

**MEMORANDUM**

TO: David Miran, Jr., Senior Staff Counsel, Ohio Department of Agriculture

FROM: Mark Hamlin, Director of Regulatory Policy

DATE: December 14, 2015

RE: **CSI Review – Fish & Fishery Products (OAC 901:3-7-01 through 901:3-7-11)**

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 eleven rules submitted by the Ohio Department of Agriculture (ODA), addressing food safety requirements in the processing of fish and fishery products. The rules have been reviewed by the Department pursuant to the five-year review requirement of Ohio statute, and all eleven rules are being proposed with amendments. The rule package was submitted to the CSI Office on October 19, 2015 and the comment period expired on November 9, 2015. No comments were submitted during the CSI review period.

As described above, the rules in this package are intended to address specific food safety requirements related to processing of fish and fishery products. The rules contain a number of very specific impacts on businesses in this industry, most notably the requirement to develop a written Hazard Analysis and Critical Control Point (HACCP) plan to identify and plan for the possible risks associated with the types of fish and operating processes used by the business. In its BIA, the Department notes that the rules mirror federal requirements which allows ODA, rather than the federal government, to conduct the inspection program and also ensures that Ohio producers are able to ship their products throughout the country.

The specific requirements contained within these rules already exist, and the amendments being described are largely organizational, clarifying, and/or stylistic. In reviewing the rules, the Department reached out to the Ohio Manufacturers' Association, which represents a number of producers who are affected by these regulations, and no concerns were expressed. The impacts associated with the regulations are significant and impact much of the production process, but as noted in the BIA, the risks associated with food production are also significant and justify strict regulation. Given these risks, as well as the stakeholder outreach conducted and the alignment with federal standards, the CSI Office believes that the rules in this package are 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 Ohio Department of Agriculture should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.