



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Jacquelyn Keller-Potvin, Ohio Department of Agriculture

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: July 23, 2021

RE: CSI Review – Plant Health Rescinded Rules – White Pine Blister and Walnut Twig Beetle (OAC 901:5-58-01, 901:5-58-02, 901:5-58-03, 901:5-58-04, 901:5-58-05, and 901:5-43-01)

On behalf of Lt. Governor Jon Husted, 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 Department as provided for in ORC 107.54.

Analysis

This Ohio Department of Agriculture (Department) rule package consists of six rescinded rules. The rules were submitted to the CSI Office on June 14, 2021, and the public comment period was open through July 6, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on June 14, 2021.

The proposed rules cover quarantine requirements for the Walnut Twig Beetle. The rules outline articles subject to quarantine, the areas regulated for quarantine, and conditions of movement. Additionally, one rule declares the White Pine Blister rust disease as a pest, and covers suppression efforts, such as the prohibition of the European Black Currant plant and plant articles.

The rules are proposed for rescission as the Department has argued that quarantine requirements are no longer necessary to control the Walnut Twig Beetle or White Pine Blister. Additionally, the Department received stakeholder comments prior to the filing of these rules in support of removing the quarantine requirements. No further comments were received during the CSI public comment

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period.

The Department does not expect the rescission of these rules to create any adverse impacts for stakeholders.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.