

**MEMORANDUM**

TO: Howard Henry, Ohio Department of Agriculture
FROM: Mark Hamlin, Director of Regulatory Policy
DATE: June 5, 2013
RE: **CSI Review – Food Processing Rules (OAC Chapter 901:3-1)**

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 12 existing rules being proposed by the Ohio Department of Agriculture dealing with sanitation and safe handling requirements for the manufacturing and storage of food. The rules have been reviewed by the Department under the five-year review requirement of ORC 119.032, and ten of the rules are being proposed with no changes. The remaining two rules contain non-substantive amendments to correct statutory references in the rules.

According to the BIA submitted by the Department, these rules have been in place since 2005 and align with federal food safety requirements, as a condition of a grant from the U.S. Food and Drug Administration (FDA). In its review of the rules, the Department reached out to stakeholder groups and heard no concerns about application of the existing rules. No comments were received during the CSI review process.

The BIA identifies that the rules impact all food processing facilities and food warehouses in the state. The rules don't contain specific licensing requirements, but as noted by the Department, "Everything a firm does with respect to food is controlled by this rule." Ultimately the rules are

justified because they help ensure the safety of the public in consuming foods produced and stored at these facilities. The specific requirements and impacts of the bill are largely determined based on FDA requirements, but the Department also highlights the fact that the safety of Ohio's food supply demonstrates the appropriateness of the rules.

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 Department of Agriculture should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.