

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:3-12-03

Rule Type: New

Rule Title/Tagline: Deleted regulations.

Agency Name: Department of Agriculture

Division: Food Safety

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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?
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? 925.26, 3715.02, 3715.021
5. What statute(s) does the rule implement or amplify? 925.26, 3715.02, 3715.021
6. What are the reasons for proposing the rule?

The rules in this package adopt the produce safety processes as set forth in Title 21 of the Code of Federal Regulations part 112. These regulations focus on setting standards for the production, harvest, and handling of fruits and vegetables, in an effort to reduce foodborne illnesses and to prevent microbial contamination associated with fresh produce. These rules contained in this package mirror federal regulations in order to allow Ohio's producer growers to be able to ship all across the country

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

901:3-12-03 sets forth the regulations housed in 21 C.F.R. part 112 which are deleted under the rules. The deleted portions relate to enforcement procedures which only apply to FDA and do not apply to the Department.

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.**
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.
10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

There was an error contained in the original public hearing notice.

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 increase expenditures.

0.00

Not applicable.

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

There is no cost of compliance with this rule.

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? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

There is no prior authorization required however, entities which are regulated by these rules must register with the Department.

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 the rules of this Chapter could result in action taken against the entity.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Yes. Records must be kept and made available to the Department upon request.