

Rule Summary and Fiscal Analysis (Part A)**Department of Agriculture**

Agency Name

Animal Industry

Division

Howard Henry

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Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Health Monitoring and Disease Testing.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB389**General Assembly: **129**Sponsor: **Hall, Okey**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **943.24**

5. Statute(s) the rule, as filed, amplifies or implements: **943.24**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The rules in this package are being adopted as directed by R.C. 943.24. The rules are intended to protect the health of Ohio's captive whitetail deer population and the associated businesses; the primary health concern is chronic wasting disease and its potential for unchecked spread.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule covers the procedures for the licensing or registration of captive whitetail deer, and the subsequent monitoring for chronic wasting disease.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

The incorporation by reference of a C.F.R. section was missing the revision year for the C.F.R. section.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.0

Per the LSC fiscal notes for the enabling legislation, the department is expected to receive about \$18,000 in revenue from licensing/registration fees. However the increased revenue will not completely cover the administrative costs of the program alone. Any investigation or enforcement actions would further impact that estimate.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Each captive whitetail deer owner will need to obtain a license or register their herd. The licensing fee is based on herd size, and is \$25 for any herd under 250 head. It is not believed any captive whitetail deer herd now in Ohio or in the future would be over 250 head and fall under the sliding livestock dealer license cost in R.C. 943.04.

Captive whitetail deer owners will have two options for their deer: entry into the monitored designation or the chronic wasting disease (CWD) program. The CWD program is voluntary, and carries with it additional costs. Participants in the CWD program have judged the additional costs to be outweighed by the ability to move their deer in interstate commerce. All whitetail moved across state borders must be in a CWD program per federal regulations.

Those who enter into the monitored program will have increased costs in the form

of tagging some deer and testing some deaths, depending on whether or not the herd is on a hunting preserve. The bulk of the cost will be the CWD testing requirement. Testing costs for deer that die and fall within the rules testing requirements can vary depending on the veterinarian collecting the samples and the time and place of death. Most tests are expected to be less than fifty dollars for the actual collection of the sample and test. As noted in the LSC analysis, ODA conducted approximately 2000 chronic wasting disease tests for all of 2010.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

Per HB 389 a license is required if the owner of the captive whitetail deer acts as a dealer or small dealer as defined in R.C. 943.01; or if the owner wishes to propagate captive whitetail deer with status or captive whitetail deer with certified chronic wasting disease.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

It is possible that if the disease monitoring or animal identification requirements are not met, the herd could be quarantined.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Herd owners must obtain the a license or register with the department, and then must follow the tagging and monitoring requirements as appropriate to their category of deer.