

Rule Summary and Fiscal Analysis (Part A)**Department of Agriculture**

Agency Name

Food Safety

Division

David E Miran

Contact

**8995 East Main Street Reynoldsburg OH
43068-0000**

Agency Mailing Address (Plus Zip)

614-728-6390

Phone

Fax

david.miran@agri.ohio.gov

Email

901:5-41-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Certification, labeling, and advertising of strawberry plants.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **No**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **927.52**5. Statute(s) the rule, as filed, amplifies or implements: **927.52**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule has been proposed in accordance with the five year rule review process.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Rule 901:5-41-01 has been reviewed in accordance with Chapter 119 of the

Revised Code and is being proposed as amended below. This rule regulates and establishes the process for the certification of strawberry plants. Certified strawberry plants are those that have been inspected to ensure that the plants are free from disease and are of a pure variety. The rule is being amended to clarify the certification process. The rule has been re-organized to make it clear when the request for inspection must be filed with the Department and when the inspections must take place. There have been no substantive changes made to this rule.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **1/5/2016**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

As required in 927.61 of the Ohio Revised Code, all nursery stock must be inspected and certified prior to sale. Individuals who meet the above description are subject to a licensing fee as stated in R.C. 927.53. Individuals must request for the inspection of their plantings with the department. There are no fines associated with this rule and further no record keeping obligations.

The license fee required by R.C. 927.53 is \$100.00 and \$11.00 per acre of intensive production or \$7.00 per acre of field production and expires on December 31st of each year. Individuals must expend marginal time for compliance when requesting inspection by the department. Plants which have not been inspected and certified may not be offered for sale. This may result in loss of some product which contains pests and or viruses as listed in the rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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

As required in 927.61 of the Ohio Revised Code, all nursery stock must be inspected and certified prior to sale. Individuals who meet the above description are subject to a licensing fee as stated in R.C. 927.53. Individuals must request for the inspection of their plantings with the department

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**

Plants which have not been inspected and certified may not be offered for sale. This may result in loss of some product which contains pests and or viruses as listed in the rule. There are no fines associated with this rule and further no record keeping obligations.

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

Individuals must request for the inspection of their plantings with the department