

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 901:5-41-01

**Rule Type:** Rescission

**Rule Title/Tagline:** Certification, labeling, and advertising of strawberry plants.

**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? 1/3/2024
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? 927.52
5. What statute(s) does the rule implement or amplify? 927.52
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 has been proposed 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.

OAC 901:5-41-01 this rule regulates and establishes the process for the certification of strawberry plants. ODA is proposing to rescind the Strawberry Certification Standards rule because the program, as defined by this rule, is no longer needed. Certification of Strawberry Nursery Stock has been incorporated into the inspection procedures already in place for Nursery Stock defined in RC 927. Any additional certification standards that may be needed specific to strawberry nursery stock being shipped to locations with additional requirements can be addressed through a compliance agreement as defined in OAC 901:5-35-02.

- 9. Does the rule incorporate material by reference? No**
- 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.**

*Not Applicable*

- 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?**

Not Applicable

- 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.

Not Applicable

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

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

18. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
- 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? No
- 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? No

### **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? 5

OAC 901:5-41-01, paragraph A removes the requirement that a request for inspection of strawberry plantings must be filed with the Ohio department of agriculture on or before April fifteenth of the year in which inspections is requested.

OAC 901:5-41-01, paragraph B, section 2a removes the requirement that the first inspection must be completed before June first

OAC 901:5-41-01, paragraph B, section 2b removes the requirement that the second inspection shall be completed at least ninety days after the first inspection but before November fifteenth.

OAC 901:5-41-01, paragraph C removes the requirement that no strawberry plants which originated in source plantings in states where a less rigid standard of inspection prevails, or where two comparably timed inspections are not made, shall be sold or consigned to points within the state of Ohio.

OAC 901:5-41-01, paragraph D removes the requirement that no person shall offer for sale, distribute or cause to be distributed within this state any strawberry plants represented by means of labeling or advertising to be "disease free," or "virus-free," or "produced from 'virus-free stock,'" or "registered" or "foundation" stock, unless such stock is so classified by a legally constituted agency designated for such purpose.

- 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