

**MEMORANDUM**

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

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

**DATE:** March 28, 2018

**RE:** **CSI Review – Animal Exhibition Requirements (OAC 901:1-18-01 through 901:1-18-11)**

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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 11 amended<sup>1</sup> 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 October 2, 2017 and the public comment period was held open through October 20, 2017. No public comments were received during this time.

The rules in this package set forth requirements for animals moved within Ohio or imported into the state for exhibition purposes. The rules establish standards for inspecting exhibition animals and require exhibitors to only exhibit animals that have not been infected with or exposed to contagious diseases. The rules set requirements for poultry and fowl, cattle, goats, horses, sheep, swine, and camelids (e.g. llamas and alpacas). Ohio Administrative Code (OAC) 901:1-18-06

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<sup>1</sup> OAC 901:1-18-06 through 901:1-18-11 are being amended to the extent that the Legislative Service Commission requires the Department to rescind the rules and replace them with new rules of the same rule numbers.

through 901:1-18-11 are being amended to include required compliance with the corresponding rule for each type of animal in OAC Chapter 901:1-17. OAC 901:1-18-02 has been amended to include definitions for “contagious or infectious disease,” “licensed and accredited veterinarian,” and “residue.” Other rules include amendments that make stylistic changes and do not make substantive changes to the content of the rules.

During early stakeholder outreach, ODA sent the rules to agriculture industry professional associations and organizations, schools, and other relevant industry stakeholders. No comments were received from stakeholders during this time or during the CSI public comment period.

The business community impacted by these rules is comprised of all individuals seeking to move animals into or within the state for the purpose of exhibiting the animal. The adverse impacts created by the rules include the exclusion of contaminated animals from exhibitions, as well as the requirement of a Certificate of Veterinary Inspection for all exhibition animals brought into the state. ODA states in the BIA that the cost for both the inspection and treatment of animals can vary depending on the veterinary practice. ODA states that these rules are necessary to prevent the spread of disease among domestic animals, citing the 2015 outbreak of avian influenza as an example of contagious diseases causing economic hardship for similar states. 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 purpose of the rule package 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 proposed rules with the Joint Committee on Agency Rule Review.