

**MEMORANDUM**

**TO:** Kaye Norton, Ohio Department of Health

**FROM:** Sophia Papadimos, Regulatory Policy Advocate

**DATE:** December 9, 2015

**RE:** **CSI Review – Ohio Uniform Food Safety Code (OAC 3717-1-03.1 and 3717-1-03.4)**

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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. This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of two amended rules proposed by the Ohio Department of Health (ODH) pursuant to the five-year review requirement in statute. The rule package was submitted to the CSI Office on October 26, 2015 and the comment period was held open through November 25, 2015. No comments were received during this time.

This package pertains to the Ohio Food Safety Code which sets the standards for safe food handling and sanitation in retail food establishments and food service operations. The two proposed rules specifically relate to approved food sources, and the temperature and packaging of food. Additionally, the draft rules contain specific regulations related to the purchasing and selling of fish, eggs, milk, juice, wild mushrooms, and certain types of meat. Amendments to the rules allow for new exemptions and update the current language to meet federal standards.

The impacted business community includes licensed food service operations and retail food establishments. The adverse impacts include the requirements businesses must abide by when

packaging, purchasing, and selling food products. Also, there is time involved in developing quality assessments and Hazard Analysis Critical Control Point (HACCP) plans.

The Ohio Food Safety Code is regulated by ODH and the Ohio Department of Agriculture (ODA). The rules were approved by the Retail Food Safety Advisory Council, which consists of representatives from local health departments, the Ohio Grocers' Association, the Ohio Restaurant Association, and Sage Food Safety Consultants. Additionally, ODA has been working with raw juice companies to allow for the sale of raw juices in retail establishments, as long as the establishment is licensed under the same name as the place of production. The proposed amendments permit the sale of raw juices at such establishments and exempt certain products from HACCP plans.

Stakeholders played a key role in the development of the draft rules and no comments were received that the requirements are overly burdensome. Therefore, after reviewing the proposed rules and associated BIA, the CSI Office has determined that the purpose of the rules is justified.

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