

PUBLIC NOTICE

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed amendments made to rules in Chapter 901:1-1 of the Ohio Administrative Code.

The hearing will be held on:

October 5, 2018 at 9:00 A.M.

**Ohio Department of Agriculture
Bromfield Administration Building
Hearing Room 133 (Seminar “B”)
8995 East Main Street
Reynoldsburg, Ohio 43068-3399.**

OAC Chapter 901:1-1 regulates the disease known as Chronic Wasting Disease which is designated under OAC 901:1-21-02 as a dangerously contagious or infectious disease. Pursuant to authority in section 941.02 of the Ohio Revised Code, the Director of Agriculture has authority to use all proper means in the prevention and eradication of infectious and contagious diseases which pose a threat to public health or animal health.

Chronic Wasting Disease (“CWD”) is a fatal, extremely dangerous contagious disease that afflicts white-tailed deer and other members of the deer family. The director of agriculture is required to take all actions, including the adoption of rules, that he determines are necessary to mitigate or eliminate the presence of chronic wasting disease. Pursuant to the Legislative Service Commission’s guide on administrative rule drafting, the Department has proposed to rescind the existing rules found in Chapter 901:1-1 and replace the Chapter with newly drafted rules. The majority of the proposed rules remain the same however several significant amendments have been proposed. The new rules are outlined below:

OAC 901:1-1-01 sets out the definitions as used in the Chapter. These definitions match either terms defined in ORC Chapter 943 or the CWD federal program standards.

OAC 901:1-1-02 outlines the licensing and registration procedures for owners of captive whitetail deer. ORC 943.20 requires that all owners of captive whitetail deer either license or register with the Department. Further, the law requires that these owners also obtain a permit from the Ohio Department of Natural Resources. Further, the rule requires that all facilities must be inspected upon the initial registration. Thereafter, the facilities must be inspected visually every year and a physical inspection of the facilities must be completed once every three years.

OAC 901:1-1-03 outlines rules regarding fencing, escapes, and movement. The rule now requires that all owners of captive whitetail deer must inspect their perimeter fences on a weekly basis and



document these inspections. Additionally, all escapes must be reported immediately to the Department and any escaped animal which is not returned to the premise within twenty-four hours may not be returned to the facility.

OAC 901:1-1-04 outlines the identification requirements for all animals inside the facility. Specifically, all animals over twelve months of age must bear two types of identification: official identification and another form of unique visible identification. Official identification is limited to an official USDA metal eartag bearing an alphanumeric identification number, approved visual or electronic radio frequency identification, or a microchip using described frequencies.

OAC 901:1-1-05 outlines the requirements for death and testing. Substantively, all animals which are over one-year of age which die for any reason must be tested for chronic wasting disease. Previously, hunting preserves were required to test a lower percentage of deaths. In addition, the rule sets out a phase-out period where owners of captive whitetail deer that die may submit non-ear tissue with the official identification devices until December 31, 2020. Additionally, the rules outline new quarantine conditions for facilities which submit poor quality, missing, or untimely samples.

OAC 901:1-1-06 sets out the recordkeeping requirements for captive whitetail deer owners. Owners must maintain a complete current herd inventory with specific information on each deer present for a period of five years. Further, the fencing inspection conducted as required in OAC 901:1-1-03 must be maintained pursuant to this rule.

The hearing will be conducted in accordance with Chapter 119 of the Revised Code. Any person affected by the no change rule package may appear and be heard in person, by his attorney, or both, may present his position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the no change rule package, if adopted or effectuated, will be unreasonable or unlawful.

More information on the rule package, including a business impact analysis and copies of the rules, can be found by visiting the [Department's Administrative Rule](#) page or by visiting the Register of Ohio at www.registerofohio.state.oh.us.

Any person who wishes to present his position, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing his or her written comments to the Ohio Department of Agriculture, c/o Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068; by email at ecomments@agri.ohio.gov, or by transmitting by facsimile at (614) 995-4585. Written comments sent by mail shall be postmarked no later than the day of the hearing. Written comments transmitted by facsimile shall be received no later than 5:00 p.m. on the day of the hearing.

