

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:11-2-04
Rule Type: No Change
Rule Title/Tagline: Somatic cell count.
Agency Name: Department of Agriculture
Division: Dairy
Address: 8995 E. Main St. Reynoldsburg OH 43068
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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?** 1/3/2024 and 01/03/2029

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?** 917.02
5. **What statute(s) does the rule implement or amplify?** 917.05, 917.22
6. **What are the reasons for proposing the rule?**

The rule is being proposed in accordance with the five year rule review requirement.

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

901:11-2-04 sets forth the requirements for somatic cell count samples of raw milk. ODA is proposing that no changes be made to this rule.

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. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Pursuant to sections 121.76 and or 121.75 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. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

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?**

The proposed rules are not expected to have any financial impact on the industry in terms of changes in procedure or equipment.

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**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. 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

Pursuant to O.R.C. Section 917.09, producers, processors, milk dealers, weighers, and milk haulers are licensed by the Director of the Ohio Department of Agriculture.

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

O.R.C. Section 917.99 sets forth the penalty for non-compliance. Specifically, O.R.C. 917.99(C) establishes the penalty for anyone who violates an administrative rule adopted by the Director of the Ohio Department of Agriculture.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No