

**MEMORANDUM**

TO: David Miran, Ohio Department of Agriculture

FROM: Travis Butchello, Regulatory Policy Advocate

DATE: June 30, 2017

RE: **CSI Review – Weights & Measures -2017 Handbook 44 Update (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 (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 one amended rule proposed by the Ohio Department of Agriculture (ODA). The rule package was submitted to the CSI Office on May 4, 2017 and the public comment period was held open through May 19, 2017. No comments were received during this time.

The rule is amended to adopt the most up-to-date version of the National Institute of Standards and Technology Handbook 44. The handbook pertains to weights and measures and is updated each year following a national conference of stakeholders from all 50 states who work in the weights and measures industry. ODA states in the BIA that the purpose of the rule is to remain in compliance with ORC 1327.49, which adopts the handbook as the state standard for weights and measures and requires ODA to update the rules to reflect any changes or modifications to the handbook.

As part of the early stakeholder outreach process, ODA contacted numerous entities who would be affected by the adoption of the new handbook. Some of these entities were businesses,

associations, and other state agencies. As a result of the outreach, stakeholders expressed support for the amended rule and had no concerns. No public comments were received during the CSI public comment period.

The rules impact all operators of weights and measures scales and devices. ODA contends in the BIA that they do not expect any direct adverse impact and that the regulatory intent is justified because the handbook provides minimum standards for business dealings and helps ensure accuracy of weights and measures of products. There may be some administrative or other costs associated with complying with the new handbook but there are no fees or direct costs stated in the rule.

Recommendation

For the reasons explained above, this office does not have any recommendations regarding 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.