

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Public Safety

Regulation/Package Title: Child Restraint Systems

Rule Number(s): 4501-37-05 and 4501-37-06

Date: February 28, 2014

Rule Type:

- | | |
|----------------------------------|---|
| <input type="checkbox"/> New | <input checked="" type="checkbox"/> 5-Year Review |
| <input type="checkbox"/> Amended | <input checked="" type="checkbox"/> Rescinded |

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

These rules set forth the statutory requirements for the use of child restraint systems for any child not older than fifteen who is being transported in a motor vehicle, other than a taxicab or public safety vehicle.

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Pursuant to a completed R.C. 119.032 five-year rule review, these rules are proposed for rescission as, with the exception of a more specific citation for Title 49 of the Code of Federal Regulations, the majority of the rules' language is duplicative of statutory language already set forth in R.C. 4511.81. The Ohio Department of Public Safety (ODPS) spoke with representatives of JCARR and LSC, as well as with stakeholders from Tuscarawas County Health Department and the Ohio Department of Health, and all agree that these regulations duplicate statutory requirements. Further, the representatives from Tuscarawas County Health Department and the Ohio Department of Health felt that the regulations do not serve a public purpose or further professional or public understanding of child safety standards related to restraint systems.

Please list the Ohio statute authorizing the Agency to adopt this regulation.

R.C. 4511.81, which authorizes the director of public safety to adopt such rules as are necessary.

- 2. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

If yes, please briefly explain the source and substance of the federal requirement.

No.

- 3. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

N/A

- 4. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The purposes of the statutory requirements for child safety restraint systems are increased safety and reduced injuries/deaths of children during motor vehicle accidents. As the rules are duplicative of statute, the agency and stakeholders who participated in the review determined that the rules do not serve a public purpose or further professional or public understanding of child safety standards related to restraint systems.

- 5. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

It was determined that the regulations do not serve a public purpose or further public understanding of child restraint systems; therefore, the agency proposes rescission of the regulations. Success of the proposed rescission may be measured by the number of questions and requests for information received from the public regarding child safety restraint systems following the rescission of the rules.

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Development of the Regulation

6. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

OTSO worked with several stakeholder representatives, all of whom are professionals or specialists in child safety restraint systems. The following stakeholders were contacted via email on January 10, 2014 and asked to review the rules and provide comment to the proposed rescission.

Katie McIntyre	Ashtabula County Health Department
Angel Hoop	Early Head Start
Sarah Green	WPAFB Labor and Delivery
Charles Dimon	Safe Cincy Childproofing
Greg Hoepf	AAA-Allied Group
Jill Silvers	Lighthouse Youth Services
Tara Amenson	Transportation Research Center
Becky Lehman	Portage County Health Department
Christine Huffman	Christine Huffman
Debbie Sharkey	YMCA of Central Stark County
Rebecca Baker	Pregnancy Care of Summit County
Aimee Vernon	QEK GLOBAL SOLUTIONS
Kathie Wesolowski	Univ. Hospitals of Cleveland
Anita Biles	Clark County Safe Communities
Sara Morman	Ohio Department of Health
Susan Laurence	Cincinnati Children's Hospital
Patty Maag	Tuscarawas Co. Health Dept.

7. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

OTSO received comments from the Tuscarawas County Health Department and the Ohio Department of Health. These comments supported the proposed rescission sharing that the rules were overly broad, redundant, and in general, the rules did not enhance public or professional understanding of child safety restraint systems. No further comments, or opposition of the proposed rescission, were received.

8. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

There was no scientific data to consider in the proposed rescission of these rules.

9. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

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There were not alternative regulations to be considered in the rescission of these rules.

- 10. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

N/A. The rules are being rescinded.

- 11. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

ODPS and the Department of Health are the only agencies directed in R.C. 4511.81 to adopt rules pertaining to child restraint systems. ODPS conducted a review of its rules pertaining to child restraints in Chapter 4501-37 and child transportation in Chapter 4501-25 and found no duplication in rule. Chapters 3701-1 to 3701-85 (Department of Health) and Chapter 5101:2 (Division of Social Services) were also reviewed.

- 12. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

As these regulations are proposed for rescission, consistent and predictable application is non-applicable. However, ODPS plans to publish notice of the rescission, as well as contact information as the Ohio Department of Health (ODH) directs, for questions that may arise. ODPS will request ODH to do the same.

Adverse Impact to Business

- 13. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community;**

In accordance with section 4511.81 of the Revised Code, which these regulations duplicate, all nursery schools or day-care centers that transport children in motor vehicles that are owned, leased, or otherwise under their control are required to comply with child restraint system requirements.

- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

The rescission of these rules is not expected to result in any adverse impact to the business community.

- c. Quantify the expected adverse impact from the regulation.**

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.

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The rescission of these rules is not expected to result in any adverse impact in either cost or time to the business community.

14. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The agency estimates that there will be no adverse impact to the regulated business community with the rescission of the rules.

Regulatory Flexibility

15. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

N/A. The rules are being rescinded.

16. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

N/A. The rules are being rescinded.

17. What resources are available to assist small businesses with compliance of the regulation?

N/A. The rules are being rescinded.