



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Renee Schmauch, Ohio Department of Agriculture

FROM: Jacob Ritzenthaler, Business Advocate

DATE: June 26, 2023

RE: **CSI Review – Weights and Measures Ch. 1 Revision of Handbook 44 (OAC 901:6-1-01)**

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 Department as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule proposed by the Ohio Department of Agriculture (Department). This rule package was submitted to the CSI Office on May 26, 2023, and the public comment period was held open through June 16, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on May 26, 2023.

Ohio Administrative Code 901:6-1-01 adopts the entirety of the revision of the National Institute of Standards and Technology Handbook 44, which establishes specifications, tolerances, and other technical requirements for weighing and measuring devices. The rule is amended to update the edition dates for the handbook.

During early stakeholder outreach, the Department sent the proposed rule to industry stakeholders for feedback, including the County Auditor's Association of Ohio, Ohio Petroleum Marketers & Convenience Store Association, Ohio Grocers Association, Ohio Soybean Council, Ohio Chemical Technology Council, Ohio Council of Retail Merchants, and Ohio Propane Association, as well as relevant businesses and organizations. One comment was received during that time from the Ohio

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Ethanol Producers Association in support of the proposed amendments. No comments were received during the CSI public comment period.

The business community impacted by the rule includes all operators of relevant scales and devices. The adverse impact created by the rule includes compliance with the standards found within the referenced handbook for proper measurement. The Department states that the adverse impact is necessary to ensure that business dealings involving measurement remain fair and accurate.

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 rule with the Joint Committee on Agency Rule Review.