

**MEMORANDUM**

TO: David Miran, Ohio Department of Agriculture

FROM: Chris Smyke, Executive Assistant

DATE: December 29, 2016

RE: **CSI Review – Administration- Livestock Exhibition (OAC 901-19-07 and 901-19-39)**

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 amended rules proposed by the Ohio Department of Agriculture (ODA). The rule package was submitted to the CSI Office on November 1, 2016 and the public comment period was held open through November 18, 2016. No comments were received during that time.

Both rules under consideration relate to the exhibition of livestock in the state of Ohio. Ohio Administrative Code (OAC) 901-19-07 requires that exhibition sponsors require exhibitors to annually either attend a quality assurance program or pass an exam. The amendment proposed by the Department would make exhibitors who fail to fulfill this requirement subject to disciplinary action. OAC 901-19-39 sets forth the ownership requirements of livestock for exhibition. The proposed amendment would remove two provisions which indicate that the sponsor has the discretion whether or not to permit additional animals to be registered for a junior livestock exhibition. The Department has elected to remove these provisions because its authority only extends to food safety and livestock welfare and the provisions were being interpreted as

extending that regulatory authority to the administrative decisions of exhibition sponsors.

The BIA states that early stakeholder outreach was conducted through the Advisory Committee on Livestock Exhibitions, which meets once a year to discuss administrative matters regarding livestock exhibitions. The document lists the quorum of 14 members who were present to provide input at the 2016 advisory committee meeting on October 31. The 14 present members voted unanimously to approve these rule changes, asserting their continued confidence in the Quality Assurance Program.

As noted in the BIA, the affected business community includes exhibition sponsors, exhibitors and owners of exhibited livestock. The BIA describes the adverse impact for licensing as minimal, since the rules do not impose a licensing fee (rather, such fees fall under the authority of the exhibition sponsors). However, violation of the rules can result in disciplinary action, including disqualification of the exhibitor or livestock, forfeiture of prize or proceeds, or prohibition from showing animals in future years.

The Department justifies these impacts by affirming the importance of protecting the health, safety and general welfare of livestock. Furthermore, since exhibition livestock are ultimately sold and enter the commercial market of the food supply, it is crucial that proper measures are taken to ensure a safe and wholesome end product. In addition, the BIA notes the importance of livestock exhibitions in promoting careers in animal husbandry, especially among junior livestock exhibitors; Department oversight ensures a safe and fair environment in which to hold livestock exhibitions.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule package is justified.

Recommendation

For the reasons explained above, this office does not have any recommendations regarding 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.