

**MEMORANDUM**

TO: David E. Miran, Jr., Ohio Department of Agriculture

FROM: Sean T. McCullough, Regulatory Policy Advocate

DATE: January 26, 2015

RE: **CSI Review – Revision of Handbook 44 (OAC § 901:6-1-01)**

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

I. INTRODUCTION AND BACKGROUND

On December 30, 2014, the Ohio Department of Agriculture (“ODA”) submitted a rule package containing one (1) amended rule. The rule incorporates the “National Institute of Standards and Technology Handbook 44” into the code section. ODA cites R.C. § 1327.49 as authority to establish this rule. The official public comment period closed on January 22, 2015. No comments were submitted.

II. ANALYSIS

The rule is a subsection of the weights and measures section of the Ohio Administrative Code (OAC). The rule incorporates the National Institute of Standards and Technology Handbook 44 (the “Handbook”) of 2015 into the OAC. The Handbook is a document containing calibrations and standard measurements for mechanisms involving weights and measures. It was created by the National Conference on Weights and Measures, a national conference that meets and updates the Handbook annually. The only amended language in the rule updates the edition of the Handbook from 2014 to 2015.

ODA indicates in the BIA that the proposed rule has no adverse impact on business. As the rule is not being submitted for five-year review, only the amended language in the rule is analyzed by CSI. As ODA has only amended the edition incorporated from 2014 to 2015, CSI's scope of analysis is on impacts to business created by any changes in the Handbook from 2014 to 2015. Through a review of the BIA, and additional confirmation through communication with ODA, CSI understands that the only changes to the Handbook from 2014 to 2015 were clerical and affect regulators, rather than businesses. As the Handbook contains no changes which fall into categories enumerated in R.C. § 107.52, the proposed rule changes contain no adverse impacts to business. Therefore, the rule package as submitted is justified.

III. RECOMMENDATIONS

For the reasons explained above, this office has no recommendations regarding this rule package.

IV. CONCLUSION

ODA may proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office