

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

Agency Name

Food Safety

Division

David E Miran

Contact

**8995 East Main Street Reynoldsburg OH
43068-0000**

Agency Mailing Address (Plus Zip)

614-728-6390

Phone

Fax

david.miran@agri.ohio.gov

Email

901:3-7-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Criteria and definitions for fish and fishery products.**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: **913.41**

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

This rule is being proposed in accordance with the five year rule review process.

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:

The rules in this package regulate the processing of fish and fishery products in the

state of Ohio. Without proper safeguards, errors in the manufacturing process can result in the growth of highly dangerous pathogens such as Clostridium botulinum, E. coli 0157:H7, Salmonella, and Listeria monocytogenes. These bacteria can result in human illnesses including respiratory problems, pneumonia, diarrhea, vomiting, and in some cases can result in the death of the infected individual. Due to this high level of risk there is significant regulation to monitor the food production industry which is designed to prevent illness and protect consumers. These rules contained in this package mirror federal regulations in order to allow Ohio's producers of fish and fishery products to be able to ship all across the country.

901:3-7-01 sets forth the food processing establishments that are subject to the rules of this chapter. Additionally, this rule sets out the terms that have been defined in the chapter. The rule is being amended to add a definition of #food processing establishment# as well as to make small grammatical changes to the rule.

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 sections 121.76 and or 121.75 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: **1/5/2016**

(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:

Each fish and fishery product manufacturers must register as a food processing establishment under Ohio Administrative Code 901:3-21-01. The cost of a food processing establishment registration depends on the size of the establishment. The smallest facilities, those smaller than 5000 square feet, must pay a \$50 registration fee annually. The largest facilities, over 100,000 square feet, must pay \$300 annually to register as a food processing establishment.

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? **Yes**

All establishments processing fish and fishery products must have a food processing establishment license in order to engage in that production.

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**

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