

**MEMORANDUM**

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

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

**DATE:** August 31, 2018

**RE:** **CSI Review – Pseudorabies (OAC 901:1-11-01, 901:1-11-02, 901:1-11-03, 901:1-11-04, 901:1-11-05, 901:1-11-06, 901:1-11-07, 901:1-11-08, and 901:1-11-09)**

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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 nine no-change 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 July 9, 2018 and the comment period closed on July 27, 2018. No comments were received during this time.

The rules in Ohio Administrative Code (OAC) Chapter 901:1-11 regulate the disease known as pseudorabies. The disease affects pigs, particularly young swine, and causes respiratory and nervous system issues. It can cause pregnant swine to abort, have stillborn piglets, or give birth to weak piglets. OAC 901:1-11-01 outlines the purpose of the Chapter and the requirement that pseudorabies tests be reported to the Department within seven days, and OAC 901:1-11-02 is the definition section. OAC 901:1-11-03 prohibits the removal, alteration, or defacing of identification applied to an animal being tested, and 901:1-11-04 outlines the requirements for pseudorabies vaccines or biologics. OAC 901:1-11-05 gives ODA the ability to quarantine animals or premises where pseudorabies is either suspected or known to exist. OAC 901:1-11-06 through OAC 901:1-11-09 outline procedures for designating herds as pseudorabies free, moving

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animals within pseudorabies areas, quarantining exposed herds, and mandatory eradication requirements of infected herds.

As part of early stakeholder outreach, the Department provided a copy of the rules to the leaders of several farm, animal, and environmental organizations within Ohio and asked for comment. Stakeholders agreed with the Department that proceeding with a no-change rule package would be best at this time. No comments were received during the CSI public comment period.

The rules impact all swine owners and producers in Ohio. Currently, Ohio is a free state for pseudorabies which removes the testing requirements for swine, as they have originated from a free state. Should Ohio have an outbreak of pseudorabies, livestock owners and producers could be subject to the testing requirements outlined in the rules. In the event that an animal is classified as suspected of, or positive for pseudorabies, the owner or producer will be subject to immediate quarantine of their animal. This quarantine may also extend to their farm or facility. In this instance the breeder or producer is also subject to the reporting requirement for the presence of the disease.

Testing for pseudorabies is approximately \$1.40 or \$2.25 per animal plus any applicable veterinarian fees. Veterinarian fees will vary depending on the individual veterinarian. In the event an animal in their possession receives a diagnosis of pseudorabies, the owner or producer is obligated to notify the Department. ODA anticipates that the time needed to notify the Department is thirty minutes or less. Following a positive diagnosis, an owner or producer may not move the animal; consequently, they may not be able to move, transfer, or sell any other animal on the premises until it is determined that an affected animal has recovered, that the remaining animals are disease free, or that quarantine has taken place. Costs for diagnosis and treatment may be incurred under this scenario, and if the animal does not recover, the owner or producer may be subject to losing the animal to prevent the spread of pseudorabies. The Department justifies any adverse impact because the goal of the regulations is to protect the health and safety of Ohio's animals and consumers, because an outbreak of pseudorabies could significantly impact the livestock industry.

### **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.