



MEMORANDUM

TO: Howard Henry, Ohio Department of Agriculture
FROM: Mark Hamlin, Director of Regulatory Policy
DATE: April 22, 2013
RE: **CSI Review – Pesticide Five-Year Review (OAC 901:5-11-01 and 901:5-11-10)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of two existing rules being proposed by the Ohio Department of Agriculture (ODA). The rules have been reviewed under the five-year review requirements of ORC 119.032 and are being proposed by the Department with no changes. The rules generally define terms used throughout the pesticide regulations and establish record-keeping requirements for commercial pesticide applicators and dealers, as well as private applicators.

According to the Department's BIA, it has a strong working relationship with associations representing the pest control industry, and worked with them on the review of this rule package. No concerns with the existing rules were identified, so the rules have been proposed with no changes. The adverse impacts to business come from the administrative requirements for record keeping and reporting, as well as potential actions against a license for failure to comply. However, ODA describes the administrative requirements as minimal and notes that they are justified by the potential health risks to humans and animals from improper application of pesticides. No comments or concerns were received during the CSI review period for these rules.

Recommendations

The CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.