

**MEMORANDUM**

TO: Amanda Payton, Ohio Environmental Protection Agency

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: January 5, 2018

RE: **CSI Review – Consumer Products (OAC 3745-112-01 through 3745-112-08)**

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) 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 contains eight no-change rules proposed by the Ohio Environmental Protection Agency (OEPA) as part of the statutory five-year rule review requirement. The rule package was submitted to the CSI Office on July 14, 2017 and the public comment period was held open through August 16, 2017.

The rules in this package set forth regulations for the content of volatile compounds in consumer products sold or manufactured in Ohio. The rules establish the amount of volatile compounds acceptable in consumer products, exemptions to the acceptable standards, dating and reporting standards, and testing methods for products. These rules are part of Ohio's State Implementation Plan (SIP) for the National Ambient Air Quality Standards (NAAQS), a set of federally mandated standards under Section 110 of the Clean Air Act. The rules were promulgated using the model rule created by the Ozone Transport Commission (OTC), which neighboring states have also utilized in creating their own consumer product rules.

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During early stakeholder outreach, the rules were sent electronically to air pollution control stakeholders for comment. One comment was received during this time, which supported OEPA rulemaking efforts and offered no suggestions. No comments were received during the CSI public comment period.

These rules impact every business that sells, supplies, offers for sale, or manufactures consumer products for sale in Ohio. These rules create adverse costs through compliance requirements for volatile compounds in consumer goods. In complying with these rules, businesses must maintain proper labeling and testing to ensure that the requirements of the rules are met. OEPA states in the BIA that upon implementation, complying with the rules was estimated to cost Ohio businesses approximately \$7 million per year, according to the OTC. However, for products introduced since the rules were enacted, OEPA states that the cost of compliance would be much lower, since newer products would not need to make similar changes to comply with the rules. OEPA states that the rules serve to protect the public by reducing pollution from volatile compounds and allow the state to comply with federal statute. After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

Recommendations

For the reasons described above, the CSI Office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Environmental Protection Agency should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.