

NOTICE OF PUBLIC RULES HEARING

DATE: Tuesday, April 19, 2016
TIME: 3:00 p.m.
246 N. High Street
Columbus, Ohio 43215
ROOM: 8th Floor Large Video Conference Room

In accordance with Chapter 119. of the Revised Code (R.C.), the Director of the Department of Health is proposing changes to the following Ohio Administrative Code (O.A.C.) rules:

O.A.C. Chapter 3717-1

By authority of R.C. 3717.04 and 3717.05 and in fulfillment of five-year review (FYR) requirements, the Directors of the Ohio Department of Health and the Ohio Department of Agriculture propose to amend O.A.C. rules 3717-1-03.1 and 3717-1-03.4. The titles of these rules are “Food: sources, specifications, and original containers” and “Food: limitation of growth of organisms of public health concern,” respectively. The rules are amended pursuant to Section 3717.05 of the O.R.C. that requires the Directors of Agriculture and Health to adopt, amend, or rescind provisions in the Ohio Uniform Food Safety Code to ensure that it continues to conform to the U.S. Food and Drug Administration’s Model Food Code.

Amendments to rule 3717-1-03.1 will allow food processing establishments that are defined in O.A.C. 901:3-23-01(B) to be considered an approved source for pre-packaged juice.

Numerous changes are proposed for rule 3717-1-03.4, included, but not limited to, the following: 1) new language on handling ROP fish; 2) clarification on date marking and exemption of raw, live in-shell molluscan shellfish from date marking; 3) clarification that exemption from date marking for shelf stable dry fermented sausages produced in USDA-regulated facilities is not dependent on the product retaining the original casing; 4) Amended language to make clear that only TCS foods prepared under ROP methods that do not control for growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria monocytogenes* require a variance; 5) removed the requirement for a variance when harvesting seed or bean sprouts; 6) exempted certain facilities from having to have a HACCP plan and provided new information for facilities that need an HACCP plan; 7) increased the shelf life for ROP food; and 8) extended the time in which foods packaged using a cook-chill or *sous vide* process may be held.

Hearing Process and Comment Opportunity:

At the hearing, people affected by the proposed actions may appear and be heard in person, by an attorney or both; may present their positions, arguments, or contentions orally or in writing; may offer witnesses; and may present evidence tending to show that the proposed rules, if adopted or effectuated, will be unreasonable or unlawful. To aid in getting visitors through building security, both persons intending to testify at the hearing and those simply intending to observe are encouraged to pre-register by writing to the Office of the General Counsel, Ohio Department of Health, 246 North High Street, Columbus, Ohio 43215, by phoning (614) 466-4882, or by sending an e-mail to odhrules@odh.ohio.gov. Copies of the proposed rules will be available on the Register of Ohio website: <http://www.registerofohio.state.oh.us/jsps/publicdisplayrules/searchRuleNumber.jsp>, or from the Office of the General Counsel, Ohio Department of Health (address listed above). Please FAX [(614) 564-2509], mail, or e-mail any written comments by 10:00 a.m. on April 19, 2016

3/10/2016