



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

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Good afternoon. My name is Emily Groseclose, and I am CSI's Senior Policy and Business Advocate in the office of Governor Mike DeWine and Lt. Governor Jon Husted. I appreciate the opportunity to address the committee under R.C. 101.63.

CSI keeps a watchful eye for situations where Ohio's laws and rules might not have caught up with the speed of business and advancing technology. Burdensome regulation isn't always a result of overly prescriptive administrative rules. Often, the lack of flexibility that businesses experience can be the result of restrictions that originate in statute.

Our rule review process is business-focused, calling on agencies to engage with businesses and stakeholders during the drafting process, and again when the proposed rules are filed to help CSI identify unreasonable adverse impacts that a proposed rule might have on business and job creation.

R.C. 101.64 requires the CSI office to offer any information it has collected over the past six years about the occupational licensing boards the committee is reviewing.

Ohio Department of Health

Since 2013, CSI has reviewed hundreds of rules from the Department of Health, including occupational licensure rules relating to radiation, lead hazard abatement, food service operation, radon mitigation, laboratory certifications, and sanitarian registrations. In many instances, the CSI review process led to substantive changes in the Board's proposed rules.

For example, in 2015 public comment on rules related to radiation expert certification and radioactive handling licenses led to additional changes to the rule before they were submitted for legislative review. Proposed rules concerning lead risk assessors in 2017 raised confusion among licensees and led the department to clarify the definition of "public health lead risk assessment" to better reflect the intended requirements.

In 2018, the department's early stakeholder outreach provided substantive input that affected the requirements for manager certification in food service operations. Feedback regarding burdensome reporting led the department to increase the timeline for providers to submit enrollment reports.

During the CSI public comment period, stakeholders raised concerns about the “person in charge” certification, which the department eventually removed.

Rules relating to lead hazard abatement licenses like clearance technician, lead inspector, lead risk assessor, etc., are currently in the CSI review process. During the CSI process’ early stakeholder outreach, the department took written comments and held stakeholder conference calls. That input informed the draft rules that CSI is currently reviewing, and the Department is now working through its response to comments received during the CSI public comment period.

Ohio Environmental Protection Agency

CSI has reviewed Ohio EPA’s licensing rules in each of the past six years, including rules for certified professionals under the voluntary action program, asbestos hazard abatement contractors, specialists, project designers, and other professionals. EPA’s rule development process has always included robust stakeholder engagement, and every time the agency files rules for CSI review, their content reflects substantive stakeholder input.

For example, in a 2015 filing, stakeholders requested exemptions from staffing requirements for public water system professional licenses in certain circumstances, and the agency changed the proposed rules to accommodate that request. A 2017 filing related to similar public water systems operators’ licenses prompted concerns that the rules recognized lab experience as a license qualification, but lab experience did not equate to operating experience. The agency took those concerns seriously and adjusted the proposed rule to clarify the appropriate experience required for licensure.

CSI currently has water quality certified professional rules under its review, and once again, the filing illustrates the effort EPA puts into hearing the concerns of businesses and considering their comments when drafting rules. The agency established a multi-sector workgroup and is now taking into consideration approximately 300 comments it received during the CSI public comment period.

Over the past six years, the Ohio EPA has embraced the CSI process, incorporated it into its existing stakeholder input processes, and taken the comments that both generate seriously. The agency considers alternative regulations to ease compliance and adverse impacts on business when its federal and state statutory mandates permit.