



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Jacquelyn Keller-Potvin, Ohio Department of Agriculture

**FROM:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** February 2, 2021

**RE:** CSI Review – Dairy Division 5-Year Review / Corrections Rule Package  
(OAC 901:11-1-06, 901:11-2-02, 901:11-2-26, and 901:11-3-04)

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 Department as provided for in ORC 107.54.

#### Analysis

This Ohio Department of Agriculture (Department) rule package consists of four amended rules submitted as part of a statutory five-year review process. The rule was submitted to the CSI Office on December 17, 2020, and the public comment period was open through January 13, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on December 17, 2020.

The proposed rules establish meetings of the Milk Sanitation Board, set quality requirements of milk, the process of cleaning and sanitizing equipment, and standards for frozen desserts. Amendments have been proposed to correct typos, to provide guidance on cooker testing, to correct references, and to remove temperature standards from pasteurization requirements to bring Department standards in line with federal recommendations.

During the early stakeholder outreach period, the Department reached out to numerous stakeholders via email. These stakeholders include representatives of the Ohio Farm Bureau, the Ohio Beef Council, the Ohio Cattlemen's Association, Educators, restaurateurs, the Ohio Grocers

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Association, the Ohio Pork Producers Council, the Ohio Poultry Association, and members of the Milk Sanitation Board. No comments were submitted during either the early stakeholder outreach period, or the CSI public comment period.

Communities impacted by the rules include milk manufacturers, producers of milk products using manufacture grade milk, and frozen dessert manufacturers. Adverse impacts include requiring frozen dessert manufacturers and milk producers to obtain proper licensing at \$15 annually, costs associated with monthly inspections, and potential disciplinary action for a failure to comply with the rules. Further potential impacts include record keeping requirements, meeting milk quality and testing requirements, and processing milk products in accordance with the rules. The proposed rules are necessary to protect the public through ensuring proper safety standards in the dairy industry.

### **Recommendations**

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

### **Conclusion**

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