

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?** 8/10/2021
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?**

This rule is no longer needed and is proposed as rescinded.

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

Rule 901:5-58-05 outlines the conditions of movement as exceptions to the general rule found in rule 901:5-58-01.

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 section 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?**

Not Applicable, this rule is proposed as rescinded.

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? 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.

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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding? 0

B. How many existing regulatory restrictions do you propose removing? 4

901:5-58-05(A) - Removed restriction regarding the movement of regulated articles.

901:5-58-05(B) - Removed restriction regarding retaining copies of shipping records, invoices, waybills, bills of lading, etc.

901:5-58-05(C) - Removed requirement to sign a compliance agreement.

901:5-58-05(C) - Removed requirement regarding cleaning and treatment as required by the inspector.

