

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

Agency Name

Division

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901:1-17-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Import requirements for breeding cattle and bison.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
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: **941.03**
5. Statute(s) the rule, as filed, amplifies or implements: **941.10, 941.24, 941.25**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Pursuant to R.C. 941.10, the director of agriculture may adopt and enforce rules to govern the importation and movement of animals. The purpose of this rule package is to update rules regulating the importation of animals into the state.
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:

Rule 901:1-17-03 sets forth requirements for the importation and shipment of breeding cattle and bison into the state of Ohio. The amendment requires that prior to entering the state all bulls must have a negative test for trichomoniasis. Excepted from this amendment are virgin bulls under the age of 24 months so long as they are accompanied by a certificate of veterinary inspection indicating that the bull has had no contact with breeding females. Additionally, the amendment allows for the importation of infected bulls for the purposes of slaughter only.

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:

Pursuant to section 121.76 of the Revised Code, the code sections incorporated into this rule are exempt from compliance with sections 121.71 to 121.74 of the Revised Code.

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:

Not applicable.

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:

This rule is being revised to make four changes.

1. Altering a paragraph reference in paragraph (A)(1). This updates the paragraph as a definition was added to rule 901:1-17-02.

2. Amends language in (A)(4)(b)(i) to amend an ambiguity. The language previously read "Virgin bulls aged twenty four months of age or less." Now it

reads, "Virgin bulls less than twenty four months of age." The Department believes this clears any potential confusion as to the age restrictions.

3. Adding the words, "date of examination" to paragraphs (B)(3)(a) and (D)(3)(a). Certificate's of Veterinary Inspection do not contain dates of shipment. The addition of the term date of examination allows owners/vets to not have to write in a date of shipment when it may be unknown at the time of inspection.

12. Five Year Review (FYR) Date: **8/13/2015**

(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.

\$0.00

Not applicable.

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:

Rule 901:1-17-03 requires cattle and bison producers to test for the presence of trichomoniasis in bulls prior to entering the state. This requires employer time for compliance as well as the cost for the test itself. Any bulls that test positive from

trichomoniasis shall not be imported into the state except for the purposes of slaughter.

The cost of compliance with rule 901:1-17-03 is minimal compared to the potential impact of the spread of trichomoniasis to the industry. The average cost of the test is \$35. Most of this cost will be absorbed by out-of-state exporters. Additionally, there is the potential loss for any producer who purchases a positive bull out of state prior to testing. However, this loss can be made up financially through slaughter.

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**

Animals must be accompanied by either a certificate of veterinary inspection or an owner/shipper statement prior to entry into Ohio.

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**

Importing animals in violation to this rule will subject them to immediate quarantine and possible extermination.

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

Yes, a certificate of veterinary inspection (CVI) must be completed prior to entry into the state.