



PUBLIC NOTICE

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed amendments made to rule 901:3-23-01 of the Administrative Code.

This rule is governed by the Division of Food Safety, and more specifically relates to the production of juice, including raw, unpasteurized juice. This rule has been reviewed in accordance with the requirements of Chapter 119 of the Revised Code and has been proposed as follows.

901:3-23-01 sets for the criteria and definitions of juice products. This rule outlines the definitions to be used in Ohio Administrative Code Chapter 901:3-23 as well as defines the food processing establishments that are subject to the rules of the chapter. The rule is being amended to clarify the establishments who are exempt from this chapter.

Prior to the proposed amendment, the chapter excluded “a retail food establishment or food service operation defined in section 3717.01 of the Revised Code where the juice produced is only sold or served from that premises.” This allowed companies to produce raw, unpasteurized juice for consumers so long as it was produced at the site where it was sold. The Ohio Department of Agriculture (hereinafter “Department”) was contacted by several raw juice producers looking to expand their business however, were unable to as they were limited by the rule.

In order to accommodate these growing businesses, the Department has proposed to amend the rule to allow these companies to utilize a “central kitchen” model. This model would allow the raw juice companies to produce their product in a central kitchen and deliver it to their own establishments. Prior to the proposed amendment each new establishment was required to possess separate production equipment. This equipment costs thousands of dollars and limited each company’s ability to expand. With the proposed amendment, businesses would now be able to expand without the excessive cost of the additional equipment.

The rule only allows these facilities to deliver their products to either a licensed food service operation or retail food establishment which is licensed under the same name. This ensures that the product is controlled by the company itself which understands and monitors the shelf-life, safety, and quality of the products. This is important due to the food safety risks when dealing with unpasteurized juice. As stated above, without proper safeguards, the juice manufacturing process can result in the growth of potentially deadly bacteria.



The hearing will be held on:

December 3, 2015 at 9:00 A.M.

**Ohio Department of Agriculture
Bromfield Administration Building
Hearing Room 133 (Seminar “B”)
8995 East Main Street
Reynoldsburg, Ohio 43068-3399.**

The hearing will be conducted in accordance with Chapter 119 of the Revised Code. Any person affected by the no change rule package may appear and be heard in person, by his attorney, or both, may present his position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the no change rule package, if adopted or effectuated, will be unreasonable or unlawful.

To obtain copies of these rules, please visit the Register of Ohio at 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, 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.

