

**MEMORANDUM**

TO: David Miran, Ohio Department of Agriculture
FROM: Christopher Smyke, Lt. Governor's Office
DATE: August 4, 2017
RE: **CSI Review – Apiary Five-Year Rule Review (OAC 901:5-55-01 through 901:5-55-08)**

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 eight amended¹ rules submitted by the Ohio Department of Agriculture (ODA) related to the apiary program. The rules have been reviewed pursuant to the statutory five-year rule review requirement. The rules were submitted to CSI on May 9, 2017 and the public comment period was held open until May 26, 2017. No stakeholder comments were received during the CSI review period.

This rule package contains all eight rules that facilitate the apiary program in Ohio. The program coordinates state and local inspection services, promotes science-based apiary practices, and works with national groups to provide samples to study Colony Collapse Disorder. The proposed amendments to the rules largely include clarifications of the existing rules, as well as additional definitions, changes to comply with formatting rules, and corrections to scientific nomenclature.

¹ Ohio Administrative Code (OAC) 901:5-55-04, 901:5-55-05, and 901:5-55-07 are being amended to the extent that the Legislative Service Commission requires the Department to rescind the rule and replace it with a new rule of the same rule number.

The BIA includes a comprehensive list of stakeholders contacted during the early stakeholder period. ODA maintained communication with the listed stakeholders and received input from the Ohio State Beekeepers Association (OSBA). The BIA notes that much of the early stakeholder suggestions would require statutory changes in order to implement. In addition, OSBA suggested requiring inspections to occur when temperatures are above 65 degrees and to establish more specific experience/educational requirements for deputy state apiarists. While ODA declined to incorporate these two suggestions in the draft rules, the BIA includes their justification for the existing rules on each subject. No comments were received during the CSI public comment period.

OAC Chapter 901:5-55 impacts any person who keeps one or more honey bee colonies. Each apiary requires a \$5.00 registration fee and is subject to inspection by ODA or the county. Upon discovery of a serious bee disease, a hive or apiary may be quarantined which may result in additional costs associated with treatment or destruction of a hive. The BIA justifies the existing rules and inspection program with its statutory duty under ORC chapter 909 to protect the health of Ohio's apiary industry.

Following review of the draft rules and BIA, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft 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 Ohio Department of Agriculture should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

CC: Emily Kaylor, Lt. Governor's Office