

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:5-30-01

Rule Type: Amendment

Rule Title/Tagline: Invasive plant species.

Agency Name: Department of Agriculture

Division: Plant 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? 11/29/2022
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? 901.50
5. What statute(s) does the rule implement or amplify? 901.50
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is due for the 5-year rule review process. In addition, the Invasive Species Advisory Committee reviewed the list of invasive plants and made amendments based on the current threat status of each species.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

Rule 901:5-30-01 establishes a list of invasive plants in the state of Ohio. Invasive plants are plants that are not native to Ohio whose introduction causes or is likely to cause economic or environmental harm to human health as determined by scientific studies. This rule has been amended to update the list of invasive plants.

9. **Does the rule incorporate material by reference?** No
10. **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.**

Not Applicable

11. **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

12. **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.

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

No person shall sell, offer for sale, propagate, distribute, import, or intentionally cause the dissemination of any invasive plant as defined in paragraph (A) of OAC 901:5-30-01 in the state of Ohio. The prohibition will not allow the sale of prohibited plants may be lost. The adverse impact cannot be quantified in terms of dollars due to the variety of business models and levels of stock available at each nursery. However, a phase out period included with some of the prohibited plants will allow nurseries to recoup costs which have already been invested by temporarily allowing for the sale of such plants to decrease inventory rather than requiring immediate destruction.

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

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. 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

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. 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

Any person found to sell, offer for sale, propagate, distribute, import, or intentionally cause the dissemination of any invasive plant as defined in paragraph (A) of OAC 901:5-30-01 in the state of Ohio may result in the destruction or embargo of those plants.

- 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

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No
- A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable