

**MEMORANDUM**

**TO:** David Miran, Ohio Department of Agriculture  
**FROM:** Christopher Smyke, Regulatory Policy Advocate  
**DATE:** November 27, 2017  
**RE:** **CSI Review – Livestock Care Standards: Veterinary Feed Directive (OAC 901:12-3-05)**

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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 one amended rule submitted by the Ohio Department of Agriculture (ODA). The rule was submitted to CSI on August 23, 2017 and the public comment period was held open until September 8, 2017. No stakeholder comments were received during the CSI review period.

Ohio Administrative Code (OAC) 901:12-3-05 establishes the requirements for the health of livestock, including medication prescribed by a veterinarian, medical treatment, monitoring for disease, separation of diseased livestock, and disposal of deceased livestock. The rule is being amended to stipulate that producers must comply with the Veterinary Feed Directive (VFD) in regards to animal drugs. The VFD is the process by which animal drugs are administered in animal feed under the supervision of a licensed veterinarian.

Prior to filing with CSI, the rule was reviewed by the Ohio Livestock Care Standards Board (OLCSB), which was statutorily created to adopt rules governing the care and well-being of livestock in Ohio. In August 2016, the OLCSB reviewed and approved all of the rules in OAC

Chapter 901:12 with no changes pursuant to its five-year review requirement. CSI approved these rules on May 5, 2017. In August 2017, an OLCSB member raised the issue that the VFD was not included in the rule, so the Board voted to approve the addition of the VFD language. No comments were received during the CSI public comment period.

OAC 901:12-3-05 impacts all owners and individuals responsible for livestock in Ohio. The impact entails the requirement to administer a VFD drug under the supervision of a licensed veterinarian. The BIA states that the cost of this requirement can vary greatly based on the location and the individual veterinarian who provides the requisite services.

The BIA defends the rule, citing the creation of the OLCSB by State Issue 2 in 2009 as carrying a voter mandate for developing best management practices for the well-being of livestock. Following review of the draft rule and BIA, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rule 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