



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Renee Schmauch, Ohio Department of Agriculture

FROM: Caleb White, Business Advocate

DATE: January 19, 2024

RE: **CSI Review – Ohio Proud Program (OAC 901:4-6-01, 901:4-6-03, 901:4-6-04, and 901:4-6-05)**

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 three amended rules and one no-change rule proposed by the Ohio Department of Agriculture (Department) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on December 5, 2023, and the public comment period was held open through December 27, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on December 5, 2023.

Ohio Administrative Code (OAC) Chapter 901:4-6 establishes the regulations governing the Ohio Proud Program. OAC 901:4-6-01 establishes the definitions used in this chapter and is proposed as a no-change rule. OAC 901:4-6-03 establishes the application, registration, and licensure process and requires the director of the Department to establish market categories for products and publish a schedule of market categories and products within each market category. This rule is amended to update and streamline language. OAC 901:4-6-04 outlines when the Ohio Proud logo is authorized to be used. This rule is amended to streamline language. OAC 901:4-6-05 sets forth the fees associated with the program and how they are to be used. This rule is amended to update and streamline language.

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During early stakeholder outreach, the Department emailed the proposed rules to all 439 Ohio Proud stakeholders on September 18, 2023, and asked to stakeholders to submit their comments to the Department by October 2, 2023. The Department received one comment during this period regarding the definition of “Produced in Ohio.” However, after evaluating this definition, the Department elected not to change this definition. No comments were received during the CSI public comment period.

The business community impacted by the rules includes anyone that produces any processed food, feed, or fiber and wishes to join the Ohio Proud program. The adverse impacts created by the rules include the time to complete the necessary paperwork to enroll in the program and an initial \$50 product registration fee. The Department states that the adverse impacts to business are justified to give consumers a quick and reliable way to identify Ohio-made and grown goods. The Department also notes that the Ohio Proud program is entirely voluntary.

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.