

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:1-5-05

Rule Type: No Change

Rule Title/Tagline: Selling, moving, or disposing of cattle.

Agency Name: Department of Agriculture

Division: Animal Industry

Address: 8995 East Main Street Reynoldsburg OH 43068

Contact: David E Miran

Email: david.miran@agri.ohio.gov **Phone:** 614-728-6390

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 9/6/2018 and 09/06/2023
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 941.03
5. **What statute(s) does the rule implement or amplify?** 941.25, 941.26
6. **What are the reasons for proposing the rule?**

This rule is being proposed pursuant to its five year rule review schedule.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

These rules are presented as no change rules. The federal government has proposed new rules regarding brucellosis however; these rules have been in draft form for over two years. The rules in this Chapter are up for five year rule review. Once amended by the federal government, these rules will be re-reviewed.

901:1-5-05 sets out the rules for selling, moving, or disposing of cattle. No person may sell, move, or dispose of cattle unless they follow the restrictions in this rule.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Currently, Ohio is a free state for brucellosis in both cattle and swine. This removes the testing requirements for these animals as they have originated from a free state. However, should Ohio have an outbreak of this disease, livestock owners and producers could be subject to the testing requirements as outlined in this rule.

Tests for brucellosis are approximately \$1.40 or \$2.25 per animal, plus any veterinarian fees which will vary from veterinarian to veterinarian.

In the event an animal in their possession does receive a diagnosis of brucellosis, they will be obligated to use business time to notify the Department of the presence of the disease, which should not exceed more than a half hour after discovery of the

disease. They also cannot sell or otherwise move the animal, and potentially may not be able to move, transfer, or otherwise sell any other animal on the premises until it is determined the animal has recovered, the remaining animals are disease-free, or other containment takes place. The breeder or producer will likely be subject to veterinarian costs for diagnosis and treatment, which will vary on the location and the individual veterinarian providing the services. In the event that the animal does not recover, the breeder or producer may be subject to losing the animal to prevent the spread of the disease.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No

III. Common Sense Initiative (CSI) Questions

15. **Was this rule filed with the Common Sense Initiative Office?** Yes
16. **Does this rule have an adverse impact on business?** Yes
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?** Yes

No person shall sell, move, or dispose of cattle unless in compliance with this rule.
 - 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

Failure to comply could result in immediate slaughter of the animal and/or civil and criminal penalties against the violator.
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** No