

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:1-5-12
Rule Type: Amendment
Rule Title/Tagline: Brucella canis.
Agency Name: Department of Agriculture
Division: Animal Industry
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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 9/4/2018
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?** 941.02, 941.03, 941.22
5. **What statute(s) does the rule implement or amplify?** 941.02
6. **What are the reasons for proposing the rule?**

This rule is up for five year rule review.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

901:1-5-12 outlines testing standards of Brucella canis. The rule outlines the acceptable types of tests as well as the entities which may perform the tests. Further, the rule outlines three types of Brucella canis classification: positive, suspect, and negative. The rule requires that upon the diagnosis of either a Brucella canis positive or suspect that the animal be quarantined until further testing. Additionally, the rule

outlines potential restrictions on the movement of animals which are positive or suspect.

The rule has been amended to remove the canine antibody test (more commonly referred to as the "card test") and the polymerase chain reaction test (PCR) as accepted tests for *Brucella canis*. Through independent verification by the Department these tests have been found to be unreliable in the testing of *Brucella canis*. In addition, the rule has been amended to update the process from being released from quarantine. Animals which successively test negative to a *brucella canis* test at least sixty days apart can be properly determined to be free of *Brucella canis*.

8. **Does the rule incorporate material by reference? Yes**
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.**
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.
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?**

There is no requirement for mandatory testing of *Brucella canis* at this time. However, in accordance with chapter 941 of the Revised Code and section 901:1-21-02 of the

OAC, any canine that is diagnosed as Brucella canis suspect or positive will be subject to immediate quarantine. Further, there is a possibility that their facility or farm also be quarantined. Additionally, should an animal be suspect or positive, it may result in further costs associated with treatment or euthanasia.

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? No**
 - 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 may result in criminal or civil charges.
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Pursuant to ORC 941.03 and OAC 901:1-21-02 the owner of any animal which receives a diagnosis of Brucella canis, 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.