

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:11-2-37
Rule Type: No Change
Rule Title/Tagline: Whey disposal.
Agency Name: Department of Agriculture
Division: Dairy
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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?** 10/24/2017 and 10/24/2022
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?** 917.02
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.**

This rule sets forth the requirements for the handling and disposal of whey.
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 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. 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?

The proposed rules are not expected to have any financial impact on the industry in terms of changes in procedure or equipment. Milk haulers, dealers, producers, and processors must meet the requirements of the rules and pay a \$15 annual licensing fee to the Department's Dairy Division. The regulations dictate some equipment specifications; however, equipment manufacturers specifically tailor their machinery to meet the regulations. Additionally, there are some record keeping requirements which require time for employer compliance.

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

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