MEMORANDUM

TO: Alicyn Carrel, Ohio Department of Health

FROM: Paula Steele, Common Sense Initiative Office

DATE: October 09, 2018

RE: **CSI Review – Ohio Uniform Food Safety Code Five-year Review (OAC Chapter 3717-1)**

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 thirteen no change and thirty amended[1] rules submitted by the Ohio Department of Health (ODH) as part of the statutory five-year rule review requirement. The rule package was submitted on July 25, 2018 and the CSI public comment period was held open through August 23. Seven public comments were received during the comment period. The comments were either supportive of the draft rules or requested clarification from ODH.

As required by ORC 3717.05, the proposed rules are based on the most current version of the U.S. Food and Drug Administration's 2017 Food Code in addition to the licensure requirements of ORC 3717.24 and 3717.44. The purpose of the proposed rules is to protect the public by preventing foodborne illnesses by reflecting the national food safety standards for safe food handling and sanitation in retail food establishments and food service operations. In accordance with ORC 3717.05, the Ohio Uniform Food Safety Code is regulated by ODH and the Ohio Department of Agriculture (ODA). The two agencies worked together during the review and development of the draft rules. ODH shared the proposed rules with the Retail Food Safety Advisory Council, local

[1] One of the existing rules is being amended by more than 50 percent, therefore the Legislative Service Commission requires that the existing rule be rescinded and replaced by a new rule that has the same rule number.

health departments, and individuals representing the academic community, retail food establishments and food service operations. The stakeholders provided input that was incorporated into the proposed rules.

The proposed rules impact all licensed food service operations and retail food establishments in Ohio. While the BIA acknowledged there were adverse impacts, it did not provide a detailed description of the impacts. However, because the rules are necessary to provide a national standardized system of prevention against foodborne illness, and is prescribed by Ohio Statute, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the proposed rules is 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 Health should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.