

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 901:5-2-03

**Rule Type:** Amendment

**Rule Title/Tagline:** Design requirements - bulk liquid fertilizer storage.

**Agency Name:** Department of Agriculture

**Division:** Plant Industry

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#### I. Rule Summary

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 1/14/2025
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 905.44
5. What statute(s) does the rule implement or amplify? 905.44
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being filed in accordance with the five-year rule review process.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

901:5-2-03 sets forth the design requirements for bulk liquid fertilizer storage. The rule is being amended to remove the requirement that the stencils in letters shall be no less than four inches in height and removes the language regarding the specific date individuals shall come into compliance with these requirements because this is no longer applicable

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Pursuant to section 121.75 of the Revised Code, the code sections incorporated into this rule are exempt from compliance with sections 121.71 to 121.74 of the Revised Code.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Those persons wishing to market fertilizer or build systems for the storage of bulk liquid fertilizer for agricultural use must follow the design, maintenance, inspection, record keeping and marking requirements contained in the rules in this package. This will add some periodic maintenance costs to replace worn parts or reapply markings. However, the standards for building both the fertilizer systems in these rules are industry standard and a new system would not be built purposely to lower standards even in the absence of these rules. The Department's role in regulating is to prevent accidental substandard work.

No person shall manufacture or distribute in this state any type of fertilizer until a license to manufacture or distribute has been obtained by the manufacturer or distributor from the department of agriculture upon payment of a five-dollar fee.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

The division uses the licensing fee to administer the program.

### **III. Common Sense Initiative (CSI) Questions**

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? Yes**

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

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- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

The Department can refuse, suspend, or revoke an existing registration or license for failing to comply with these rules.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Records are required to be maintained pursuant to 901:5-2-07.

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes**

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**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

**19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding to this rule? 0**
- B. How many existing regulatory restrictions do you propose removing from this rule? 1**

OAC 901:5-2-03 paragraph D removes the requirement that notwithstanding the provisions of rule 901:5-2-02 of the Administrative Code, an owner of a permanent storage vessel existing on the effective date of this rule, other than one erected on site, which is located on a farm shall have until January 1, 2007 to comply with the requirements of paragraphs (C)(1), (C)(2), and (C)(3) of this rule.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable