

**MEMORANDUM**

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

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

**DATE:** August 31, 2018

**RE:** **CSI Review – Brucella canis (OAC 901:1-5-12 and 901:1-5-13)**

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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 two 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 July 30, 2018 and the comment period closed on August 17, 2018. No comments were received during this time.

The rules in Ohio Administrative Code (OAC) 901:1-5 regulate the disease known as Brucella canis. The disease affects dogs, and causes abortion, reproductive impairment, infertility, and ocular inflammation. It is highly infectious and contagious, and an outbreak could be very costly for the canine breeding industry in Ohio. The disease also poses a public safety threat, as it can be transmitted to humans.

OAC 901:1-5-12 outlines the testing standards for Brucella canis, and details the acceptable types of tests for the disease as well as which entities may perform the tests. The rule also outlines the actions a breeder must take upon a positive, or suspect diagnosis. The rule is being amended to remove the canine antibody test and the polymerase chain reaction test as accepted testing types. The Department has found that these tests are unreliable. Additionally, the rule is being amended

to update the process of releasing an animal from quarantine. Animals which successively test negative for *Brucella canis* at least sixty days apart can be properly determined to be free of the disease.

OAC 901:1-5-13 sets forth the procedures for a licensed kennel to become certified as *Brucella canis* free. A kennel may be awarded the designation if it has had two successive whole kennel negative tests, continues required testing, and ensures that all additions to the kennels are in compliance with the rules. This is a voluntary certification, and has been requested by the industry as an opportunity to show consumers that their facility is clean, safe, and reputable. The rule is being amended to make its terminology consistent with OAC 901:1-5-12, and to make clarifications to ensure proper enforcement.

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. It also held a meeting with the Ohio Professional Dog Breeders Association, USDA Animal Care personnel, Holmes County dog wardens, Coshocton County dog wardens, and Dr. Aaron Wise of East Holmes Veterinary Clinic. Stakeholders present at the meeting expressed support for the amendments, and discussed potential future changes to the rules should the certification process be successful. No comments were received during the CSI public comment period.

The rules impact all dog owners and kennels licensed under ORC 956. There is no requirement for mandatory testing of *Brucella canis*, however any canine that is diagnosed as *Brucella canis* suspect or positive will be subject to immediate quarantine. The animal may not be sold or otherwise moved until it is determined that the animal has recovered, that the remaining animals in the facility are disease free, or other containment has taken place. The quarantining of a canine may result in the owner or kennel incurring costs associated with treatment or euthanasia. Veterinarian costs for diagnosis and treatment will vary based on location and the individual veterinarian providing the services.

The certification program is voluntary, so there are no mandatory costs. If an owner or kennel wants to gain the certification they must test their canines regularly pursuant to OAC 901:1-5-13. Costs vary based on location and veterinarian, but minimum costs are \$53 per animal. The Indirect Fluorescent Antibody Test is \$11.50 per animal, the Tube Agglutination Test is \$16.50 per animal, and the *Brucella canis* Culture Test ranges from \$25-\$35 per animal. 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 *Brucella canis* could significantly impact Ohio's animal 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.