

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

Agency Name

**Food Safety**

Division

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**901:3-31-07**

Rule Number

**RESCISSION**

TYPE of rule filing

Rule Title/Tag Line

**Approval of substances for use in the preparation of product.****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**
5. Statute(s) the rule, as filed, amplifies or implements: **3715.59, 3715.60, 3715.62**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The rules in Chapter 901:3-31 outline regulations concerning the labeling, packaging, preparation, and sale of meat, poultry, and fish products in the state of Ohio. The rules have been proposed to be rescinded as all of the requirements in this Chapter are currently regulated in other parts of the Ohio Administrative Code. Namely, these regulations can also be found in Chapters 901:3-1 and 901:2-1 of the Ohio Administrative Code. Based on this duplication, it was determined that this chapter be rescinded. The rules which are being rescinded are as follows:

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:

OAC Rule 901:3-31-07 states the process for the approval of substances used in the preparation of food products. These requirements mirror 9 C.F.R. 424.21 which have been adopted pursuant to Chapter 918 of the Ohio Revised Code in Chapter 901:2-1 of the Ohio Administrative Code. Therefore, in order to avoid duplication, the rules are being rescinded.

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:

*Not Applicable.*

12. Five Year Review (FYR) Date: **8/11/2017**

(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

N/A

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

N/A

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 regulate the labeling, packaging, preparation, and sale of meat, poultry, and fish products in the state of Ohio. As the Department has proposed to rescind the rules there would be no adverse impact after rescission. However, as stated above, the requirements in this Chapter are currently regulated in other parts of the Ohio Administrative Code but these rules are not up for review.

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? **No**

This rule does not impose penalties for violations however, failure to follow this rule may result in the products being considered adulterated or mislabeled and later destroyed pursuant to ORC Chapter 3715.

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