



PUBLIC NOTICE

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed amendments made to Ohio Administrative Code rules 901-19-07 and 39.

The hearing will be held on:

February 9, 2017 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.**

The rules in Chapter 901-19 of the Ohio Administrative Code outline the regulations for the exhibition of livestock in the state of Ohio. Exhibition of livestock generally occurs at a livestock show held at the Ohio state fair or a fair under the control of a county or independent agricultural society. The rules in this chapter set forth the governance and administration of these exhibitions and standards related to food safety and the health, safety, and welfare of livestock including grooming, commercial, or medical practices that are generally accepted in the community. The rules have been reviewed by the advisory committee on livestock exhibitions which meet annually to discuss these rules as well as other issues that pertain to the exhibition of livestock.

Pursuant to Ohio Revised Code 901.72, the rules adopted under which apply to exhibition-related food safety and the health, safety, and welfare of livestock shall apply to every exhibition. However, exhibitions may choose to adopt rules which do not apply to those issues. The rules as drafted indicate which rules are mandatory and which rules are optional for adoption by the exhibition.

OAC 901-19-07 requires that all exhibition sponsors require exhibitors to attend or complete a quality assurance program or pass an exam which indicates that the exhibitor has the requisite knowledge presented in the quality assurance program. The quality assurance program is a comprehensive educational program which focuses on the proper care and welfare of food animals. The majority of animals entered into livestock exhibitions are eventually sold and placed in food supply. Due to this eventual entry into the stream of commerce, the knowledge of food safety, nutrition, management, handling, and the environment are critical to the success of producing a safe and wholesome product. Therefore, it is essential that all exhibitors be required to participate in the quality assurance program. The rule has been proposed to be amended to make the failure to participate in the quality assurance program in action in which the disciplinary actions of OAC 901-19-21 is subject to.

OAC 901-19-39 sets forth the ownership requirements for livestock entered in an exhibition. In 2015, this rule was reviewed and amended during its five year rule review period. The rule was



amended to allow exhibitions the flexibility to allow households and exhibitors to enter multiple animals into the exhibition. This flexibility allowed junior exhibitors, if permitted by the fair, to have a reserve animal should their primary animal decease prior to the exhibition. In addition, paragraphs (D) and (E) were added to the rule to indicate that the fair has the discretion on whether or not to allow additional animals to be entered into the fair, and the number of additional animals to be added. These paragraphs have been interpreted by many as allowing the Department to regulate this matter. As stated above, the Department has the authority to regulate food safety and the health, safety, and welfare of livestock exhibited. The Department does not regulate the administrative decisions of the fair such as determining whether additional animals are allowed to be registered. In order to clear up this confusion, paragraphs (D) and (E) are proposed to be rescinded.

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 at <http://www.agri.ohio.gov/proposedrules/proposedrules.aspx> 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.

