



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Morgan Lyles, Ohio Department of Agriculture

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: April 7, 2020

RE: **CSI Review – Criteria and Definitions for Fish and Fishery Products (OAC 901:3-7-01)**

On behalf of Lt. Governor Jon Husted, 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) as part of its statutory five-year review requirement. This rule package was submitted to the CSI Office on January 24, 2020, and the public comment period was held open through February 14, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on January 24, 2020.

Ohio Administrative Code (OAC) 901:3-7-01 establishes the criteria for fish and fishery products, including the definitions used throughout the Chapter and businesses that are exempt from the requirements of the rules. The rule is being amended to exempt senior centers and certain non-profit organizations that move fish or fishery products from a food processing establishment to another location or serves the food to the end consumer without charge.

During early stakeholder outreach, ODA sent the rules to relevant industry stakeholders for feedback, including food production and agriculture professional associations. ODA received comments from stakeholders that supported the proposed changes to the rule. During the CSI

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public comment period, ODA received 17 comments from stakeholders. Many of these comments were supportive of the amendments made to the rule, which would allow nonprofit organizations to expand menu options. One comment suggested additional changes to the rule that would include exemptions for senior centers created under ORC 173.11. ODA amended the rule to reflect the suggested changes.

The business community impacted by this rule includes all food processing establishments that handle fish and fishery products, as well as certain non-profit organizations and senior centers. The rule exempts businesses that harvest, transport, or prepare fish for holding, as well as retail food services and, with the new amendments, non-profit organizations. The adverse cost created by the rule is primarily the time and effort spent by businesses abiding by the definitions. ODA states in the BIA that the amendment removes adverse impacts from non-profit organizations by including additional exemptions.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio Department of Agriculture should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.