

**MEMORANDUM**

**TO:** Dawn Evarson, Ohio Division of Industrial Compliance  
**FROM:** Mark Hamlin, Director of Regulatory Policy  
**DATE:** April 8, 2015  
**RE:** **CSI Review – Bedding & Upholstered Furniture Inspections (OAC Chapter 4101:6-1)**

---

On behalf of Lt. Governor Mary Taylor, 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 Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of 22 rules being proposed by the Division of Industrial Compliance in the Ohio Department of Commerce. The draft rules – fourteen no-change, seven amended, and one new – comprise regulations of bedding, upholstered furniture and stuffed toys; including labeling and inspection requirements. All of the rules, with the exception of the proposed new rule, are being reviewed by the Division pursuant to the five-year review required by statute. No comments were received during the CSI review period.

Ohio Revised Code (ORC) Chapter 3713 creates the legal basis for regulation of the manufacture and sale of stuffed toys and bedding (including upholstered furniture), and requires the Superintendent of Industrial Compliance to adopt rules for the enforcement of the statutory requirements. According to the BIA submitted with the rule package, the rules are necessary to protect consumers from products that may be dangerous due to the use of substandard or unsanitary materials. The Division conducts approximately 7,000 safety inspections each year and conducts approximately 6,000 tests on products to ensure their safety.

---

77 South High Street | 30<sup>th</sup> Floor | Columbus, Ohio 43215-6117  
CSIOhio@governor.ohio.gov

The regulations around bedding and stuffed toys are relatively prescriptive, and the draft rules in this package reflect this fact, with a number of detailed requirements that constitute adverse impacts to businesses under ORC 107.52. Specifically, the rules require registration of any business manufacturing for sale, repairing, delivering, or selling or leasing any of the products covered in these regulations. They also include labeling requirements for products, standards for different types of materials, and sterilization requirements for used products or materials. The proposed amendments to the rules are largely technical and clarifying in nature, and the proposed new rule (4101:6-1-19) relates to the Division's public notice requirements. Thus, the adverse impacts in the rules already exist and no comments were submitted from stakeholders suggesting that the requirements are unnecessarily burdensome. Moreover, the Division justified the rules as required by statute, but also as necessary to ensure the safety of consumers purchasing these products. As such, the CSI Office agrees that the purpose of the rules justifies the adverse impacts to business.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Division of Industrial Compliance should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.