

**MEMORANDUM**

TO: Kaye Norton, Ohio Department of Health

FROM: Sydney King, Regulatory Policy Advocate

DATE: September 12, 2014

RE: **CSI Review – Ohio Uniform Food Safety Code (OAC 3717-1-02.3, 3717-1-03, 3717-1-03.6, 3701-1-04.3, 3701-1-05.1, 3717-1-05.3, 3717-1-05.4, 3717-1-06, 3717-1-06.1, 3717-1-06.3, 3717-1-07, 3717-1-07.2, 3717-1-08.1, 3717-1-08.2, 3717-1-08.4, and 3717-1-20)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (O.R.C.) 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 sixteen no-change rules being proposed by the Ohio Department of Health (ODH). The rules were reviewed as a five-year rule review as required by O.R.C. 119.032. The rule package was filed with the CSI Office on June 9, 2014, and the CSI public comment period for the rules closed on July 9, 2014. ODH submitted a revised BIA on August 21, 2014.

Rule 3717-1-05.3 was not included in the public notification but was intended to be part of the rule package and was included in the BIA. Because the rule was also not available for review on ODH's website, the CSI Office requested ODH to ask core stakeholders to review the rule for any issues. ODH contacted the stakeholders via e-mail and provided a week to suggest amendments. No comments were received from stakeholders during this time.

The rules provide the standards for safe food handling and sanitation in retail food establishments and food service operations. The rules regulate hygienic practices, discarded or contaminated

food, equipment, water and plumbing systems, physical facilities, labeling poisonous toxic material, acidified white rice preparation, heat treatment dispensing freezers, and processing.

According to the revised BIA, the Retail Food Safety Advisory Council was tasked with reviewing the rules. The members of the council include representatives from local health departments, a general public representative, members of the food science academic community, members representing retail food establishments, and members representing food service operations. The BIA states the Council did not have objections to filing the rules as no-change.

The revised BIA states the impacted business community would be the licensed food service operations and retail food establishment. ODH provides a detailed description of the adverse impacts and the associated costs in the revised BIA. According to ODH, the rules are necessary to provide a system of prevention and safeguards designed to minimize foodborne illness, ensure industry manager knowledge, and provide the standards for sanitation.

After reviewing the proposed rules and the revised BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the amendments is justified.

Recommendation

For the reasons explained above this office does not have any recommendations regarding this rule package.

Conclusion

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

cc: Mark Hamlin, Lt. Governor's Office