



## **PUBLIC NOTICE**

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the following rules below. These rules have been reviewed in accordance with the requirements of the Chapter 119 of the Ohio Revised Code and have been proposed as follows. The public hearing will be held on:

**October 16, 2015 at 9:00 A.M.**

**Ohio Department of Agriculture  
Bromfield Administration Building  
Hearing Room 129 (Seminar “A”)  
8995 East Main Street  
Reynoldsburg, Ohio 43068-3399.**

### **Ohio Administrative Code Chapter 901:2-1-(01-05)**

The rules in this package adopt and amend the federal meat inspection regulations of the United States Department of Agriculture (USDA) pursuant to the Federal Meat Inspection Act, the Wholesome Meat Act, and the Livestock Slaughter Act. Pursuant to 918.04 of the Ohio Revised Code, the Ohio Department of Agriculture (Department) shall adopt rules which meet or exceed the federal requirements for meat inspection. The rules set forth in this package update the rules to meet the 2015 federal meat inspection requirements as well as clarify the existing portions of the law to ensure that all interested parties are able to read, understand, and follow the laws. More specifically:

Rule 901:2-1-01 adopts the federal standards housed in 9 C.F.R. parts 300 through 442. The rule is being amended to comply with incorporation by reference standards and to officially adopt the changes in the 2015 federal meat inspection regulations.

Rule 901:2-1-02 is being rescinded and a new rule is being adopted in its place. The original 901:2-1-02 amended definitions found in the parts adopted under 901:2-1-01. The new 901:2-1-01 does the same, however with new additions to the rule. Generally, the rule amends any definition of a federal term to correspond with the same terminology used at the state side. For example, the term “U.S. condemned” shall be read as “Ohio condemned.”

Rule 901:2-1-03 sets forth the regulations housed in 9 C.F.R. parts 300 through 442 which are deleted under the rules. The deleted portions do not affect the requirement of at least equal to status.

Rule 901:2-1-04 sets forth the regulations which are amended under the rules. Many of the amendments have been made to ensure that the correct terminology and mark of inspection are accurate for the state of Ohio.



Rule 901:2-1-05 sets forth a “new” standalone rule regulating exemptions based on religious dietary laws. These rules have already been in place in 901:2-1-04 however it was deemed that it would be more appropriate to have these rules in a standalone rule.

### **Ohio Administrative Code Chapter 901:2-2-(01-08)**

The rules in this package adopt and amend the federal meat inspection regulations of the United States Department of Agriculture (USDA) pursuant to the Federal Meat Inspection Act and the Wholesome Meat Act. Pursuant to 918.04 of the Ohio Revised Code, the Ohio Department of Agriculture (Department) shall adopt rules which meet or exceed the federal requirements for meat inspection. The rules set forth in this package update the rules to meet the 2015 federal meat inspection regulations as well as clarify the existing portions of the law to ensure that all interested parties are able to read, understand, and follow the laws.

Specifically, these rules outline the progressive enforcement actions taken by the Department to ensure compliance with the laws and rules.

Rule 901:2-2-01 adopts the federal standards housed in 9 C.F.R. parts 500.1 through 500.8. The rule is being amended to comply with incorporation by reference standards and to officially adopt the changes in the 2015 federal meat inspection regulations.

Rule 901:2-2-02 sets forth the definitions for the chapter. The rule is being amended to add definitions of C.F.R., Department, HACCP, Program Employee, and SSOP.

Rule 901:2-2-03 outlines the procedure for regulatory control actions. Regulatory control actions are steps taken by the Department to retain product, reject equipment or facilities, or the refusal to allow processing of a specific product. The Department takes these actions based on conditions within the establishment which would result in an unsafe product. The rule is being amended to make stylistic changes in the rule as well as to further outline the appeal process of any regulatory action taken by the Department.

Rule 901:2-2-04 outlines the procedure for withholding actions or suspensions. A withholding action is the refusal of the Department to allow the mark of inspection to be applied to a product within the establishment. A suspension means the interruption of all or part of the processes completed by an establishment. The Department takes these actions when serious public health and food safety violations exist. The rule is being amended to make stylistic changes which allow for easier comprehension of the rule. Substantively, the rule is being amended to add a cause of action for suspension and withholding. Failure to pay for service or license renewal may result in a suspension or withholding action until the establishment has come into compliance. Additionally, a new provision was created in which an establishment may request a voluntary suspension of their inspection license.

Rule 901:2-2-05 outlines the notification requirements of the Department when it proposes to take a withholding action or impose a suspension in accordance with rule 901:2-2-04. The rule is being amended to make stylistic changes which clarify the procedures taken by the Department.



Additionally, the rule has incorporated provisions of the Revised Code into the rule to allow for easier comprehension.

901:2-2-06 outlines the procedure for the withdrawal of inspection of an establishment. The Department will withdraw the mark of inspection from an establishment when an establishment has serious public health and food safety violations exist. This includes lack of adherence to the establishment's hazard analysis critical control point (HACCP) plan or the sanitation standard operating procedures (SSOP). The rule is being amended to comply with incorporation by reference rules, correct code references, and make stylistic changes.

901:2-2-07 outlines the procedures for the refusal of inspection. The Department refuses inspection when there is a lack of required documentation or a chronic history of sanitation failures. The rule is being amended to comply with incorporation by reference rules, correct code references, and make stylistic changes. Additionally, the rule is being amended to add a new list of causes of actions which have been adopted in the 2015 federal meat inspection requirements.

901:2-2-08 outlines the procedure for validating and rescinding marks, labels, and containers in which meat products are held. The rule is being amended to make a stylistic change which is consistent with the rules of the chapter.

To obtain copies of these rules, please visit the Register of Ohio at [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).

Any person who wishes to present his position, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing his or her written comments to the Ohio Department of Agriculture, c/o Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068; by email at [ecomments@agri.ohio.gov](mailto:ecomments@agri.ohio.gov), or by transmitting by facsimile at (614) 995-4585. Written comments sent by mail shall be postmarked no later than the day of the hearing. Written comments transmitted by facsimile shall be received no later than 5:00 p.m. on the day of the hearing.

