

**MEMORANDUM**

**TO:** David Miran, Ohio Department of Agriculture

**FROM:** Mark Hamlin, Deputy Chief of Staff

**DATE:** February 1, 2017

**RE:** **CSI Review – Livestock Environmental Permitting (OAC 901:10-1-01, 901:10-1-04, 901:10-1-11, 901:10-2-03, 901:10-2-07, 901:10-2-15, 901:10-2-17, 901:10-2-18, 901:10-3-03, 901:10-3-05, 901:10-3-06, 901:10-4-01, 901:10-4-03, 901:10-4-04, 901:10-5-03, 901:10-5-04, 901:10-6-05, and 901:10-6-06)**

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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 18 rules – 13 amended and five no-change – submitted by the Ohio Department of Agriculture (ODA) related to the permitting of Ohio's large livestock and poultry farms. The rules have been reviewed pursuant to the statutory five-year rule review. The rules were submitted to CSI on October 21, 2016 and no stakeholder comments were received during the CSI review period.

As described in the BIA submitted with these rules, the Ohio General Assembly gave ODA responsibility for regulation of large poultry and livestock farms in 2000. The rules adopted by ODA under this legislative direction are fairly prescriptive and contain a number of business impacts related to the handling of manure and waste water, as well as management of pests. The proposed amendments are largely non-substantive in nature, and the entire rule package was reviewed by ODA's Concentrated Animal Feeding Facility Advisory Committee, which consists of representatives from industry, government, environmental groups, and the public. The BIA describes robust discussion among the committee members about several of the rules, but the

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committee ultimately voted to support the version submitted to CSI. As such, the CSI Office finds the rules to be 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.