

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:3-7-01

Rule Type: Rescission

Rule Title/Tagline: Criteria and definitions for fish and fishery products.

Agency Name: Department of Agriculture

Division: Food Safety

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 3/26/2024
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?** 3715.021
5. **What statute(s) does the rule implement or amplify?** 3715.59
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule package is being amended as part of the five year rule review process. The rules in this package outlines criteria and definitions for fish and fishery products, in addition to identifying exemptions.

Pursuant to the Legislative Service Commission's guide on administrative rule drafting, the Department has proposed to rescind the existing rules found in Chapter 901:3-7

and replace with a new rule setting forth that Food Safety Chapter 7 regarding fish and fishery products will incorporate by reference the 21 C.F.R. Chapter 1, Subchapter B, Part 123 "Fish and Fishery Products."

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

Rule 901:3-7-01 rule sets forth criteria and definitions as used in the chapter. Rule 901:3-7-01 will be replaced with a new rule setting forth that Food Safety Chapter 7 regarding fish and fishery products will incorporate by reference 21 C.F.R. Chapter 1, Subchapter B, Part 123.

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Pursuant to section 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.

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

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable

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

Not Applicable

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? No
 - 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
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
 - A. How many new regulatory restrictions do you propose adding to this rule? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 2

OAC 901:3-7-01 paragraph A removes the requirement that food processing establishments processing fish and fishery products shall comply with Chapter 901:3-7 and the applicable provisions of Chapter 901:3-17 of the Administrative Code.

OAC 901:3-7-01 paragraph B, section 4 removes the requirement that "Critical limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable