

**MEMORANDUM**

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

**FROM:** Danielle Dillard, Regulatory Policy Advocate

**DATE:** July 24, 2018

**RE:** **CSI Review – Agricultural Lime (Five-Year Review) (OAC 901:5-5-01, 901:5-5-02, 901:5-5-03, 901:5-5-04)**

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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This rule package consists of one rescinded rule and three amended rules submitted by the Ohio Department of Agriculture (ODA) as part of the statutorily required five-year rule review. The rule package was submitted to the CSI Office on May 14, 2018 and the comment period closed on June 1, 2018. No comments were received during this time.

Ohio Administrative Code (OAC) 901:5-5-01 is the definition section, and is being amended to include a definition for "Director" or "Director of agriculture;" OAC 901:5-5-02, which sets forth the labelling requirements for liming material, is being amended to increase the tolerance levels for agricultural liming material; and OAC 901:5-5-04, which details the process for taking samples, is being amended for clarity. The rule being rescinded, OAC 901:5-5-03, will eliminate the requirement that ODA make at least two analyses of agricultural lime each year.

As part of early stakeholder outreach, the Department provided the draft rules to the leaders of several agricultural organizations within Ohio and asked for comment. The Department did not receive any feedback during early outreach, and no comments were received during the CSI

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public comment period.

The rules impact all agricultural liming material manufacturers and distributors operating within, or selling into the state of Ohio. Liming manufacturers must obtain a license from ODA, and meet all statutory fineness and labeling requirements. The license fee is \$50, and the Department states that minimal time is required to complete the application. Any necessary re-labeling or reformulating of product due to noncompliance will require additional costs, but these costs will depend on the product, variance, and method of reformulation. The ODA also has staff and resources available to assist with compliance. The Department justifies any adverse impact because the goal of the regulations is to protect individuals who purchase agricultural lime in Ohio. Having materials standards allows consumers to select the appropriate product for their needs, and have confidence that it is dependable.

### **Recommendation**

For the reasons explained 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.