

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

Agency Name

Fairs and Amusement Rides

Division

Howard Henry

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Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

**Ultraviolet Disinfection Systems for Full Body Contact Aquatic
Devices.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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: **1711.53**

5. Statute(s) the rule, as filed, amplifies or implements: **1711.53**

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

The proposed new rule will require new aquatic devices to have ultraviolet disinfection systems, and a multi-year phase-in for existing devices. The new disinfection systems will provide for a higher level of water quality without the increased use of chemical disinfection systems.

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 rule requires that all aquatic devices as regulated by 901:9-1-14(A) to eventually have ultraviolet disinfection systems installed. All new devices constructed after Dec. 31 2011 will be required to have the systems, and existing systems will be phased in over a number of years. A ultraviolet system will not be required in devices that have another treatment process that is capable of producing a 99.9% reduction of cryptospridium.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

Revise the public hearing date due to a scheduling conflict.

12. 119.032 Rule Review Date:

(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.

0.0

No fiscal impact.

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:

Ultraviolet disinfection systems vary in price depending on the size of device being disinfected. Smaller systems cost in the range of one to two thousand dollars, while waterpark level systems that handle multiple pools at one time can reach prices of \$150,000 to \$300,000. However, the cost is being mitigated by requiring immediate installation only for new construction and phasing in existing devices over the next eight years. The most at risk devices, indoor aquatic devices, will have two years, while most outdoor operators will have the full eight years to install the devices. Additionally, operators have the option to use other disinfection systems that provide comparable water quality.

This water standard and the use of ultraviolet disinfection systems has been discussed and approved by a sub-committee of the amusement ride safety council and the council as a whole. Cost concerns of existing operators were alleviated by the both the phase-in period and the option to use different disinfection methods.

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**