards found in 21 C.F.R. Parts 100 - 169. The rule has been updated to include standards of identity for salt and iodized salt, common or usual name for non-standardized foods, milk, cheese, and frozen desserts. The adoption of these standards allow Ohio producers to ship their products across the United States. The adoption of these rules is not a federal requirement however, by adopting the federal standards of identity, Ohio have producers the flexibility needed to expand their businesses nationwide.

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:

Pursuant to section 121.76 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.

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:

Not applicable.

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:

In order to comply with the incorporation by reference standards a date has been added to this rule.

12. Five Year Review (FYR) Date: **6/28/2017**

(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:

These rules do not have fines or penalties, however food manufacturers must ensure that their products are produced in accordance with the rule. Failure to do so may result in the possible embargo of products and eventual destruction of the food.

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**

**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? **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? **Yes**

These rules do not have fines or penalties, however food manufacturers must ensure that their products are produced in accordance with the rule. Failure to do so may result in the possible embargo of products and eventual destruction of the food.

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