

**MEMORANDUM**

TO: David Miran, Ohio Department of Agriculture

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: September 4, 2018

RE: **CSI Review – Brucellosis (OAC 901:1-5-01 through 901:1-5-11)**

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 eleven no-change 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 April 23, 2018 and the public comment period was held open through May 11, 2018. No comments were received during the CSI public comment period.

The rules in this package set forth regulations regarding brucellosis, a contagious disease that infects cattle and swine. Ohio Administrative Code (OAC) 901:1-5-01, 901:1-5-02, and 901:1-5-03 set forth definitions and standards for brucellosis tests and official brucellosis vaccinates. OAC 901:1-5-04 and 901:1-5-05 establish quarantine and movement restrictions for infected or at-risk livestock. OAC 901:1-5-06 through 901:1-5-11 describe the ways in which areas and herds may be designated as free of brucellosis. All eleven rules are proposed without changes.

During early stakeholder outreach, ODA sent the rules to industry stakeholders, including relevant professional organizations and associations, government agencies, and environmental groups.

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ODA received comments that supported submitting the rules without changes. No comments were received during the CSI public comment period.

The business community impacted by these rules includes all cattle and swine owners and producers. The adverse impacts created by these rules include cost of testing for brucellosis and the loss of income following a potential quarantine of infected herds. ODA states in the BIA that brucellosis tests range in cost from \$1.40 to \$2.25 per animal. Currently, there are no cases of brucellosis in Ohio, which removes testing costs from livestock owners and producers until an outbreak occurs. ODA states that brucellosis presents a threat to Ohio's livestock industry and that the rules protect livestock and public communities. 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.