

**MEMORANDUM**

**TO:** David Miran, Ohio Department of Agriculture  
**FROM:** Sophia Papadimos, Regulatory Policy Assistant  
**DATE:** November 26, 2013  
**RE:** **CSI Review – NIST 44 Handbook Update (OAC 901: 6-1-01)**

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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 is being amended by the Ohio Department of Agriculture to reflect the new edition of the National Institute of Standards and Technology (NIST) Handbook 44 regarding weights and measures operators. Ohio Revised Code 1327.49 authorizes the Department to adopt this regulation. Additionally, the proposed amended rule notes where to obtain a copy of the most current edition of the NIST Handbook. This rule was submitted to the CSI Office on October 28, 2013 and the comment period was held open through November 15, 2013. No comments were received during this time.

The BIA identifies the underlying rule's adverse impact as potential fines for an operator who is not in compliance with the minimum operating standards. If this is an operator's first offense, however, the fine can be waived if the problem is corrected. The amendments update the handbook reference in the rule and do not have a direct adverse impact to business.

After reviewing the proposed rule and the associated BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule is justified.

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