

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:3-12-06

Rule Type: New

Rule Title/Tagline: Voluntary registration.

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.**

901:3-12-06 establishes a voluntary registration. At the request of several farms, ODA has created a voluntary registration which would allow farms that are otherwise exempt to be inspected and regulated by ODA. These farms have indicated to ODA that their clients are requesting that they be inspected pursuant to these laws. ODA will work with these farms to ensure that they are properly regulated and thereby opening their businesses to a larger marketplace

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.**

The rule has revised file in order to include a reference date for the CFR section included in the rule.

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.

Unknown.

The voluntary program could result in the Department increasing its expenditures however, the impact is unknown. The Department received a grant in order to implement the adoption of these rules. Some of the money may be utilized to accomplish this task.

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

This rule is voluntary in nature. Therefore, there is no mandatory cost of compliance. However, the rule will allow otherwise non-regulated entities from being inspected.

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?** No

This rule establishes a voluntary program by which individuals who wish to be inspected by the Department may arrange to do so.

- 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

Regardless of the voluntary nature of this program, those that subject themselves will be held to the same standards, including possible actions, of those required to be regulated.

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

Yes, individuals must complete a registration form.