

**MEMORANDUM**

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

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** November 15, 2017

**RE:** **CSI Review – Classical Swine Fever (OAC 901:1-9-01, 901:1-9-02, and 901:1-7-05)**

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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This rule package contains three rescinded rules proposed by the Ohio Department of Agriculture (ODA) as part of the statutory five-year rule review requirement. The rule package was submitted to the CSI Office on July 26, 2017 and the public comment period was held open through August 11, 2017. No public comments were received during this time.

The rules in this package set forth the requirements for classical swine fever biologics and the disinfection of premises infected with classical swine fever. ODA proposes to rescind the rules, stating that the disease has been eradicated from the country for decades and that any future outbreak of classical swine fever would be placed under the purview of the federal government.

During early stakeholder outreach, the rules were initially sent to stakeholders for comment as no-change rules. Comments were received from the United States Department of Agriculture (USDA), which prompted ODA to propose to rescind the rules. USDA stated that any reoccurrence of classical swine fever or the use of classical swine fever biologics would be under

**77 South High Street | 30th Floor | Columbus, Ohio 43215-6117**  
**[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)**

the control of the USDA. ODA then sent the rescinded rules to stakeholders. No comments were received during this time or during the CSI public comment period.

These rules currently impact all swine owners in Ohio. The rules create an adverse cost for swine owners by requiring biologics to be administered by a licensed veterinarian, the cost of which can vary. However, as noted in the BIA, the disease is currently inactive in the United States and the USDA would have jurisdiction over any potential outbreaks. After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the rescission of the rules is justified.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Department of Agriculture should proceed in filing the rescinded rules with the Joint Committee on Agency Rule Review.