



## MEMORANDUM

**TO:** Shannon Himes, Ohio Department of Commerce

**FROM:** Cory Bailey, Regulatory Policy Advocate, Lt. Governor's Office

**DATE:** November 9, 2015

**RE:** **CSI Review – Bedding and Upholstered Furniture Inspection Rules (OAC § 1301:3-3-01)**

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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) § 107.54, CSI has reviewed the abovementioned administrative rule and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in ORC § 107.54.

### Analysis

On October 13, 2015, the Ohio Department of Commerce (ODC) submitted a draft rule package consisting of one no-change rule to the CSI Office as part of the five-year rule review requirement contained in Ohio statute. The official public comment period closed on October 27, 2015 with no comments submitted.

The draft rule establishes the fees for the tests and laboratory analyses performed by the bedding laboratory of ODC's division of industrial compliance. According to the BIA, the bedding laboratory conducts approximately 6,000 tests annually on products prior to their availability for retail sale. The purpose of the testing is to protect consumers from deficient bedding and stuffed toy products.

The impacted business community includes bedding and stuffed toy manufacturers, wholesalers, and resellers. The adverse impact to these businesses is the cost of the fees. The fees range from \$55 to \$150 depending on the type of material being tested and help to fund the testing, which is considered a justification for the adverse impact. Additionally, statute requires that ODC set fees for bedding laboratory testing.

Following review of the draft rule, BIA, and stakeholder outreach, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rule are justified.

### **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 Ohio Department of Commerce should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.