



MEMORANDUM

TO: David Miran, Ohio Department of Agriculture

FROM: Paula Steele, Common Sense Initiative Office

DATE: July 26, 2018

RE: **CSI Review – Food Safety – Good Manufacturing Practices (OAC 901:3-1-01 through 901:3-1-10, 901:3-5-01, 901:3-6-02, 901:3-7-01, 901:3-7-10, 901:3-23-01, 901:3-23-02, 901:3-23-09, 901:3-62-01)**

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) § 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

This rule package consists of ten rescinded and eight amended rules submitted by the Ohio Department of Agriculture (ODA). The rules were submitted on February 27, 2018 and the CSI public comment period closed on March 23. No public comments were received during the comment period, however, six comments were received from the same business owner after the comment period had closed. The business owner commented that only the division of liquor control should regulate intoxicating liquor production. However, under the Food Safety Modernization Act, the federal government requires inspection of every food facility including wineries, and requires implementation of preventative measures to ensure food safety.

ORC § 3715.021 requires ODA to adopt rules that “conform with or be equivalent to the standards for foods established by the United States food and drug administration in Title 21 of the Code of Federal Regulations.” These federal food safety standards were recently revised and moved to Title 17 of the Code of Federal Regulations and will become effective in October 2018. As a result,

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ODA created four new rules, OAC 901:3-17-01 through 901:3-17-04, to reflect upcoming changes in the Federal Regulations. These new rules were reviewed by CSI in August 2017; there were no recommendations. The rules being rescinded in this rule package are no longer valid as they were replaced by OAC 901:3-17, and the amended rules are being changed to update references to the new OAC Chapter 901:3-17. The existence and enforcement of the rules that reflect the food safety standards enables the Department of Agriculture to administer the standards on behalf of the federal government.

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.