

**MEMORANDUM**

TO: David Miran, Ohio Department of Agriculture

FROM: Mark Hamlin, Lt. Governor's Office

DATE: November 15, 2016

RE: **CSI Review – Farm Markets (OAC § 901:3-6-01 through 901:3-6-08)**

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) § 107.54, CSI has reviewed the abovementioned administrative rules and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in ORC § 107.54.

Analysis

On June 3, 2016, the Ohio Department of Agriculture (ODA) submitted a draft rule package consisting of one no-change and seven amended rules to the CSI Office as part of the five-year rule review requirement contained in Ohio statute. The official public comment period closed on June 24, 2016 with one comment submitted.

The draft rule package establishes a regulatory framework for the operation of farm markets, farmers' markets, and farm product auctions. According to the BIA, the regulations set a standard that must be met to receive an exemption from general retail food establishment requirements. Included are rules pertaining to food, equipment, facilities, washing of equipment and hands, water supply, right of entry, and retail food establishment referral.

One comment was submitted by the Norwood Health Department. The comment stated that building, zoning, and other agencies have a difficult time determining what is a registered market, and that zoning has asked for opinions on proposed mobile markets. The suggested solution is to provide each registered market with a certificate that verifies the operator, the location and the items sold. ODA notified CSI on November 8 that they reached out to the Norwood Health Department to discuss their concern and, as a result, no rule change was made.

Following review of the draft rules, BIA, and stakeholder outreach, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rules and amendments 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.