

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Ohio Department of Commerce in accordance with Ohio Revised Code § 119.03 intends to amend 23 rules governing Bedding and Upholstered Furniture Inspection found in Ohio Administrative Code § 4101:6-1 et seq.

The following rules are being amended for the reasons set forth below:

4101:6-1-02:

Aside from the removal of one regulatory restriction under section 121.95 of the Revised Code, only grammatical or stylistic changes are proposed in this five-year rule review.

4101:6-1-03:

The rule was amended to change references to a license and license fee to registration and registration fees to conform with language used in Chapter 3713. of the Revised Code, which refers to a registration requirement—not a license. In addition, grammatical and stylistic changes were proposed.

4101:6-1-04:

The rule was amended to remove several regulatory restrictions pursuant to section 121.95 of the Revised Code. In addition, grammatical and stylistic changes were proposed.

4101:6-1-05:

The rule was amended to remove reference to a “license,” given that Chapter 3713. of the Revised Code only refers to registration requirements. In addition, the rule was amended to clarify that post office box numbers may not be used on the label of bedding and upholstered furniture. Finally, grammatical and stylistic changes were proposed.

4101:6-1-06:

The rule was amended to clarify that post office box numbers may not be used on the label of bedding and upholstered furniture. Finally, grammatical and stylistic changes were proposed.

4101:6-1-07:

Only grammatical and stylistic changes were proposed.

4101:6-1-08:

Grammatical and stylistic changes were proposed, as well as inclusion of the term sanitization (in addition to the already present: sterilization). Sanitization was added to conform with language used in Chapter 3713. of the Revised Code.

4101:6-1-09:

Only grammatical and stylistic changes were proposed.

4101:6-1-10:

Only grammatical and stylistic changes were proposed.

4101:6-1-11:

Only grammatical and stylistic changes were proposed.

4101:6-1-12:

Only grammatical and stylistic changes were proposed.

4101:6-1-13:

Only grammatical and stylistic changes were proposed.

4101:6-1-14:

One regulatory restriction was removed pursuant to section 121.95 of the Revised Code. In addition, grammatical and stylistic changes were proposed.

4101:6-1-15:

Only grammatical and stylistic changes were proposed.

4101:6-1-16:

Only grammatical and stylistic changes were proposed.

4101:6-1-17:

A definition for viscoelastic polyurethane foam was added, and grammatical and stylistic changes were proposed.

4101:6-1-19:

Only a grammatical change was proposed.

4101:6-1-21:

Proposed amendments included addition of "sanitization" (to compliment sterilization, which was already included in the rule's language) to conform with terminology used in Chapter 3713. of the Revised Code. In addition, electronic mail was included as a means of submitting the sterilization or sanitization approval application in order to ease the administrative burden associated with applying for approval. Finally, grammatical and stylistic changes were also proposed.

4101:6-1-22:

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.

4101:6-1-23:

The rule describes how bedding and upholstered furniture is to be stored once it has been sterilized or sanitized, as well as prohibiting the comingling of new items with sterilized or sanitized secondhand items.

4101:6-1-24:

The rule describes the various methods by which secondhand articles of bedding and stuffed toys may be sterilized or sanitized. Amendments include adding sanitization to the rule to conform to language contained in Chapter 3713. of the Revised Code, as well as clarifying what cleaning methods fall under sterilization and what methods constitute sanitization.

4101:6-1-25:

The rule requires review of plans for sterilization operations and inspection of such operations from time to time to determine compliance with rules 4101:6-1-21 to 4101:6-1-25 of the Administrative Code.

The following rule is being rescinded for the reasons set forth below:

4101:6-1-18:

The rule is being rescinded primarily to eliminate regulatory restrictions under section 121.95 of the Revised Code. Much of the rule's content was either precatory or duplicative of language otherwise found in Chapter 3713. of the Revised Code or Chapter 4101:6-1 of the Ohio Administrative Code.

The Department will conduct a public hearing on the proposed rules on September 8, 2021 at 1:00 p.m. at the offices of the Division of Industrial Compliance, 6606 Tussing Road, Training Room 3, Reynoldsburg, Ohio 43068-9009.

The proposed rules are available by contacting the Ohio Department of Commerce, Division of Industrial Compliance, Office of Division Counsel, 6606 Tussing Road, Reynoldsburg, OH 43068, by calling (614) 752-7124. The proposed rules are also available at the following website: www.registerofohio.state.oh.us.

At the public hearing, any person affected by the proposed actions may appear and be heard in person, by the person's attorney, or both, may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule or amendments, if adopted or effectuated, will be unreasonable or unlawful.

Any person who wishes to present his or her position, arguments or contentions in writing may do so by mailing his or her written comments to the Ohio Department of Commerce, Division of Industrial Compliance, Office of Division Counsel, 6606 Tussing Road, Reynoldsburg, OH 43068. Written comments may also be submitted at the hearing. All written comments must be submitted to the Department no later than 5:00 pm. «Same Date as Hearing Date». Written comments submitted after this date may be considered as time and circumstances permit.

The Ohio Department of Commerce is an equal opportunity service provider.