



MEMORANDUM

TO: David E. Miran, Jr., Ohio Department of Agriculture

FROM: Sean T. McCullough, Regulatory Policy Advocate

DATE: September 23, 2014

RE: **CSI Review – Animal Importation Requirements (OAC §§ 901:1-17-02; 901:1-17-03; 901:1-17-04; 901:1-17-07 and 901:1-17-09)**

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

I. INTRODUCTION AND BACKGROUND

On August 22, 2014, the Ohio Department of Agriculture (ODA) submitted a rule package containing five (5) amended rules. The rules set forth requirements governing the out-of-state importation of various agricultural animals into Ohio, such as cattle, bison, swine and equine animals. ODA cites R.C. § 941.03 as authority to establish these rules. The official comment period ended September 12, 2014. No stakeholder comments were submitted during the CSI review period.

II. ANALYSIS

A. ADVERSE IMPACT ON BUSINESS

As stated by ODA in the BIA, the scope of the impacted business community is comprised of "Ohio cattle, bison, equidae, and pork producers."

Generally, the rules require any cattle, equine and swine animals being imported into Ohio to be accompanied by a veterinarian inspection certification. Depending on the animal and

certification required, it contains identification information of the animal, vaccine history, disease testing, etc. This certification requires the cost of a veterinary examination of the animal. In some situations, the rules allow the owner or shipper of the animal to provide a statement affirming certain health conditions of the animal in lieu of a veterinary certification. A specific amendment to the rules requires bulls imported for breeding to be tested for trichomoniasis.¹ If a bull tests positive for trichomoniasis, that bull may only be imported for slaughter and is prohibited from being imported for breeding. The cost of a trichomoniasis test is estimated to be \$35 per animal. Depending on the circumstances, the rules also require various identification requirements for each imported animal; for example, an electronic identification for horses to identify the individual horse from the rest of the shipment. Such provisions require a report of information to the Department, along with possible costs to ensure compliance; both of which are enumerated in R.C. § 107.52(C), and therefore, are considered adverse impacts to business.

B. JUSTIFICATION FOR ADVERSE IMPACT

According to ODA, the Department reached out to a broad group of stakeholders including beef, cattle, pork and horse associations, along with veterinarians during the early stage of review. Those stakeholders were supportive of the amendments to the rules, and provided further amendments which were incorporated into the rule by ODA. The Department argues that these amendments are necessary to ensure that the rules are in compliance with Federal regulations concerning the tracing of animal shipments, along with the substantive importance of combatting the recent spread of trichomoniasis through cattle populations.

CSI is satisfied with ODA's justification because (1) the Department reached out to industry stakeholders for feedback, (2) stakeholders have indicated support for the amendments to the rule, (3) stakeholder-suggested amendments were considered and incorporated by ODA into the rules, (4) no stakeholder concerns have been expressed to CSI, and (5) ODA has provided sufficient substantive reasoning as to why the proposed amendments are necessary; specifically, that it adds to a list of infectious diseases others which have been demonstrated by scientific data to pose a dangerous risk to the health of certain agricultural animals, along with the economic success of an entire industry.

III. RECOMMENDATIONS

After reviewing the BIA, and pursuant to the more detailed reasons outlined above, CSI has no specific recommendations regarding the rule package.

¹ According to ODA, "[t]richomoniasis is a venereal disease that causes infertility and occasional abortions in cows and heifers . . . [and d]ue to the effects of the disease, heifers that have contracted trichomoniasis produce far fewer healthy calves than those whom have not been infected."

IV. CONCLUSION

Based on the above analysis and recommendations, CSI concludes that ODA should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office