

**MEMORANDUM**

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

FROM: Sophia Papadimos, Regulatory Policy Advocate

DATE: November 19, 2015

RE: **CSI Review – Livestock Exhibition (OAC 901-19-01, 02, 03, 04, 05, 06, 07, 09, 10, 11, 12, 13, 19, 21, 31, 32, 33, 34, 35, 38, 39, and 40)**

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.

Analysis

This rule package consists of 22 amended rules proposed by the Ohio Department of Agriculture (ODA) pursuant to the five-year review requirement in statute. The draft rules were submitted to the CSI Office on October 22, 2015 and the public comment period was held open through November 13, 2015. No comments were received during this time.

The draft rules regulate livestock exhibitions, including the standards related to food safety and the health, safety, and welfare of livestock. The proposed rules set forth the requirement that all exhibitions must be designated as terminal, partial terminal or non-terminal shows. Terminal shows result in all of the animals being slaughtered at the conclusion of the show. Partial terminal shows require the grand champion and the reserve grand champion be slaughtered. The draft rules also outline auction sales, prohibited practices, and the responsibilities of the exhibition sponsor. The guidelines for the humane treatment of animals, grooming practices, and ownership requirements are also outlined in the draft rules. Most amendments being made to the draft rules are for clarification purposes. However, new definitions are being added, as well as new regulations surrounding the drenching of animals.¹ In the event that an unlawful substance is

¹ Drenching is the act of using an instrument, including a bottle, in an animal's mouth to administer a liquid, food, or any other substance.

found in livestock, amendments are being proposed that give the Director the option to intervene; previously an intervention was required. Additionally, some of the rules in this package are optional in order to give fairs some flexibility; however, some of those rules have been changed to mandatory requirements. For example, in junior livestock shows it is now prohibited to change the color or alter the shape of the livestock.

The adverse impacts described in the BIA include abiding by the practices that are permitted during the exhibition, record keeping requirements, and the drug testing of all livestock animals entered into exhibitions. If exhibitors violate the proposed regulations, they can forfeit their prizes. Depending on the exhibition, the prizes can range from ten dollars to several hundred thousand dollars.

The rule package was reviewed by members of the Advisory Committee on Livestock Exhibitions. Additionally, a subcommittee was formed to determine the definition of drenching. ODA explains in the BIA that several meetings were held to discuss the rule package and the final result is based on significant stakeholder input. Therefore, after reviewing the proposed rules and associated BIA, the CSI Office has determined that the purpose of the rules is 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 Ohio Department of Agriculture 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