



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Jacquelyn Keller-Potvin, Ohio Department of Agriculture

FROM: Jacob Ritzenthaler, Business Advocate

DATE: April 11, 2022

RE: **CSI Review – Plant Health- Invasive Species (OAC 901:5-30-01)**

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 one amended rule. The rule was submitted to the CSI Office on December 21, 2021, and the public comment period was open through January 14, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on December 21, 2021.

The proposed rule establishes a list of plants considered invasive to Ohio. Amendments have been proposed to update references, reorganize the rule, to rename plant species, and to add and remove listed plant species.

During the early stakeholder outreach period the Department sought input from private agricultural businesses, agricultural organizations, and government agencies. Proposed amendments to the rule were made following advice from the Department's Invasive Species Advisory Committee. During the CSI public comment period, the Department received comments from five stakeholders. In response to feedback, the Department made amendments that added a three-year phase out period for the plant *Ligustrum Vulgaris* and committed to continue evaluating the invasiveness of the plant glossy buckthorn. The Department did not make changes that suggested removing aquatic invasive

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species from the rule, citing the potential threat to native plant species.

The business community impacted by the rule includes those that sell, transport, or produce any of the listed prohibited plants. Adverse impacts created by the rule restrict the sale or movement of the plant species identified in the rule. The Department states that the proposed rule serves to protect Ohio's environment and native species, as well as Ohio's biodiversity.

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 rule with the Joint Committee on Agency Rule Review.