

**MEMORANDUM**

**TO:** Amanda Payton, Ohio Environmental Protection Agency

**FROM:** Mark Hamlin, Director of Regulatory Policy

**DATE:** September 6, 2012

**RE:** **CSI Review – Consumer Products (OAC Chapter 3745-112)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of eight rules which are being reviewed by the Ohio Environmental Protection Agency (OEPA) under the five-year review requirements of ORC 119.032. As a whole, the Agency is not proposing substantive changes to the rule package, but four of the rules do contain technical and clarifying amendments as well as minor updates. The remaining four rules are being proposed as “no change” rules. The rules and associated BIA were submitted to the CSI Office and public stakeholders for comment on July 31, 2012, and the comment period was open through August 31, 2012. No comments were received during the comment period.

The rule package addresses regulations related to volatile compounds in consumer products – such as cleaning products, personal care products, and insecticides – that are sold, supplied, or manufactured for use in Ohio. The rules are part of Ohio's State Implementation Plan, which is required to meet requirements for national ambient air quality standards under the federal Clean Air Act. The rules are based on a model created by the Ozone Transport Commission, which the OEPA reports has been adopted by other Midwestern states and provides a level of consistency in the production of these products.

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The Agency cites the adverse impact to business from the rules, as defined in ORC 107.52, as the cost to incorporate the regulatory requirements into the manufacturing of these products. However, it also states that the bulk of the costs would have been incurred years ago, when the rules were implemented for the first time and businesses would have been required to change materials and labeling used in the products. Ultimately, the rules are intended to help reduce emissions of volatile compounds which can adversely affect public health, and also represent a part of the State Implementation Plan required by the U.S. EPA. As such, and without any feedback from businesses that the rules are overly burdensome, the CSI Office finds that the intent of the regulations justifies the adverse impacts to business.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio EPA should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.