

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:5-2-08

Rule Type: No Change

Rule Title/Tagline: Dry fertilizer storage and handling.

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 and 01/14/2030
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. What are the reasons for proposing the rule?

This rule is being filed in accordance with the five-year rule review process.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

901:5-2-08 sets forth requirements for the storage and handling of dry fertilizer. ODA is proposing this rule with no changes made.

8. Does the rule incorporate material by reference? No

9. 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.

Not Applicable

10. 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

11. 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

12. 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 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.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
15. 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

16. Was this rule filed with the Common Sense Initiative Office? Yes
17. 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
- 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.
- 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? No
- 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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