

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:5-58-05

Rule Type: Rescission

Rule Title/Tagline: Conditions for movement.

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?** 3/22/2018
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?** 927.52, 927.71
5. **What statute(s) does the rule implement or amplify?** 927.71
6. **What are the reasons for proposing the rule?**

The 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.**

OAC § 901:5-58-05 outlines the conditions of movement as exceptions to the general rule found in OAC § 901:5-58-01. The current OAC § 901:5-58-05 is being rescinded and replaced by the proposed new version. The rescission is due to changing more than 50% of the original rule in accordance with the Legislative Services Commissions' administrative rule drafting manual. While a new rule is being proposed, there are no

substantive changes to this rule. The rule has been amended to make a stylistic change that places the rule in line with the other plant pest quarantine rules administered by the Department.

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?**

Individuals may be prohibited to ship to and from certain regulated areas which may cause lost potential profits. However, this quarantine has been in place since 2012 and the marketplace has adjusted accordingly. Further, violations of these rules may subject individuals to the destruction of product and possible criminal penalties.

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 with the rules of this chapter could subject an individual to a misdemeanor of the third degree on their first offense. Further, violations could result in the destruction of product.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

In certain cases, certificates must be produced showing that an individual is legally allowed to move regulated articles.