

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

Agency Name

**Animal Industry**

Division

**Howard Henry**

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**901:1-1-03**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Biosecurity.****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 is on biosecurity, and it specifies fencing requirements and sets annual inspections of captive whitetail deer herds by a veterinarian.*

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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

*Not Applicable.*

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

This rule will not effect revenues. The department will have an increase in expenditures as herd facilities are initially inspected, but existing personnel will be used and the cost is expected to be minimal.

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:

The primary costs to herd owners will come from fencing requirements and the annual inspections. Existing herd owners will already have fencing in place, only new herds and expanded facilities will be impacted by the rule. Costs will vary with the size of the fence, the terrain, and the materials be used. The maximum amount of discretion is being left to the herd owner.

Annual inspections will be required of all captive whitetail deer herds. The costs will vary depending on herd size and the veterinarian conducting the inspection. Generally this will be a veterinarian visit of less than \$100. Existing herd owners in the chronic wasting disease program already have annual inspections.

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**

Fencing must be inspected on the initial licensing or registration of a herd.

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**

If any inspection discovers signs of chronic wasting disease, the herd may be declared ineligible for the status designations or removed from the chronic wasting disease program.

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

The rule requires fencing and annual inspections.