



## **PUBLIC NOTICE**

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed amendments made to Chapters 901:3-57 and 901:3-62 of the Ohio Administrative Code. The rules are more specifically described below.

The hearing will be held on:

**August 4, 2016 at 9:00 A.M.**

**Ohio Department of Agriculture  
Bromfield Administration Building  
Hearing Room 129 (Seminar "A")  
8995 East Main Street  
Reynoldsburg, Ohio 43068-3399.**

The hearing will be conducted in accordance with Chapter 119 of the Revised Code. Any person affected by the no change rule package may appear and be heard in person, by his attorney, or both, may present his position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the no change rule package, if adopted or effectuated, will be unreasonable or unlawful.

**More information on the rule package, including a business impact analysis and copies of the rules, can be found at <http://www.agri.ohio.gov/proposedrules/proposedrules.aspx> or by visiting the Register of Ohio at [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).**

Any person who wishes to present his position, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing his or her written comments to the Ohio Department of Agriculture, c/o Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068; by email at [ecomments@agri.ohio.gov](mailto:ecomments@agri.ohio.gov), or by transmitting by facsimile at (614) 995-4585. Written comments sent by mail shall be postmarked no later than the day of the hearing. Written comments transmitted by facsimile shall be received no later than 5:00 p.m. on the day of the hearing.

### **Proposed Rules:**

**Chapter 901:3-57 of the Ohio Administrative Code** regulates the labeling of perishable food products in the state of Ohio. "Perishable food products" are defined as a food product, determined by the manufacturer to have a quality assurance period of thirty days or less. Foods can develop an off odor, flavor or appearance due to spoilage bacteria. If a food has developed such characteristics, the quality of the food may be diminished or the food may be spoiled and



should not be consumed. The rules are being reviewed pursuant to the five year rule review process and are more specifically outlined below:

**OAC 901:3-57-01** outlines the terms as defined in the chapter. Specifically the rule is being amended to remove the term “commodity in package form” as it is not used in the chapter. Further, the definitions of “consumer package” and “nonconsumer package” have been modified to mirror the style of the other definitions. No substantive changes have been made to this rule.

**OAC 901:3-57-02** states that the manufacturer, processor, and/or packager shall determine whether or not a food should be considered perishable. The rule is being amended to make a grammatical change which does not affect the substance of the rule.

**OAC 901:3-57-03** states that manufacturer, processor, and/or packager shall determine the sale date for all perishable foods. The rule is being amended to make a grammatical change which does not affect the substance of the rule.

**OAC 901:3-57-04** sets for the general rules on labeling and identification of sale dates on perishable foods. Additionally, the rule states that no person shall sell a perishable food without a sale date clearly marked on the package. The rule is being amended to make stylistic changes to the rule which do not affect the substance of the rule. Specifically, paragraph (D) contained specific abbreviations for bakery products. In the proposed rule, this has been separated into a separate paragraph.

**OAC 901:3-57-05** outlines the duties of the Director of the Ohio Department of Agriculture with regards to perishable foods. The language of this rule is a direct copy from Ohio Revised Code 3715.171. As such, the administrative rule is superfluous and is being rescinded.

**OAC 901:3-57-06** sets forth the exemptions to the rules of this chapter. There are no additions or deletions proposed with this rule package. The rule has been amended to make a stylistic change which does not impact the substance of the rule.

**OAC 901:3-57-07** establishes that Section 3715.171 and the rules of this chapter are the sole authority for perishable food date regulations. The language of this rule is a direct copy from Ohio Revised Code 3715.171. As such, the administrative rule is superfluous and is being rescinded.

**OAC 901:3-57-08** sets forth the penalties for violations of this chapter. The rule is being amended to identify the statutory authority as well as make stylistic changes to the rule. No substantive changes have been made to this rule.

**Chapter 901:3-62 of the Ohio Administrative Code** regulates the bottling and processing of drinking water in the state of Ohio. The rules outline specific sanitary guidelines as they apply to bottled water processing. The rules generally comply with Federal standards to ensure that Ohio’s bottled water processors do not face any undue burden when attempting to ship their products into another state. The rules as reviewed and proposed contain no substantive revisions



and are being amended to comply with the incorporation by reference rules as well as to correct minor spelling and grammatical errors. The rules are more specifically explained below:

**OAC 901:3-62-01** outlines the definitions as used in the chapter. The rule is being amended to correct a spelling error as well as to include dates to comply with the incorporation by reference rules. There are no substantive changes made to this rule.

**OAC 901:3-62-02** states that all bottled water processors must obtain a license from the Department. The rule is being amended to make a stylistic change. There are no substantive changes to this rule.

**OAC 901:3-62-03** sets forth the nomenclature and labeling requirements. The rule establishes a bottled water “standards of identity” which outline when a bottled water product may be called mineral water, sparking bottled water, spring water, ect. The rule is being amended to include a web link to the United States Pharmacopoeia to comply with incorporation by reference standards. There are no substantive changes to the rule.

**OAC 901:3-62-04** outlines the plant construction, design, and equipment standards. The rule sets out basic guidelines to ensure sanitary operations. These rules are very similar to other product manufacturing guidelines. There are no changes proposed to this rule.

**OAC 901:3-62-05** outlines sanitary water requirements. Similar to OAC 901:3-62-04 this rule outlines sanitary guidelines as they apply to the water itself. This includes water testing and sampling which are required by the EPA. The rule is being amended to comply with the incorporation by reference standards. There are no substantive changes to the rule.

**OAC 901:3-62-06** outlines sanitary operation requirements. This rule outlines sanitation requirements all water contact surfaces including containers, utensils, caps, and seals. There are no changes proposed to this rule.

**OAC 901:3-62-07** outlines sanitary requirements for the processing and bottling operations. This includes treatment of product water, and sanitization immediately prior to bottling. The rule is being amended to comply with the incorporation by reference standards. There are no substantive changes to the rule.

