

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4101:6-1-22

Rule Type: Amendment

Rule Title/Tagline: Materials required to be sterilized.

Agency Name: Department of Commerce

Division: Bedding and Upholstered Furniture Inspection

Address: 6606 Tussing Road Reynoldsburg OH 43068-9009

Contact: Aaron Johnston **Phone:** 614-644-3297

Email: Aaron.Johnston@com.state.oh.us

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 8/4/2021
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3713.04
5. What statute(s) does the rule implement or amplify? 3713.02, 3713.09
6. What are the reasons for proposing the rule?

Five-year rule review.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule clarifies what secondhand materials must be sanitized versus sterilized before they may be sold or offered for sale. The rule also prohibits the use of certain materials, such as those containing bugs or filth. Much of the rule's proposed amendments were stylistic in nature, aiming to correct ambiguities in the prior version, as well as to correct obvious logical fallacies given the prior language. Additionally, sanitization was

added to sterilization to improve consistency with language used in Chapter 3713. of the Revised Code.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule references various sections of the Revised Code.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Changes were made to the question "What statute(s) does the rule implement or amplify?"

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

The Department does not anticipate an increase or decrease in its revenues or expenditures in the current biennium due to this rule or the proposed amendments.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Costs of compliance include the administrative costs associated with sterilizing or sanitizing bedding material prior to offering such items for sale.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

The rule requires secondhand articles of bedding, stuffed toys, furniture, and other items to be sterilized or sanitized prior to being offered for sale. The costs associated with sterilizing and sanitizing vary depending upon the item being sanitized or sterilized and the method used to sanitize or sterilize said item. The cost, for example, to sanitize a twin-size mattress with an approved sanitizer, such as Microban X-590, is roughly \$1.88.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes

Yes, as discussed in response to part C above.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable