

**MEMORANDUM**

TO: David Miran, Ohio Department of Agriculture
FROM: Mark Hamlin, Director of Regulatory Policy
DATE: May 26, 2015
RE: CSI Review – *Brucella Canis* Testing (OAC 901:1-5-12 and 901:1-5-13)

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 new rules proposed by the Ohio Department of Agriculture related to *Brucella canis*, a dangerously contagious and infectious disease that can affect dogs, but can potentially also be spread to humans. The rule package was submitted to the CSI Office on February 25, 2015, and the comment period closed on March 18, 2015. No comments were received during the CSI review period.

By statute, the chief of the Department of Agriculture's Division of Animal Health is responsible for preventing the spread of dangerously contagious or infectious diseases. According to the BIA submitted by the Department, recent outbreaks of *Brucella canis* have demonstrated the negative impact the disease can have. The rules create a framework for the testing of dogs, for the management of dogs that test either "suspect" or "positive" for *Brucella canis*, and for the designation of a kennel as "*Brucella canis* free." The rules have a number of specific impacts, imposing requirements on veterinarians who test dogs for *Brucella canis*, on laboratories that test samples, and on dog owners and kennels. Moreover, the rules require quarantine, and potentially treatment or euthanasia of dogs found to have *Brucella canis*.

In its BIA, the Department describes a collaborative process – including state and federal officials, the veterinary community, and the commercial dog breeding industry – for the development of these rules. Given the significant economic impact that an outbreak of *Brucella canis* could have on the industry, the BIA indicates that the stakeholders strongly supported this regulatory approach. As such, the CSI Office believes that the impacts to businesses imposed by these rules are justified.

Recommendations

For the reasons discussed above, 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 of Agriculture should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.