

**MEMORANDUM**

TO: David Miran, Ohio Department of Agriculture

FROM: Emily Kaylor, Regulatory Policy Advocate

DATE: July 1, 2016

RE: CSI Review – Bottled Water (OAC 901:3-62-01 through 901:3-62-07)

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 five amended and two no-change rules submitted by the Ohio Department of Agriculture (ODA) regulating the bottling and processing of drinking water in Ohio. It was submitted to the CSI Office for its statutorily required five-year review on June 3, 2016 and the comment period closed on June 24, 2016. No comments were received during this time.

These rules establish the terms and process for labeling and sanitizing bottled water in Ohio. The amendments correct spelling errors, make grammar and stylistic changes, and correct reference documents. To ensure consumer protection from foodborne illnesses, these rules explain specific sanitation and quality requirements for bottling facilities, water-contact surfaces, and water containers. They also establish the proper nomenclature and labeling processes so that consumers are not misled in their purchasing.

The BIA states that the impacted business community includes all bottled-water processors operating in Ohio. These entities have to follow strict sanitation guidelines and may incur costs

associated with having the proper equipment and space to perform the operations. Additionally, there is a \$200 annual fee to have a bottling license. Bottled water processors must also retain records for at least two years in order for ODA to ensure safe bottled water. The BIA also states that these rules mirror bottling standards set forth by the U.S. Food and Drug Administration. ODA received no suggested changes from its list of Food Safety stakeholders and no comments were received during the CSI public comment period.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the standards espoused by the CSI Office have been met and the purpose of the rule package is justified.

Recommendation

For the reasons explained 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.

cc: Mark Hamlin, Lt. Governor's Office