

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

Agency Name

Food Safety

Division

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901:3-46-04

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

ODA seal of conformity and inspection.**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: **3715.024**5. Statute(s) the rule, as filed, amplifies or implements: **3715.024, 3715.59**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is up for five year rule review.

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 Revised Code 3715.024 permits maple syrup, sorghum, and honey producers

to be voluntarily inspected by the Department. Upon successfully passing inspection, the producers will receive a seal of conformity and inspection by the Department. The rules below identify the requirement of these processors necessary to pass inspection.

OAC 901:3-46-04 outlines the seal of conformity and inspection pursuant to ORC 3715.024. The rule is being amended for clarity and comprehension. No substantive changes to the rule have been made.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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: **6/16/2017**

(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:

All maple syrup, sorghum, and honey production operations are prohibited from producing adulterated products. Further, maple syrup, sorghum, and honey production operations may subject themselves to voluntary inspection. Pursuant to the rules, these processors must register with the Department. There is no cost for this registration however; through voluntary registration individuals subject themselves to additional requirements.

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**

Maple syrup, sorghum, and honey production operations which produce foods that are misbranded or adulterated would be subject to embargo and destruction of their products

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