



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Agriculture

Rule Contact Name and Contact Information: Renee Schmauch 614-728-6295
Renee.Schmauch@agri.ohio.gov

Regulation/Package Title (a general description of the rules' substantive content):

Animal Exhibition Requirements 901:1-18 and Animal Exhibition Administration 901:19

Rule Number(s): 901:1-18-01 to 11 and 901-19-01 to 07, 09, 10, 11, 12, 13, 19, 21, 31, 32, 33, 34, 35, 38, 39, 40

Date of Submission for CSI Review: 1/26/2024

Public Comment Period End Date: 2/16/2024

Rule Type/Number of Rules:

New/___ rules

No Change/ 1 rules (FYR? yes)

Amended/28 rules (FYR? yes)

Rescinded/ 4 rules (FYR? yes)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☐ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☐ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☐ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

2. **Please briefly describe the draft regulation in plain language.**

Please include the key provisions of the regulation as well as any proposed amendments.

The rules in **Chapter 901:1-18** of the Ohio Administrative Code outline the rules and requirements for animals which are imported into or moved within Ohio for exhibition purposes. Pursuant to section 941.02 of the Revised Code, the Department, through the Chief of the Division of Animal Health, shall promote and protect the livestock, poultry, and other animal interests of the state, prevent the spread of dangerously contagious or infectious disease, provide for the control and eradication of such disease, and to cooperate with the United States Department of Agriculture in such work. The rules of this chapter meet this directive. More specifically, the rules outline the disease testing requirements as well as proof of ownership of all animals coming into Ohio. These rules are necessary in ensuring that all animals in the state of Ohio remain disease free. The rules have been reviewed in accordance with Chapter 119 of the Revised Code and are being proposed as follows:

OAC Rule 901:1-18-01 states that animals when moved within or imported into Ohio solely for exhibition purposes shall comply with the rules of the Chapter. This rule has been amended to delete the requirement that animals who are in compliance with the rules in the chapter are exempt from other rules governing movement with the exception of when animals are quarantined.

OAC Rule 901:1-18-02 sets forth the definitions as used in the Chapter. The rule is being amended to replace “approved veterinarian” with “official veterinarian,” deletes definitions which are

already defined in the C.F.R. or the Revised Code when applicable, adds the definition for official eartag and updates the edition of 21 C.F.R. 556 from 2017 to 2019.

OAC Rule 901:1-18-03 requires that all exhibition sponsors have an official veterinarian for the duration of the exhibition. Further, the rule requires that the exhibition shall inspect both animals and their required paperwork that enter the exhibition, maintain records, and order the immediate removal of any animal which places other animals at an unacceptable risk of disease. The rule is being amended to replace “approved veterinarian” with “official veterinarian,” replaces the word “symptoms” to read “any clinical signs,” removes a regulatory restrictive word, adds official identification as an item that is to be required in the records, and further defines disease by adding the words “infectious or contagious.”

OAC Rule 901:1-18-04 prohibits the exhibition of livestock which an exhibitor has reason to suspect is infected with or has been exposed to a contagious or infectious disease. The rule is being amended to reformat the rule to ease readability, replaces the word “animal” with “livestock,” adds language to replace the pronoun “he,” removes the requirement that each person who exhibits an animal shall forward a copy of the certificate of veterinary inspection to the department, and adds that the department may issue a notice of violation if there is failure to comply with the rules in this chapter.

OAC Rule 901:1-18-05 outlines the disease testing requirements for poultry entering into an exhibition. The rule is being amended to simplify what poultry the rule applies to by replacing “moved within or imported into” with “exhibited in Ohio,” adds the abbreviation of NPPI, adds that the status of NPPI is for a year, and adds that co-mingling birds voids NPPI status.

OAC Rule 901:1-18-06 the rule states that no cattle shall be moved within Ohio that show clinical signs or evidence of an infectious and contagious disease. Further, all imported cattle for exhibition purposes must comply with OAC 901:1-17-03 of the Administrative Code. This rule has been amended to replace the word “symptom” with “clinical signs,” adds language to clarify that the rule includes cattle that are entered into Ohio exhibitions and adds the requirement that cattle need to be identified with an official eartag.

OAC Rule 901:1-18-07 the rule states that no goats shall be moved within Ohio that show clinical signs or evidence of an infectious and contagious disease. Further, all imported goats for exhibition purposes must comply with OAC 901:1-17-06 of the Administrative Code. The rule is being amended to replace the word “symptoms” with “clinical signs.”

OAC Rule 901:1-18-08 the rule states that no Equidae shall be moved within Ohio that show clinical signs or evidence of an infectious and contagious disease. Further, all imported Equidae for exhibition purposes must comply with OAC 901:1-17-07 of the Administrative Code. This rule is being amended to replace the word “symptoms” with “clinical signs.”

OAC Rule 901:1-18-09 the rule states that no sheep shall be moved within Ohio that show clinical signs or evidence of an infectious and contagious disease. Further, all imported sheep for exhibition purposes must comply with OAC 901:1-17-08 of the Administrative Code. This rule is being amended to replace the word “symptoms” with “clinical signs.”

OAC Rule 901:1-18-10 the rule states that no swine shall be moved within Ohio that show clinical signs or evidence of an infectious and contagious disease. Further, all imported swine for exhibition purposes must comply with OAC 901:1-17-09 of the Administrative Code. This rule has been amended to replace the word “symptom” with “clinical signs,” adds language to clarify

that the rule includes swine that are entered into Ohio exhibitions and adds the requirement that swine need to be identified with an official eartag.

OAC Rule 901:1-18-11 the rule states that no camelids shall be moved within Ohio that show symptoms or evidence of an infectious and contagious disease. Further, all imported camelids for exhibition purposes must comply with OAC 901:1-17-15 of the Administrative Code. This rule is being amended to replace the word “symptoms” with “clinical signs” and adds clarification that the camelids must comply with paragraphs (A), (B)(3), and (C) of rule 901:1-17-15 of Administrative Code.

The rules in **Chapter 901-19** of the Ohio Administrative Code outline the regulations for the exhibition of livestock in the state of Ohio. Exhibition of livestock generally occurs at a livestock show held at the Ohio State Fair or a fair under the control of a county or independent agricultural society. The rules in this chapter set forth the governance and administration of these exhibitions and standards related to food safety and the health, safety, and welfare of livestock including grooming, commercial, or medical practices that are generally accepted in the community. The rules have been reviewed by the Advisory Committee on Livestock Exhibitions which advises the Director on topics pertaining to the administration of the exhibition of livestock program.

Pursuant to Ohio Revised Code 901.72, the rules adopted under which apply to exhibition related food safety and the health, safety, and welfare of livestock shall apply to every exhibition. However, exhibitions may choose to adopt rules which do not apply to those issues. The rules as drafted indicate which rules are mandatory and which rules are optional for adoption by the exhibition.

The rules have been reviewed in accordance with Chapter 119 of the Revised Code and have undergone their five-year rule review. A brief description of the rules and their proposed amendments are as follows:

OAC 901-19-01 outlines the definitions as used in the Chapter. The rule is being amended to mirror C.F.R. or ORC definitions, where applicable. The rule has also been amended to clarify definitions like approved drug, tolerance, unapproved drug, and unlawful substance which are the framework for the prohibited versus acceptable practices.

OAC 901-19-02 sets forth the requirement that all exhibitions must be designated as terminal, partial terminal, or non-terminal show. Terminal shows are shows where all animals must be consigned to slaughter at the conclusion of the show. Partial terminal shows are shows where at least the grand champion and the reserve grand champion must be slaughtered. The rule is being amended to add the requirement that all livestock shall be exhibition drug residue legal prior to the start of the show, removes restrictive language required by Senate Bill 9, changes “Market dairy steer” to “Market dairy beef,” and other stylistic amendments.

OAC 901-19-03 outlines the regulations regarding auction sales at terminal and partial terminal shows. The rule requires that entrants to a terminal or partial terminal consent to participating in the subsequent auction sale. The carcasses of the slaughtered animals are offered up for auctions with the proceeds eventually going to the exhibitor or the owner of the livestock. The rule is being submitted as part of a five-year rule review with only cross-references being amended.

OAC 901-19-04 outlines the prohibited practices in all exhibition shows. These include improper use of drugs and unlawful substances. The rule is being amended to reformat the rule to make it easier to read and decipher the practices which are prohibited in exhibition shows. The revision includes referring to 901-19-13 and replaces “animal” with “livestock.”

OAC 901-19-05 outlines the responsibilities of the exhibition sponsor. These include record-keeping requirements and maintaining a premium book which outlines the rules of the exhibition. The rule is being amended to reformat the rule to make it easier to read and decipher the responsibilities of the exhibition sponsor. The revision removes the requirement of the sponsor of an exhibition submitting information on a form requested by the director 10 days before the start of the exhibition, adds the requirement that starting January 1, 2027, cattle and swine are to be minimally identified with an official eartag, adds clarifying language regarding the information that the county and independent agricultural societies and the Ohio expositions commission shall provide and adds specific sections of the Revised Code that exhibitions shall provide to exhibitors upon request, adding the option of electronic distribution.

OAC 901-19-06 sets forth the drug use notification rules used by the exhibitor and the owner of the livestock when exhibition livestock have been recently administered drugs. The rule is being amended to replace “animal” with “livestock” and adds language to clarify when a drug use notification form shall be completed. The revision changes “Market steer” to “Market beef,” “Market dairy steer” to “Market dairy cattle,” “Lactating dairy cattle” to “Lactating dairy animals,” removes “Lactating goats” and adds “Market rabbits” and “Feeder cattle.”

OAC 901-19-07 requires that all exhibitors at county and independent fairs as well as the Ohio state fair complete a quality assurance program prior to exhibition. The rule is being amended to change “lactating dairy cattle and lactating goats” to “lactating dairy animals” and changes that exhibitors who fail to attend a quality assurance program or pass the exam from “may be” subject to disciplinary action to “are” subject to disciplinary actions.

OAC 901-19-09 sets forth the exception to paragraph (E) of rule 901-19-04. This exception allows the presence of drug residue in animals shown in non-terminal shows when the conditions of the rule are met. The rule is being rescinded.

OAC 901-19-10 set forth the guidelines for testing requirements and sampling. The rule is being amended to add that the deviation from protocol shall be noted by the official veterinarian and that the collection of samples and coordination activities are the responsibility of the official veterinarian.

OAC 901-19-11 sets for the rule for the humane treatment of livestock. The rule is being rescinded.

OAC 901-19-12 outlines the acceptable practices which protect and promote the health, safety, and welfare of livestock at these exhibitions. The rule is being amended to reformat the rule for the purpose of making it easier to read and decipher acceptable practices. The rule revision includes a reference to Ohio livestock care standards located in division 901:12 of the Administrative Code, removes drenching of livestock from the list of best management practices, adds the conditions in which livestock may be treated and administered approved drugs during an exhibition and changes “licensed veterinarian” to the “official veterinarian.”

OAC 901-19-13 sets forth the unacceptable practices that are detrimental to the health, safety, and welfare of livestock at these exhibitions. The rules is being amended to add prohibited practices in addition to unacceptable practices, adds a reference to division 901:12 of the Administrative Code, adds language to clarify unacceptable and prohibited practices, adds the option of having an

official veterinarian prescribe practices that may otherwise be prohibited, adds the criteria to follow for castration of livestock, adds that showing livestock which have been treated with an approved drug when a side effect or pharmacological effect of the drug conceals, enhance, transforms, or changes the natural conformation, physiological status or condition of the livestock is prohibited and adds that the natural occurrence or surgical process which results in testicular tissue remaining in the body of exhibition livestock is prohibited except for rabbits and poultry. Through stakeholder feedback this rule has been amended to clarify the prohibited and unacceptable practices. Further, a statement has been added to clarify that any of the listed practices (located in C of this rule), if applied during an exhibition, would cause the livestock to be ineligible for the show.

OAC 901-19-19 states that both the exhibitor and the owner of the livestock are absolutely liable to any discipline for the presence of an unlawful substance in livestock and any unacceptable practices that have been detected in livestock. The rule as currently written requires the Director shall mitigate discipline with the presence of certain mitigating factors. The rule has been amended to add unapproved drug, residue, or approved drug that exceeds tolerance to clarify absolute liability and replaces the word “animal” with “livestock.”

OAC 901-19-21 outlines the possible disciplinary actions of individuals who violate these rules. In addition to the listed disciplinary actions, the rule is being amended to clarify actions the department may take for failure to comply with the rules of this chapter pursuant to section 941.07 of the Revised Code.

OAC 901-19-31 is an optional rule which outlines the responsibilities of junior fair exhibitors and the assistance the junior fair exhibitors may receive. The rule is being submitted as part of a five-year rule review with one minor grammatical amendment.

OAC 901-19-32 is an optional rule which allows the exhibition to allow acceptable grooming practices for a particular breed of livestock which would normally be prohibited under this chapter. The rule is being amended to change the phrase “a mandatory rule” to “this chapter.”

OAC 901-19-33 the rule outlines the prohibited grooming practices in exhibitions. These grooming practices attempt to deceive exhibition judges in an attempt to gain an advantage. The rule is being submitted as part of a five-year rule review with no changes.

OAC 901-19-34 allows an exhibition to provide an outstanding market project. The rule is being rescinded.

OAC 901-19-35 is an optional rule which gives the exhibition the ability to adopt disciplinary actions of another exhibition. For example, if one exhibition prohibited an exhibitor from participating in any exhibition for one year, another exhibition could also prohibit that exhibitor. The rule is being amended to remove the statement that disciplinary action by a sponsor against a person for violation of 901.70 to 901.76 of the Revised Code or Chapter 901-19 shall be given full faith and credit.

OAC 901-19-38 outlines false, deceptive, and unacceptable practices. The rule is being rescinded.

OAC 901-19-39 sets forth the ownership requirements for livestock entered in an exhibition. The rule is being amended to refer to the entire chapter of 901-19-01 of the Administrative Code instead of just paragraph R. The revision changes “Market steers” to “Market beef” and “Market dairy steers” to “Market dairy cattle.” The rule is being reformatted for the purpose of making it easier to read and decipher. The rule adds the requirement that an exhibitor shall not register, enter, or exhibit livestock in a junior breeding livestock exhibition if it has been leased under the exhibitor’s

name for at least sixty days and adds requirements to define the criteria regarding what owning livestock entails.

OAC 901-19-40 sets forth the meeting and notice requirements for the advisory committee on livestock exhibitions. The rule is being amended to remove the option of using Gongwer or Hannah news service for posting meeting notices and to replace language to help clarify the rule.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

ORC 941.03, 941.10, 901.72

4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

The rules in chapter 901:1-18 assist in implementing the United States Department of Agriculture animal disease traceability requirements. Generally, animal disease traceability allows the agency to know where diseased and at-risk animals are and where they have been. This allows the agency to effectively pinpoint where the disease originated and reduces the time needed to respond to the emergency. By doing so, it reduces the number of animals and animal owners affected by the disease and the economic costs associated with it.

The rules in Chapter 901-19 do not implement a federal requirement.

5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

The proposed regulations do not exceed the federal requirements.

6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

In Chapter 901:1-18 the Director of Agriculture has the authority to use all proper means in the prevention and eradication of infectious and contagious diseases amongst domestic animals. Animal disease traceability, or knowing where diseased and at-risk animals are, where they've been, and when, is very important to ensure a rapid response when animal disease events take place. An efficient and accurate animal disease traceability system helps reduce the number of animals involved in an investigation, reduces the time needed to respond, and decreases the cost to producers and the government.

Chapter 901-19 ensures fairness in all livestock exhibitions, protects food safety, and promotes the health, safety, and welfare of all livestock entered into exhibitions. These rules develop a general, uniform guideline for all exhibitions across the state of Ohio. Livestock exhibitions are vital in promoting the interest of young adults to pursue careers in agriculture and livestock management. These exhibitions give young adults a truly educational opportunity to experience a future career. These rules help to encourage these careers by ensuring that

exhibitions are conducted in a fair and equal manner. Further, the rules also are set out to protect food safety and the health, safety, and welfare of all livestock involved.

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The Department will measure success in the lack of violations and the lack of disease outbreaks in the state.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

These rules were reviewed by the members of the Advisory Committee on Livestock Exhibitions. This committee meets annually to discuss these rules as well as other administrative matters involving livestock exhibitions. These rules were reviewed by the entire committee on Monday November 27, 2023. On December 18, 2023, the rules were sent to the following stakeholders:

Members of the Advisory Committee on Livestock Exhibitions

Ohio Poultry Association

Ohio Cattlemen's Association

Ohio Farm Bureau Federation

Ohio Pork Council

Ohio Dairy Producers Association

Ohio Sheep Improvement Association

Ohio Sheep and Wool Program

Ohio Dairy Vets Listserv

Ohio 4-H Extension Educators

United States Department of Agriculture, APHIS, Veterinary Services

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The Department received primarily positive stakeholder feedback on the proposed draft rules. The Department incorporated the definition of official veterinarian into Chapter 901-19 in

addition to Chapter 901:1-18. In rule 901-19-01, the definition of livestock is worded more concisely. Rule 901-19-04 was re-written to clearly express the prohibited practices. Rule 901-19-05 was further amended to list the required duties of the records official. Rule 901-19-06 had the order of paragraphs changed to chronologically discuss when a drug use notification form needed to be completed. In rule 901-19-13 the weight limit for the castration of swine was increased to 150 pounds. Rule 901-19-39 was amended to remove one of the three statements on loss of ownership of livestock. In addition, typographical errors and cross-references were corrected.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Regarding Chapter 901:1-18 years of scientific research has gone into establishing the regulatory framework of these rules. Further, firsthand experience with widespread disease outbreaks furthers the importance of these rules. For example, recent outbreaks of avian influenza and porcine epidemic diarrhea (PED) virus have caused multi-billion dollar impacts to the national economy. This research and experience justify any adverse impact of these rules.

The rules regarding Chapter 901-19 are generally based on grooming, commercial, and medical practices that are commonly accepted within the agricultural and veterinary community. As veterinary science improves, the advisory committee adjusts its rules to reflect the most current scientific information that is available.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?
Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.

The Department is statutorily tasked with the control and eradication of contagious and infectious diseases to protect the livestock interests of the state. The standards that are contained in 901-1-18 are based on scientific research and in most cases are nationally accepted.

Stakeholder participation in 901:1-18 and 901-19 rule packages has indicated to the Department that this is the best regulatory scheme at this time. For those reasons, no other regulatory alternatives were considered.

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The Department is given sole regulatory authority over the importation of animals into the state through R.C. 941.03 and livestock exhibitions in 901.70.

14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

These rules are already implemented within the industry and exhibition community. The Department works with all livestock exhibitions and their sponsors to educate and inform them on regulations. Additional education and outreach will be performed with the affected communities of the changes by the Animal Health Division. The staff members of the Animal Health Division ensure that all livestock exhibitions in Ohio are treated in a similar manner. Further, the Advisory Committee on Livestock Exhibition represents many exhibition interest groups throughout the state. The committee will communicate the changes to the rules to their constituents.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

Any individual wishing to move within or import any animal into the state of Ohio for exhibition purposes, all livestock exhibitions, exhibitors, and owners of exhibited livestock.

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

There are no license fees or fines associated with these rules. However, individuals that wish to import any animal into Ohio must have a Certificate of Veterinary Inspection and meet all testing requirements applicable to the animal. Any animal which tests positive for a contagious or infectious disease would be prohibited from importation. Further, should an animal later test positive to such a disease the animal would be subject to removal, quarantine, or destruction. All costs for testing, paperwork, and treatment, which will vary on the location and the individual veterinarian providing the services.

Regarding Livestock Exhibitions, any entrance or licensing fees will be established by the exhibition themselves. The rules do provide guidelines as to permitted and prohibitive practices. Violations of the rules may result in forfeiture of any proceeds received from an exhibition. The exhibitions are required to keep records of drug testing all livestock entered in the exhibitions. The quantified adverse impact for the recordkeeping requirements is minimal. Individuals who are subject to disciplinary action for a violation of one of the livestock exhibition rules may be subject to the forfeiture of their prize. The amount of prize won varies dramatically from exhibition to exhibition. Some counties offer prizes and

premiums that are lower than \$10 while the Ohio State Fair offers prizes and premiums that are several thousand dollars.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).

The rules have been reviewed to streamline and consolidate information to improve readability. Some rules are rescinded and consolidated into other rules while in other circumstances entire provisions of the rule are no longer necessary and are removed entirely. With the incorporation of 21 C.F.R. Part 556, the Department is reducing the stringency of Chapter 901-19 for drugs being utilized in accordance with label directions for the species indicated on the label. The Department has also updated rule 901-19-05 to only require a uniform resource locator (URL) in the premium book in lieu of printing the regulations. Overall, this rule package has been drafted to streamline the requirements and remove any duplicative requirements.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

As stated previously, the Department shall promote and protect the livestock, poultry, and other animal interests of the state, prevent the spread of dangerously contagious or infectious disease, provide for the control and eradication of such disease. The potential impact of a large-scale animal disease outbreak would be devastating. For example, in 2015 an outbreak of avian influenza was identified throughout the Midwest. In a short period of time, over 30 million birds were lost due to the disease. According to the Iowa Farm Bureau Federation, the state of Iowa suffered an economic hit of \$1.2 billion and lost over 8,000 jobs. These rules hope to achieve a disease-free Ohio and ensure that Ohio's number one industry, Agriculture, remains strong, healthy, and viable in the future.

In addition, the regulatory intent of these rules is to protect the health, welfare, and safety of all livestock animals and to promote future careers in agriculture by ensuring that there is a fair and equitable exhibition of livestock. These rules do so in a manner that is not overly burdensome and only penalizes entrants for unfair and deceptive acts. For those reasons, the adverse impacts are considered justified.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

As the primary purpose of this rule is to protect the health, welfare, and safety of all livestock and to promote future careers in agriculture by ensuring that there is a fair and equitable exhibition of livestock exemptions for smaller exhibitors would not be equitable.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

Due to the serious impact an infected livestock may have on Ohio's livestock industry, individuals who bring livestock into the state in violation of these rules must either remove the animal from the state or have it destroyed.

The Department works with individuals to provide them with further education on these rules and the requirements for the importation and exhibition of livestock.

20. What resources are available to assist small businesses with compliance of the regulation?

The Department has online resources and has field staff available to provide assistance. Training and seminars are also available.

Further, the Advisory Committee on Livestock Exhibition represents many exhibition interest groups throughout the state. The committee will communicate the changes to the rules to their constituents.