

PUBLIC NOTICE

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed amendments made to Chapter 901:9-2 of the Ohio Administrative Code.

The rules in this package adopt the produce safety processes as set forth in Title 21 of the Code of Federal Regulations part 112. These regulations focus on setting standards for the production, harvest, and handling of fruits and vegetables, in an effort to reduce foodborne illnesses and to prevent microbial contamination associated with fresh produce. These rules contained in this package mirror federal regulations in order to allow Ohio's producer growers to be able to ship all across the country.

The hearing will be held on:

March 8, 2018 at 9:00 A.M.

**Ohio Department of Agriculture
Bromfield Administration Building
Hearing Room 133 (Seminar "B")
8995 East Main Street
Reynoldsburg, Ohio 43068-3399.**

The rules below have been reviewed in accordance with Chapter 119 of the Ohio Revised Code and are being proposed as being as follows:

OAC 901:3-12-01 incorporates by reference all the food safety regulations housed in 21 CFR 112.

OAC 901:3-12-02 amends the code of federal regulations adopted in OAC 901:3-12-01 to ensure that the proper terminology is used state wide. Specifically, we amend terminology used in the CFR to ensure that the terminology matches what is used other Ohio Revised Code sections.

OAC 901:3-12-03 sets forth the regulations housed in 21 C.F.R. part 112 which are deleted under the rules. The deleted portions relate to enforcement procedures which only apply to FDA and do not apply to the Department.

OAC 901:3-12-04 sets forth the regulations which are amended under the rules. Many of the amendments have been made to ensure that the correct terminology is accurate for the state of Ohio.

OAC 901:3-12-05 outlines the compliance dates associated with this rule. These dates correspond with the timeline for implementation as directed by the federal government.



OAC 901:3-12-06 establishes a voluntary registration. At the request of several farms, ODA has created a voluntary registration which would allow farms that are otherwise exempt to be inspected and regulated by ODA. These farms have indicated to ODA that their clients are requesting that they be inspected pursuant to these laws. ODA will work with these farms to ensure that they are properly regulated and thereby opening their businesses to a larger marketplace

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.

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, 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.

