

**MEMORANDUM**

TO: David Miran, Ohio Department of Agriculture

FROM: Travis Butchello, Regulatory Policy Advocate

DATE: May 5, 2017

RE: **CSI Review – Livestock Care Standards (OAC 901:12-1-(01-06), 901:12-2-01, 901:12-3-(01-08), 901:12-4-(01-04), 901:12-5-(01-03), 901:12-6-(01-03), 901:12-7-(01-02), 901:12-8-(01-03), 901:12-9-(01-04), 901:12-10-(01-04), 901:12-11-(01-04), 901:12-12-(01-02), 901:12-13-(01-02), 901:12-14-(01-04), 901:12-15-(01-04))**

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 54 no change rules proposed by the Ohio Department of Agriculture (ODA) for review under the statutory five-year rule review requirement. The rule package was submitted to the CSI Office on March 20, 2017 and the public comment period was held open through April 7, 2017. One comment was received during this time.

The rules exist to provide practical regulation of livestock care for all producers in Ohio and are designed to promote safe and affordable food practices. Chapter 901 of the Ohio Administrative Code (OAC) outlines the euthanasia standards for livestock in Ohio. The chapter provides that euthanasia must be performed when an animal is in such poor condition that they cannot recover. Sections within the chapter include definitions, regulations, and procedures surrounding the euthanasia process. ODA states in the BIA that the purpose of these rules stems from passage of Issue 2, which created the Ohio Livestock Care Standards Board (OLCSB) to establish state

standards for the care and well-being of livestock. The Board was tasked with developing best management practices, disease prevention, morbidity, food safety, and generally accepted veterinary practices established by the American Veterinary Medical Association.

ODA explained in the BIA that all 13 members of the OLSCB were consulted during the early stakeholder outreach process. Each member of the OLSCB represents different areas of the agriculture industry including farming, veterinary, academic, food safety, animal care, and consumer interest. During outreach and deliberation of the rules, the OLSCB received a comment from the American Society for the Prevention of Cruelty to Animals (ASPCA) who requested definition changes to terms already used in the rules. The OLSCB responded that the proposed changes reach a level of specificity that would move the rules away from performance-based evaluations and would instead function as a regulation of how the agricultural community must conduct its day to day business. Ultimately, the OLSCB found that the changes would also move away from generally accepted agricultural standards and chose not to adopt them.

During the CSI public comment period, the ASPCA reiterated their same comments, which were discussed at the next OLSCB meeting. OLSCB maintained its position and chose not to incorporate the changes.

The rules impact all owners and individuals who are responsible for the care of livestock in Ohio. Specifically, the rules outline general standards of care to be used in the care of the livestock including health, welfare, performance, and humane management practices. ODA maintains that the adverse impact of the rules is minimal because Ohio's livestock farmers already adhere to the standards and ODA does not wish to propose any changes to the existing rules.

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.