



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

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Business Impact Analysis

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

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

Livestock Care Standard

Rule Number(s): 901:12-2-01; 901:12-3-01, 02, 03, 04, 05, 06, 07, 08;
901:12-4-01, 02, 03, 04; 901:12-5-01, 02, 03; 901:12-6-1, 03; 901:12-7-01; 901:12-8-01, 03
901:12-9-01, 02, 03, 04; 901:12-10-01, 02, 03, 04; 901:12-11-01, 02, 03, 04; 901:12-12-01, 02;
901:12-13-01; 901:12-14-01, 02, 03, 04; and 901:12-15-01, 02, 03, 04

Date of Submission for CSI Review: 09/06/2024

Public Comment Period End Date: 09/27/2024

Rule Type/Number of Rules:

New/ rules

No Change/ 19 rules (FYR? yes)

Amended/ 25 rules (FYR? yes)

Rescinded/ rules (FYR?)

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.

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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 Ohio Livestock Care Standards located in division 901:12 of the Administrative Code is written to be practical for livestock producers of all sizes, scales, and production methods and assure the care of the livestock. Additionally, the rules support the state's goals of promoting safe and affordable food and helping prevent the outbreak of animal diseases. The rules in division 901:12 of the Administrative Code is due for the five-year rule review and have been reviewed by the Ohio Livestock Care Standards Board.

Rule 901:12-2-01 outlines the civil penalties for violations of division 901:12 of the Administrative Code. This rule has been amended with grammatical edits to improve readability and makes changes based on the Ohio Legislative Service Commission's (LSC) rule drafting manual.

Rule 901:12-3-01 sets forth the definitions that are utilized in division 901:12 of the Administrative Code. This rule has been amended with grammatical edits to improve readability.

Rule 901:12-3-02 states that all livestock must receive feed and water of sufficient quantity and quality to help ensure maintenance of normal body condition and/or growth. This rule is being proposed with no changes made.

Rule 901:12-3-03 outlines the general management practices for the handling of livestock. This rule has been amended to reduce regulatory restrictions.

Rule 901:12-3-04 states that the euthanasia of livestock must be performed pursuant to chapter 901:12-1 of the Administrative Code. This rule is being proposed with no changes made.

Rule 901:12-3-05 outlines requirements as they relate to the health of all livestock. This includes obtaining medication from a licensed veterinarian for which the livestock owner has a veterinary-client-patient relationship (VCPR). This rule has been amended with grammatical edits to improve readability.

Rule 901:12-3-06 outlines the requirements for the transportation of livestock. This rule has been amended with grammatical edits to improve readability and to reduce regulatory restrictions.

Rule 901:12-3-07 states that nothing in division 901:12 of the Administrative Code shall be construed to prevent a licensed veterinarian from meeting the requirements found in Chapter 4741 of the Revised Code. This rule is being proposed with no changes made.

Rule 901:12-3-08 states that persons responsible for the violation of the chapter are subject to civil penalties outlined in rule 901:12-2-01 of the Administrative Code. This rule is being proposed with no changes made.

Rule 901:12-4-01 states that all ambulatory disabled, non-ambulatory, and distressed livestock must have access to water and if maintained for longer than 24 hours, feed. This rule has been amended with a grammatical edit to improve readability.

Rule 901:12-4-02 outlines the management requirements for ambulator disabled, non-ambulatory, and distressed livestock. Specifically, the responsible party must protect these animals from other livestock, predators, and weather conditions. This rule has been amended with grammatical edits to improve readability.

Rule 901:12-4-03 states that ambulatory disabled, non-ambulatory, and distressed livestock must have their health closely monitored. This rule has been amended with grammatical edits to improve readability.

Rule 901:12-4-04 prohibits non-ambulatory disabled livestock from being loaded to transport to a non-terminal market or a collection facility. This rule is being proposed with no changes made.

Rule 901:12-5-01 outlines specific definitions used in Chapter 901:12-5 of the Administrative Code and includes definitions of special fed veal, grain fed veal, and bob veal. This rule has been amended to make changes based on LSC's rule drafting manual.

Rule 901:12-5-02 states that all veal calves must receive feed and water. If unable to feed or drink on its own, the responsible party must provide assistance. This rule has been amended to reduce regulatory restrictions.

Rule 901:12-5-03 outlines the management of veal calves. The rule includes requirements that the animals be housed in a clean and safe environment. In addition, the rule outlines the housing structures utilized for veal calves. This rule has been amended with grammatical edits to improve readability, removes dates that are no longer applicable, removes a

statement that is no longer applicable and makes a change based on LSC's rule drafting manual.

Rule 901:12-6-01 states that all dairy cattle must receive feed and water. In addition, all newborn calves must be fed colostrum, or a colostrum replacement. This rule is being proposed with no changes made.

Rule 901:12-6-03 prohibits the transportation of calves with navels that have not dried after birth. This rule has been amended with a grammatical edit to improve readability.

Rule 901:12-7-01 states that all beef cattle must receive feed and water. In addition, all newborn calves must be fed colostrum, or a colostrum replacement, within the first twenty-four hours of life. This rule is being proposed with no changes made.

Rule 901:12-8-01 outlines specific definitions used in Chapter 901:12-8 of the Administrative Code. This rule is being proposed with no changes made.

Rule 901:12-8-03 states that if transportation of a sow with her suckling litter is necessary, the sow must be segregated from all other animals during transport and the litter must be protected appropriately. This rule is being proposed with no changes made.

Rule 901:12-9-01 outlines specific definitions used in Chapter 901:12-9 of the Administrative Code. This rule has been amended to make a change based on LSC's rule drafting manual.

Rule 901:12-9-02 states that all poultry layers must receive feed and water. This rule has been amended to make a change based on LSC's rule drafting manual.

Rule 901:12-9-03 outlines the livestock management practices of poultry layers. This rule has been amended with grammatical edits to improve readability, revises effective date to read initial effective date and reduces regulatory restrictions.

Rule 901:12-9-04 states that while transporting poultry layers the animals must be allowed to rest without being forced to rest on top of each other. This rule is being proposed with no changes made.

Rule 901:12-10-01 outlines specific definitions used in Chapter 901:12-10 of the Administrative Code. This rule is being proposed with no changes made.

Rule 901:12-10-02 states that all poultry broilers must receive feed and water. This rule has been amended to make a change based on LSC's rule drafting manual.

Rule 901:12-10-03 outlines the livestock management practices of poultry broilers. This rule has been amended with grammatical edits to improve readability and to reduce regulatory restrictions.

Rule 901:12-10-04 states that while transporting poultry broilers the animals must be allowed to rest without being forced to rest on top of each other. This rule is being proposed with no changes made.

Rule 901:12-11-01 outlines specific definitions used in Chapter 901:12-11 of the Administrative Code. This rule is being proposed with no changes made.

Rule 901:12-11-02 states that all turkeys must receive feed and water. This rule has been amended to make a change based on LSC's rule drafting manual.

Rule 901:12-11-03 outlines the livestock management practices of turkeys. This rule has been amended with grammatical edits to improve readability and to reduce regulatory restrictions.

Rule 901:12-11-04 states that while transporting turkeys the animals must be allowed to rest without being forced to rest on top of each other. This rule is being proposed with no changes made.

Rule 901:12-12-01 states that all sheep must receive feed and water. In addition, all newborn lambs must be fed colostrum, or a colostrum replacement, within the first twenty-four hours of life. This rule is being proposed with no changes made.

Rule 901:12-12-02 outlines the livestock management practices for sheep. The rule includes requirements that the animals be housed in a clean and safe environment. This rule has been amended with grammatical edits to improve readability and to reduce regulatory restrictions.

Rule 901:12-13-01 states that all goats must receive feed and water. In addition, all newborn kits must be fed colostrum, or a colostrum replacement, within the first twenty-four hours of life. This rule is being proposed with no changes made.

Rule 901:12-14-01 outlines specific definitions used in Chapter 901:12-14 of the Administrative Code. This rule is being proposed with no changes made.

Rule 901:12-14-02 states that all newborn crias must be fed colostrum, or a colostrum replacement, within the first twenty-four hours of life. This rule is being proposed with no changes made.

Rule 901:12-14-03 outlines the livestock management practices for alpacas and llamas. This rule has been amended with grammatical edits to improve readability and to reduce regulatory restrictions.

Rule 901:12-14-04 requires that the animals must be able to stand so their backs do not touch the top of the vehicle, and that the density of the animals transported must allow them to lay down. This rule has been amended with grammatical edits to improve readability and to reduce regulatory restrictions.

Rule 901:12-15-01 outlines specific definitions used in Chapter 901:12-15 of the Administrative Code. This rule has been amended with a grammatical edit to improve readability.

Rule 901:12-15-02 states that all newborn foals must be fed colostrum, or a colostrum replacement, within the first twenty-four hours of life. This rule is being proposed with no changes made.

Rule 901:12-15-03 outlines the livestock management practices for equine animals. This rule has been amended with grammatical edits to improve readability and to reduce regulatory restrictions.

Rule 901:12-15-04 requires that all suckling foals be transported separately from other animals and must be transported with their dams. Additional transportation requirements and restrictions are listed in the rule. This rule has been amended to reduce regulatory restrictions.

- 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 904.03, 904.04

- 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.

No.

- 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.**

Not Applicable.

- 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 November 2009, Ohio voters passed State Issue 2 approving the creation of the Ohio Livestock Care Standards Board in the Revised Code. This vote demonstrated Ohioans' support for keeping the state's number one industry – food and agriculture – vibrant and strong. The board was

charged with creating state standards for the care and well-being of livestock in Ohio.

The enabling language required the board to take the following into consideration when developing the standards: best management practices for the care and well-being of livestock; biosecurity; disease prevention; animal morbidity and mortality data; food safety practices, protection of local, affordable food supplies for consumers; generally accepted veterinary medical practices, livestock practice standards and ethical standards established by the American Veterinary Medical Association, and any other factors that the board considers necessary for the proper care and well-being of livestock in this state.

The comprehensive livestock care standards developed by the OLCSB are meant to be practical for livestock producers of all sizes, scales and production methods and will not only assure better livestock care, but also supports the state's overarching goals of promoting safe and affordable food and helping to prevent the outbreak of both animal and human diseases.

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

The rules are considered successful when there is no increase in violations of the rules annually.

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.

On February 15, 2024, the following stakeholders were emailed a copy of the proposed rules and the comment period remained open until February 29, 2024. These stakeholders represent statewide organizations and individuals with an interest in the division of Livestock Care Standard rules.

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| ANDERHOLM VETERINARY CLINIC | Anderholm, Constance |
| ANIMALS UNLIMITED VETERINARY HOSPITAL | Anderson, Valerie |
| Animal Welfare Institute | Adrienne Craig |
| Animal Welfare Institute | Reyes, Gwendy |
| Barnesville-Woodsfield Veterinary Service LLC | General email |
| Burroughs Equine | Burroughs, Mark Steven |
| BYLAND ANIMAL HOSPITAL | General email |
| Capitol Advocates | Rob Eshenbaugh |
| Capitol Consulting | Belinda Jones |
| Capital Advocates | Kurt Leib |
| CELINA ANIMAL HOSPITAL, INC. | Miesse, Craig |
| CLAREMONT VET CLINIC | Kaeser, Donald R |
| Columbiana County Dog Warden | General email |
| Columbus Dog Connection | Defrischia, Kelly |
| Commercial Dog Breeder Advisory Board | April Burnside |
| Commercial Dog Breeder Advisory Board | Lori Carlson |
| Commercial Dog Breeder Advisory Board | Dr. Susan Wilcox |
| Commercial Dog Breeder Advisory Board | Matt Granito |
| Commercial Dog Breeder Advisory Board | Dr. Patricia Haynes |
| Commercial Dog Breeder Advisory Board | Linda Stickney |
| Commercial Dog Breeder Advisory Board | Dr. Micheal Frederick |
| Commercial Dog Breeder Advisory Board | Lisa Zimmerman |
| COUNTRY ROADS VETERINARY SERVICES | Brennan, David T |

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| CRANK AND KIRKPATRICK ANIMAL HOSPITAL | General email |
| DANVILLE VETERINARY CLINIC | Hoxworth, Teresa |
| DANVILLE VETERINARY CLINIC | Webb, L. Jarrod |
| Delaware Equine LLC | Chase, James P |
| DHI Cooperative, Inc | Brian Winters |
| DIAMOND M VETERINARY CLINIC | Kearns, Earnest |
| East Holmes Vet Clinic | Shaver, Eric M |
| East Holmes Vet Clinic | Mierzwiak, Kristen |
| East Holmes Vet Clinic | Wise, Aaron |
| FAYETTE VETERINARY HOSPITAL | General email |
| GREEN CAMP VET CLINIC | Forshey, Melissa |
| Greenfield Vet | Sims, Michael |
| HEALTHY PETS OF WEDGEWOOD | General email |
| Heritage Veterinary Care | General email |
| Hillsboro Veterinary Hospital | General email |
| Hocking Hills Animal Clinic | Shannon Moore |
| Holmes County Dog Warden | General email |
| Humane Society of the United States | Corey Roscoe |
| Humane Society of the United States | Mark Finneran |
| Ice Miller | Samuel Porter |
| Karr Veterinary Clinic | Karr, Paul E |
| Knox County Dog Warden | John Carhart |
| KOLEHMAINEN VETERINARY CLINIC | Kolehmainen, William J |
| LISBON VET CLINIC INC | Schmucker, Gordon |
| Little Puppies Online LLC | Nathan Bazler |
| MASTERSON VETERINARY CLINIC | Masterson, Rhonda |
| MedVet Columbus | General email |
| Mogadore Vet Hospital | Whittington, David |
| Mt Hope Vet Services, Walnut Creek Veterinary Clinic | Varga, Joseph |
| Napoleon Veterinary Clinic | General email |
| Nation Farmers Organization | Alva Heiss |
| Northgate Animal Hospital | Gibson, Douglas |
| Ohio Animal Welfare Federation | Colleen Evans |
| Ohio Beef Council/Ohio Cattlemen's Association | Elizabeth Harsh |
| Ohio Belgian Breeders Association | Carolyn Piergallini |
| Ohio Dairy Producers | Scott Higgins |
| Ohio Dairy Veterinarians | Dr. Gabe Middleton |
| ODNR DOW | Kendra Wecker |
| OEPA | Alison Shockley |
| Ohio Ag Council | Janice Welsheimer |

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| Ohio Agribusiness Association | Aaron Heilers |
| Ohio Agribusiness Association | Janice Welsheimer |
| Ohio Agribusiness Association | Lauren Prettyman |
| Ohio Agribusiness Association | Melinda Witten |
| Ohio Farm Bureau | Adam Sharp |
| Ohio Farm Bureau | Jack Irvin |
| Ohio Farm Bureau | Jordan Hoewischer |
| Ohio Farm Bureau | Leah Curtis |
| Ohio Farm Bureau | Roger High |
| Ohio Farm Bureau | Tony Seegers |
| Ohio Farmers Union | Linda Borton |
| Ohio Farmers Union | Joe Logan |
| Ohio Forum for Companion Animals | General email |
| Ohio Forum for Companion Animals | Leon Beachy |
| Ohio Haflinger Association | Lucy Workman |
| Ohio Harness Horsemen's Association | Renee Mancino |
| Ohio Percheron Breeders Association | Darlana Chettle |
| Ohio Pork Producers Council | Cheryl Day |
| Ohio Poultry Association | Jim Chakeres |
| Ohio Quarter Horse Association | Scott Myers |
| Ohio Soybean Association | Brandon Kern |
| Ohio State Grange | Mike Russell |
| Ohio State University | Adam Ward |
| Ohio Veterinarian Medical Association | Chris Henney |
| Ohio Welsh Pony Association | Paul Hurd |
| Paw Patch Veterinary Services | Hirt, Laurie |
| Petco | Mike Gonidakis |
| PONDVIEW VETERINARY CLINIC | Dougherty, Patrick |
| PONDVIEW VETERINARY CLINIC | Small, Tasha Nichole |
| Premier Pups LLC | Michael Schoeff |
| SHAWNEE ANIMAL CLINIC | Sherman, Angela |
| SHELBY ANIMAL CLINIC | Knox, John W |
| Sierra Club, Ohio Chapter | Adam Rissien |
| STONYRIDGE VETERINARY SERVICE | Eisenberg, Eric |
| Sugarcreek Veterinary Clinic | General email |
| Sugarcreek Veterinary Clinic | Honigford, James |
| Sugarcreek Veterinary Clinic | Daugherty, Rick |
| Sugarcreek Veterinary Clinic | Donley, Shane |
| The Batchelder Company | Judy, Troy |
| The Ohio State University | Peggy Hall |
| The Ohio State University | Dr. Jeanette O'Quinn |

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| The Ohio State University | Dr. Rustin Moore |
| The Ohio State University | Dr. Tom Wittum |
| THE PLAINS VETERINARY HOSPITAL, LLC | Ryan, Ericka |
| Tuscarawas County Dog Warden | General email |
| Twin Valley Animal Hospital | Twin Valley Animal Hospital |
| Twinsburg Vet Hospital | Lozanoff, Stacy |
| United Producer's Inc | Mike Bumgarner |
| USDA – APHIS | Dr. Leeza Bercaw |
| USDA – APHIS | Dr. Jamie Davis |
| USDA APHIS WS | Andy Montenev |
| Wayne County Dog Warden | General email |
| WHEELERSBURG ANIMAL HOSPITAL INC. | General email |
| WILLARD VETERINARY CLINIC | General email |

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

The Animal Welfare Institute (AWI) submitted comments regarding this rule package. In summary, the comments are directed towards rules that the AWI feels current standards are outdated, and where rules need updated to be consistent with industry standards, best management practices and generally accepted veterinary medical practices. The Division of Animal Health reviewed the comments submitted by the AWI and believe that no changes are warranted at this time. At the June 25, 2024, Livestock Care Standard Board meeting the board voted to move this package along to the Common Sense Initiative. The next Livestock Care Standard Board meeting will be held on October 24, 2024, which the Board will review all comments submitted during the public comment periods and will make further revisions to this rule package if warranted.

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?

The Ohio Livestock Care Standards Board is composed of a variety professional roles within the livestock industry. The board considers current industry standards and practices.

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 majority of these rules are performance based as they define the required outcome but do not dictate the process. For example, there are several rules which state “Housing must provide a clean and safe environment that promotes the health, welfare, and performance of [animal] at all stages of their lives.” This rule is performance based as it defines the outcome

(clean and safe environment) without dictating the process for obtaining the outcome.

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

The Ohio Livestock Care Standards Board is given sole regulatory authority to adopt the standards under Chapter 904 of the Revised Code.

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.

The rules are already implemented within the industry and the Department works with all stakeholders in order to educate and inform them of the regulations.

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

All owners and individuals responsible for the care of livestock in the state of Ohio.

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 is no license, registration, or permit fee associated with the rules. The rules outline general standards which require responsible parties to provide access to feed and water, provide for a clean and safe environment that promotes the health, welfare, and performance of animals, and to perform management practices in a humane manner. Further, the rules outline species specific standards which take into account each species' biologic needs to meet those requirements.

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*).

Division 901:12 of the Administrative Code has been thoroughly reviewed and streamlined to increase the readability and reduce the regulatory restrictions present in the language.

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

As stated above, in November 2009, Ohio voters passed State Issue 2 approving the creation of the Ohio Livestock Care Standards Board in the Revised Code. This vote demonstrated Ohioans' support for keeping the state's number one industry – food and agriculture – vibrant and strong. The board was charged with creating state standards for the care and well-being of livestock in Ohio. For these reasons, the Department believes the regulatory intent justifies the minimal adverse business impact.

Regulatory Flexibility

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

As the primary purpose of the rules is the promotion of the health, welfare, and safety of livestock in the state of Ohio, there are no exemptions or alternative means of compliance for small businesses.

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?

There are no paperwork violations associated with the set of rules.

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

These rules are already implemented within the industry and the Department works with all stakeholders in order to educate and inform them of the regulations.