

Rule Summary and Fiscal Analysis (Part A)**Agriculture**

Agency Name

Plant Industry

Division

Peter Esselburne

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901:5-52-08

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Gypsy moth suppression program.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB95**General Assembly: **125**Sponsor: **Calvert**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **927.52; 927.701**

5. Statute(s) the rule, as filed, amplifies or implements: **927.701**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed to set out the provisions of the gypsy moth suppression program.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule establishes the application procedure, block qualification requirements, and cost share calculation for landowners choosing to participate in the gypsy moth

suppression program.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule incorporates by reference an Administrative Code section, making the reference exempt pursuant to Revised Code 121.76(A)(3).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase /decrease** either **revenues /expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will decrease expenditures.

unknown

Program participation varies from year to year based on the number of acres included in the voluntary suppression program and the types of pesticides used. Currently, the agency pays fifty percent of the total cost of suppression, as does USDA. Total agency expenditures will decrease to zero as a result of this rule, because the new program is constructed to pass on the agency's fifty percent share of the suppression program treatment costs to participating landowners. The dollar value of this decrease in expenditures would range from zero if no acres are enrolled in the suppression program to \$6.24 to \$23.00 per acre per year depending on the number of acres included in the program and the type of pesticides used on that acreage. The source for this data is DAS contract # OT909103, Gypsy Moth Aerial Spraying.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

700-413 (GRF); 700-614 (3R2); 700-635 (669)

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The cost of this voluntary program to the participants cannot be precisely estimated. However, participant cost will vary depending on the total acres enrolled in the program for the treatment season and the type of pesticide used by the individual participant. Costs to the participants will range from \$6.24 to \$23.00 per acre. The source for this data is DAS contract # OT909103, Gypsy Moth Aerial Spraying.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**