



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Aaron Johnston, Division of Industrial Compliance, Ohio Department of Commerce

FROM: Emily Groseclose, Senior Policy and Business Advocate

DATE: April 23, 2021

RE: **CSI Review – Bedding and Upholstered Furniture Inspection (OAC 4101:6-1-02, 4101:6-1-03, 4101:6-1-04, 4101:6-1-05, 4101:6-1-06, 4101:6-1-07, 4101:6-1-08, 4101:6-1-09, 4101:6-1-10, 4101:6-1-11, 4101:6-1-12, 4101:6-1-13, 4101:6-1-14, 4101:6-1-15, 4101:6-1-16, 4101:6-1-17, 4101:6-1-18, 4101:6-1-19, 4101:6-1-21, 4101:6-1-22, 4101:6-1-23, 4101:6-1-24, and 4101:6-1-25)**

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 Agency as provided for in ORC 107.54.

Analysis

This rule package contains 22 amended rules and one rescinded rule submitted by the Ohio Department of Commerce (Department) as part of the statutorily required five-year review process. The rule package was submitted to the CSI office on March 24, 2021, and the public comment period was held open through April 7, 2021. No comments were received during this time. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on March 24, 2021.

These rules provide requirements for articles of bedding, stuffed toys, and upholstered furniture, including labeling guidelines, sterilization and sanitization requirements for secondhand articles to be offered for sale, and registration requirements for manufacturers and wholesalers. Amendments to the rules are proposed to make stylistic and grammatical changes, remove regulatory restrictions, change "license" to "registration," modernize modes of communication, and make updates meant

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to bring the rules in line with statutory language.

As part of early stakeholder outreach, the Department solicited feedback from the International Association of Bedding and Furniture Law Officials, the Toy Industry Association, and the International Sleep Products Association. The Department did not receive any comments during either early stakeholder outreach or the CSI public comment period.

The rule impacts importers, manufacturers, renovators, wholesalers, and upholsterers of bedding and stuffed toys, as well as retailers and secondhand dealers of bedding and stuffed toys. Any person who engages in any of those activities must register with the Division of Industrial Compliance and pay a \$35-\$50 annual registration fee, in addition to \$.04 for each article of bedding or stuffed toy sold. The Department also stated that registrants must comply with all material and labeling requirements, which includes the time and monetary expenditures necessary for personnel and labels. Additionally, adverse impacts for secondhand dealers include the cost of sterilization and sanitation. The Department noted that it is required by statute to adopt rules regulating bedding and stuffed toys, and that these regulations conform with industry standards and ensure that bedding and stuffed toy labels display accurate information about the articles' content.

Recommendations

For the reasons described above, the CSI office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI office recommends that the Ohio Department of Commerce proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.