



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

Business Impact Analysis

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

Rule Contact Name and Contact Information: Renee Schmauch
Renee.Schmauch@agri.ohio.gov 614-728-6295

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

Ohio Livestock Care Standards Board – Pain Management Amendments

Rule Number(s): 901:12-1-01, 901:12-1-03, 901:12-1-05, 901:12-6-02, 901:12-7-02, 901:12-8-02, and 901:12-13-02.

Date of Submission for CSI Review: 11/2/2023

Public Comment Period End Date: 11/27/2023

Rule Type/Number of Rules:

New/___ rules

No Change/___ rules (FYR? ___)

Amended/ 7 rules (FYR? 7)

Rescinded/___ rules (FYR?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.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

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.

Rule 901:12-1-01 sets forth the definitions and general considerations that are used in the Chapter. This rule has been amended to change terminology.

Rule 901:12-1-03 states that all injectable euthanasia agents must be used by or under the direct supervision of a licensed veterinarian. This rule has been amended to change terminology.

Rule 901:12-1-05 outlines specific euthanasia methods for specific species. This rule has been amended to change terminology and clarify euthanasia methods for poultry.

Rule 901:12-6-02 outlines the livestock management practices of dairy cattle. 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 dairy cattle. This rule has been amended to remove outdated language, require pain management for horn removal and disbudding, and further specify tail docking.

Rule 901:12-7-02 outlines the livestock management practices of beef cattle. 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 beef cattle. This rule has been amended to require pain management for horn removal and disbudding.

Rule 901:12-8-02 outlines the livestock management practices of swine animals. The rule includes requirements that the animals be housed in a clean and safe environment. In addition,

the rule outlines the housing system standards for swine animals. This rule has been amended to require pain management for tusk trimming.

Rule 901:12-13-02 outlines the livestock management practices for goats. The rule includes requirements that the animals be housed in a clean and safe environment. This rule has been amended to require pain management for horn removal and disbudding.

- 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.**

Section 904.03 of the Revised Code.

- 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)?**

The Ohio Livestock Care Standards Board was established in 2009 and is tasked with creating state standards for the care and well-being of livestock in Ohio. The comprehensive livestock care standards developed by the OLCBS 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 Department considers the rules successfully implemented 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 June 6, 2023, the following stakeholders were emailed a copy of the proposed rules and the comment period remained open until June 21, 2023. These stakeholders represent statewide organizations and individuals with an interest in the division of Livestock Care Standard rules.

Organization	Contact	Email
ANDERHOLM VETERINARY CLINIC	Anderholm, Constance	connie.doc@frontier.com
ANIMALS UNLIMITED VETERINARY HOSPITAL	Anderson, Valerie	animalsunlimitedvethosp@yahoo.com
Animal Welfare Institute	Adrienne Craig	adrienne@awionline.org
Barnesville-Woodsfield Veterinary Service LLC		bvs2218@sbcglobal.net
Burroughs Equine	Burroughs, Mark Steven	burroughsequine@gmail.com
BYLAND ANIMAL HOSPITAL		bylandah@frontier.com
Capitol Advocates	Rob Eshenbaugh	reshenbaugh@capitoladvocates.net
Capitol Consulting	Belinda Jones	bjones@capitol-consulting.net
CELINA ANIMAL HOSPITAL, INC.	Miesse, Craig	celinaanimalhospital@gmail.com
CLAREMONT VET CLINIC	Kaeser, Donald R	kristinedvm@frontier.com
Columbiana County Dog Warden		hpecorelli@ccclerk.org
Commercial Dog Breeder Advisory Board	April Burnside	aprilgraham01@gmail.com
Commercial Dog Breeder Advisory Board	Lori Carlson	loricarlson@lchspets.org
Commercial Dog Breeder Advisory Board	Dr. Susan Wilcox	drsussudio@gmail.com
Commercial Dog Breeder Advisory Board	Matt Granito	mgranito@co.geauga.oh.us
Commercial Dog Breeder Advisory Board	Dr. Patricia Haynes	ofkpointer@gmail.com
Commercial Dog Breeder Advisory Board	Linda Stickney	stickneylinda@gmail.com
COUNTRY ROADS VETERINARY SERVICES	Brennan, David T	crsvvet@gmail.com
CRANK AND KIRKPATRICK ANIMAL HOSPITAL		crankvet1@gmail.com
DANVILLE VETERINARY CLINIC	Hoxworth, Teresa	danvilleveterinaryclinic@embarqmail.com
Delaware Equine LLC	Chase, James P	jpchasedvm@aol.com
East Holmes Vet Clinic	Shaver, Eric M	ehvcvet8@gmail.com
FAYETTE VETERINARY HOSPITAL		dwaits62594@columbus.rr.com
GREEN CAMP VET CLINIC	Forshey, Melissa	greencampvet@yahoo.com
Greenfield Vet	Sims, Michael	msimsdvm@gmail.com
HEALTHY PETS OF WEDGEWOOD		wedgewood@healthypetsofohio.com
Hillsboro Veterinary Hospital		hillsborovethospital@gmail.com
Hocking Hills Animal Clinic	Shannon Moore	hockingvet@gmail.com

Holmes County Dog Warden		holmescountydogwarden@gmail.com
Humane Society of the United States	Corey Roscoe	croscoe@humanesociety.org
Humane Society of the United States	Mark Finneran	mfinneran@humanesociety.org
Karr Veterinary Clinic	Karr, Paul E	mpaulmel@aol.com
Knox County Dog Warden	John Carhart	dogwarden@co.knox.oh.us
KOLEHMAINEN VETERINARY CLINIC	Kolehmainen, William J	kolehmainenw@gmail.com
LISBON VET CLINIC INC	Schmucker, Gordon	lvvinc@sbcglobal.net
Little Puppies Online LLC	Nathan Bazler	nathan@littlepuppiesonline.com
MASTERSON VETERINARY CLINIC	Masterson, Rhonda	mastersonvetclinic@hotmail.com
MedVet Columbus		eric.schertel@medvetforpets.com
Mogadore Vet Hospital	Whittington, David	mogvet@sbcglobal.net
Mt Hope Vet Services,		
Walnut Creek Veterinary Clinic	Varga, Joseph	walnutcreekvet@gmail.com
Napoleon Veterinary Clinic		email@napoleonvet.com
Northgate Animal Hospital	Gibson, Douglas	dgibson11@woh.rr.com
Ohio Animal Welfare Federation	Colleen Evans	ohiofedhs@gmail.com
Ohio Beef Council/Ohio Cattlemen's Association		
Ohio Belgian Breeders Association	Elizabeth Harsh	eharsh@ohiobeef.org
Ohio Ecological Food and Farm Association	Carolyn Piergallini	pierbelgians@frontier.com
Ohio Farm Bureau	Amalie Lipstreu	amalie@oeffa.org
Ohio Farm Bureau	Adam Sharp	asharp@ofbf.org
Ohio Farm Bureau	Jack Irvin	jirvin@ofbf.org
Ohio Farm Bureau	Larry Antosh	lantosch@ofbf.org
Ohio Farm Bureau	Leah Curtis	lcurtis@ofbf.org
Ohio Farm Bureau	Roger High	rhigh@ofbf.org
Ohio Farmers Union	Linda Borton	lborton@ohfarmersunion.org
Ohio Forum for Companion Animals		amm@preferredcanines.com
Ohio Forum for Companion Animals	Leon Beachy	leon.beachy.lp@gmail.com
Ohio Haflinger Association	Lucy Workman	info@ohiohaflinger.com
Ohio Harness Horsemen's Association	Renee Mancino	rmancino@ohha.com
Ohio Percheron Breeders Association	Darlana Chettle	darlenachettle@yahoo.com
Ohio Pork Producers Council	Cheryl Day	cday@ohiopork.org
Ohio Poultry Association	Jim Chakeres	jchakeres@ohiopoultry.org
Ohio Quarter Horse Association	Scott Myers	smyers@oqha.com
Ohio State University	Adam Ward	ward.311@osu.edu
Ohio Veterinarian Medical Association	Jack Advent	jra@ohiovma.org
Ohio Welsh Pony Association	Paul Hurd	hurdmorwel@gmail.com
Paw Patch Veterinary Services	Hirt, Laurie	pawpatchvets@gmail.com
Petco	Mike Gonidakis	mgonidakis@yahoo.com
PONDVIEW VETERINARY CLINIC	Dougherty, Patrick	pondviewveterinaryclinic@gmail.com

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

Premier Pups LLC
SHAWNEE ANIMAL CLINIC
SHELBY ANIMAL CLINIC

Sugarcreek Veterinary Clinic
Sugarcreek Veterinary Clinic
Sugarcreek Veterinary Clinic
Sugarcreek Veterinary Clinic
The Batchelder Company
The Ohio State University
The Ohio State University
THE PLAINS VETERINARY HOSPITAL, LLC
Tuscarawas County Dog Warden

Twin Valley Animal Hospital
Twinsburg Vet Hospital
USDA – APHIS
USDA – APHIS
WHEELERSBURG ANIMAL HOSPITAL INC.

Michael Schoeff
Sherman, Angela
Knox, John W
Sugarcreek Veterinary
Clinic
Honigford, James
Daugherty, Rick
Donley, Shane
Judy, Troy
Peggy Hall
Dr. Jeanette O'Quinn
Ryan, Ericka

Twin Valley Animal
Hospital
Lozanoff, Stacy
Dr. Leeza Bercaw
Dr. Jamie Davis

mike@premierpups.com
sacpets@zoomnet.net
shelbyanimalclinic@frontier.com
info@sugarcreekvet.com
jim@sugarcreekvet.com
rick@sugarcreekvet.com
shane@sugarcreekvet.com
troy@thebatchco.com
hall.673@osu.edu
oquin.4@osu.edu
tnericka@yahoo.com
Dogpound@co.tuscarawas.oh.us
twinvalleyanimalhospital@yahoo.com
wecare@twinsburgvet.com
leeza.bercaw@usda.gov
jamie.l.davis@usda.gov
WAHpets@live.com
amysmy25@gmail.com
animalsunlimitedvethosp@yahoo.com
armstrong@ohseed.org
arnold.680@osu.edu
b.edison@associatedscale.com
ben.hickerson@shelbycountyhealthdept.org
bgibson1@vt.edu
billk@cooperfarms.com
birosaw@yahoo.com
bmusicmssm@gmail.com
bobsmetertest@roadrunner.com
brian@ohioturf.org
brown@tmacog.org
candice.ryan@agri.ohio.gov
captpaul@accesstoledo.com
cashpenny@msn.com
cdavis@greatlakes.org
cday@ohiopork.org
cendsley@ofbf.org
cgeers@strackscale.com
chenney@oaba.net
cincinnati@zoomtown.com

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

	Courtney.Dewart@odh.ohio.gov
	csubler@ccao.org
	danman969@blurnow.com
	darnold@ofbf.org
	dave.boykin@ncr.com
	davew@petrocomcorp.com
	david.lemmon@hobartservice.com
	dc230047@ncr.com
	deejays@deejayscustombutchering.com
	director@blackswamp.org
	dnbrown33@gmail.com
	doug@luckeyoilequipment.com
	dpc@pacainc.com
	dwalsh@sfa.org
	ettareed@bayerbecker.com
	felic@abine.us
	felicitycorinne@blurmail.net
	fought@ohiotownships.org
	francyne.klein@crompco.com
	gemdvm8@gmail.com
Dr. Gabe Middleton	gmiddletonovc@gmail.com
	grante@vmrd.com
	heidi.johnson@agri.ohio.gov
	hesseg@nwf.org
Dr. Dennis Trautwein	holmeswaynevet@gmail.com
	hurdmorwel@gmail.com
	info@ohiohaflinger.com
	info@ohiolawncare.org
	info@ohiopma.org
	info@selectsires.com
	jacquefarms@aol.com
	jade.mowery@odh.ohio.gov
	jbarker@ohiorestaurant.org
	jbillings@oqha.com
	jcoleman@soyohio.org
	jengle@larsonco.com
	jenny.hubble@drink-milk.com
	jessica.dambrosio@tnc.org
	jinglis@pheasantsforever.org
	jkohl@aesscales.com
	jlwindus@embarqmail.com

joe.koehler@usda.gov
joelogan.jl@gmail.com
j6143251005@gmail.com
johngrafton654@gmail.com
johnson.2005@wright.edu
jpangrazio@ltsscale.com
jsmith@thewilds.org
jspencer@mulchmfg.com
jtmead@ofswcd.org
k.menchhofer@weavereggs.com
kandt@ipriva.com
Kelcie.Blankenship@odh.ohio.gov
kellsallstevo@gmail.com
kleib@capitoladvocates.net
kmerritt@soyohio.org
kristin@ohiogrocers.org
kscarrett@omlohio.org
kschulte@jones-frank.com
kushalj@nowbuzzoff.com
larry@shoresandislands.com
liquidmeter@liquidmeterservices.com
Lisa.Meadows@agri.ohio.gov
lisa@ohiofoodbanks.org
ljstevens63@yahoo.com
lmeadows50@hotmail.com
loram@ohioretailmerchants.com
loustraub@gmail.com
markholtgreven@loadmasterscale.com
matthewvfisher@gmail.com
mbennett@offinger.com
mfinneran@humanesociety.org
mherman697@aol.com
michael.pinagel@walmart.com
mike.ferner@sbcglobal.net
mlooney@lobalzo.com
mrkennel2018@yahoo.com
ngocbui83@maskedmails.com
nwallace@oaba.net
ohiovma@ohiovma.org
opga@kdafirm.com
pcs@partnersforcleanstreams.org

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

pete@accuracyscales.com
picasso.2@osu.edu
pierbelgians@frontier.com
pyarnell@chbradshaw.com
raexotics407@addprivacy.net
randy.moses@wayne.com
raugsburger@ohiomfg.com
rees.alexander@squirepb.com
rjrichter@glcap.org
romebaum@gmail.com
ron.clinton@aacalibration.com
rterry@ducks.org
russell@buckeyescale.net
rvanaman@filingscale.com
ryan.yanez@agri.ohio.gov
s7p5hcsaeu@proxiedmail.com
saginidamm@maskedmails.com
sara.margrey@odh.ohio.gov
scarsims421@gmail.com
schachtfarmmarket@gmail.com
schaefjb@gmail.com
service@ocscal.com
Sheepskin72@yahoo.com
shelly@apexlec.com
smith@buckeyescale.net
styop@abinemail.com
tammymc070366@gmail.com
tchase@reliacon.com
tdougherty@theoec.org
templin@sppgrp.com
tfontana@soyohio.org
thoxworthdvm@yahoo.com
tjbechtold@vorys.com
tmccomas@wayac.com
tnicholson@ohiocornandwheat.org
tom.price2@icloud.com
tonya.collop@mda.mo.gov
townandcountryclinic@gmail.com
val@oamp.org
val@ohiochristmastree.com
vaskins1.va@gmail.com

Hoxworth, Teresa

Dr. Greg Price

wahpets@live.com
welch.183@osu.edu
wilhelmgas@yahoo.com
zeiglerc@api.org

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

During the stakeholder outreach comment period, the Ohio Livestock Care Standards Board received three comments. The first comment asked for consistency throughout the regulations when referring to “injectable euthanasia agents.” The second comment asked for clarification between euthanasia and depopulation methods. Both of these comments have been fully incorporated into the current drafts. The third comment supported the addition to the rule stating that tail docking is required to be deemed medically necessary for the individual animal.

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 rules have been drafted at the request of the Ohio Livestock Care Standards Board via the formation of a sub-committee of livestock experts in addition to industry members. The standards established are the collective work-product of sub-committee of experts.

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 rules are well established in the agriculture community and achieve the statutory goal of protecting and promoting the welfare of all livestock; therefore, no alternative regulations were considered.

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 and the Department are given sole authority 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 regulatory changes.

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 fees associated with the rules. The rules outline general standards for livestock and are currently implemented through industry best management practices.

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*).

No.

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

The Department and the Ohio Livestock Care Standards Board justify the adverse impact to industry due to the protection of the livestock well-being.

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 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 these rules.

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

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