

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

Agency Name

Division

Howard Henry

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Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Non-domestic animals.**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? **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**

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

Rule is being amended to simplify chronic wasting disease and pseudorabies rules.

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 bans the importation of deer unless they have been under CWD monitoring for five years and removes pseduorabies monitoring in favor of species specific rules.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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

At the public hearing for this rule it was brought to the department's attention that the rule would ban the importation of non-domestic swine except for transport directly to hunting preserves. This would negatively impact a small but vital non-domestic swine breeding industry in Ohio by preventing them from resupplying their breeding stock. These breeders supply swine exclusively to hunting preserves.

In response, the rule has been changed to drop any language banning the importation of non-domestic swine. The swine will be subject to the same disease testing, permits, and certificate of veterinary inspection requirements that apply to all other imported animals. This revision will protect the health and safety of Ohio's swine population and allow the Ohio breeding industry to continue to supply hunting preserves.

At the public hearing a comment was also made in reference to the cost of the requirement that all cervidae entering Ohio have a five year chronic wasting disease monitoring status in whatever state they are being imported from. However, this is

not a new requirement in the rule and a five year status had been required since 2007. Removed from the rule was the option that a closed herd could provide documentation of chronic wasting disease status from outside of a monitoring program. This option has never been used and is being removed in order to both simplify the rule and insure cervidae health.

12. 119.032 Rule Review 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.

0.0

No fiscal impact.

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:

This rule change should lead to small decreases in cost for the industry. The simplification of CWD requirements on imported deer will result in less paperwork and an easier to administer CWD program for the industry. The elimination of the pseudorabies requirements in the importation of swine will assist the industry in lowered testing costs.

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**