

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Agriculture

Regulation/Package Title: Poultry Rules

Rule Number(s): 901:1-15-(01-05)

Date: September 25, 2017

Rule Type:

☐ New

☐ Amended

☒ 5-Year Review

☒ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117
CSIOhio@governor.ohio.gov

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

The rules in Chapter 901:1-15 of the Ohio Administrative Code outline rules pertaining to poultry animals moved within or imported into Ohio. Further, there are rules prescribing the report of flocks found diseased, investigations, and quarantines. The rules are up for five year rule review. In the midst of the review, it was determined that these rules are not necessary as there are other existing administrative code rules which state the same requirements.

Specifically, OAC 901:1-15-02 which outlines rules regarding the movement of poultry animals within Ohio and the importation of poultry can also be found in OAC 901:1-17-11 and OAC 901:1-18-05. Further, the Departments powers with regards to the investigation and quarantine of these animals found in OAC 901:1-15-04 and OAC 901:1-15-05 are also expressly stated in Chapter 941 of the Revised Code. In order to ensure the removal of duplicative code sections, these rules have been proposed to be rescinded.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

R.C. 901.19, 941.03, 941.10

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

The rules currently in place (OAC 901:1-17 and 901:1-18) implement the United States Department of Agriculture animal disease traceability requirements. Generally, animal disease traceability allows the agency to know where diseased and at-risk animals are and where they have been. This allows the agency to effectively pinpoint where the disease originated and reduces the time needed to respond to the emergency. By doing so it reduces the number of animals and animal owners affected by the disease and the economic costs associated with it.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

The proposed regulations do not exceed the federal requirements.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

These rules have been determined to be duplicative. As a result, they have been proposed to be rescinded.

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6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Not applicable as the rules are being rescinded.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

The Department worked with the Ohio Poultry Association to determine whether or not these rules needed rescission.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

After discussions with the Ohio Poultry Association, it was determined that the other statutes and rules cover the requirements listed in these rules. Therefore, it was appropriate for their rescission.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

As the decision to rescind these rules is an administrative one, no scientific data was used to make this decision.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

The Department considered maintaining the rules however, in order to satisfy question twelve below, it was determined that the rules duplicate an existing Ohio regulation.

11. Did the Agency specifically consider a performance-based regulation? Please explain.

Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.

Not applicable.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

As stated previously, the rules were determined to be duplicative. Therefore, they are proposed to be rescinded.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

Not applicable.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

Any individual wishing to move within or import into Ohio a poultry animal.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

As the rules are being rescinded there are no costs associated with this rule.

c. Quantify the expected adverse impact from the regulation.

Not applicable.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

Not applicable.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

As these are health and safety regulations involving all livestock in the state of Ohio, exemptions or alternative means of compliance for small businesses are not applicable.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

Not applicable.

18. What resources are available to assist small businesses with compliance of the regulation?

The Department has online resources and has field staff available to provide assistance. Training and seminars are also available.

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