



Common Sense Initiative

Mike DeWine, Governor
Jim Tressel, Lt. Governor

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Business Impact Analysis

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

Rule Contact Name and Contact Information: Renee Schmauch
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Regulation/Package Title (a general description of the rules' substantive content):

Livestock Care Standard- Euthanasia rules

Rule Number(s): 901:12-1-02, 04 and 06;

Date of Submission for CSI Review: 3/20/2025

Public Comment Period End Date: 4/10/2025

Rule Type/Number of Rules:

New/ rules

No Change/ 1 rules (FYR? yes)

Amended/ 2 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Rescinded/ rules (FYR?)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 management practices in a humane manner. The rules in division 901:12 of the Administrative Code are due for the five-year rule review and have been reviewed by the Ohio Livestock Care Standards Board.

Rule 901:12-1-02 outlines the acceptable inhalant euthanasia agents. This rule is being proposed with no changes made.

Rule 901:12-1-04 sets out the physical methods of euthanasia permitted under the chapter. This rule is being proposed to remove the requirement to press a penetrating captive bolt gun firmly against the head because placement has already been addressed and to remove a definition that is no longer necessary.

Rule 901:12-1-06 states that persons responsible for the violation of this chapter are subject to the civil penalties outlined in OAC Chapter 901:12-2. The rule is being amended to make a minor change based on the Ohio Legislative Service Commission rule making guidelines and to strike the last sentence.

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 (OLCSB) 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.

Codified in ORC Chapter 904, 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 ensure 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 October 18, 2023, the following stakeholders were emailed a copy of the proposed rules, and the comment period remained open until November 1, 2023. These stakeholders represent statewide organizations and individuals with an interest in the division of Livestock Care Standard rules.

ANDERHOLM VETERINARY CLINIC	Anderholm, Constance
ANIMALS UNLIMITED VETERINARY HOSPITAL	Anderson, Valerie
Animal Welfare Institute	Adrienne Craig
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
CELINA ANIMAL HOSPITAL, INC.	Miesse, Craig
CLAREMONT VET CLINIC	Kaeser, Donald R
Columbiana County Dog Warden	General email
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
COUNTRY ROADS VETERINARY SERVICES	Brennan, David T
CRANK AND KIRKPATRICK ANIMAL HOSPITAL	General email
DANVILLE VETERINARY CLINIC	Hoxworth, Teresa
Delaware Equine LLC	Chase, James P
East Holmes Vet Clinic	Shaver, Eric M
FAYETTE VETERINARY HOSPITAL	General email
GREEN CAMP VET CLINIC	Forshey, Melissa
Greenfield Vet	Sims, Michael
HEALTHY PETS OF WEDGEWOOD	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
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
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 Higgs
Ohio Ecological Food and Farm Association	Amalie Lipstreu
Ohio Farm Bureau	Adam Sharp
Ohio Farm Bureau	Jack Irvin
Ohio Farm Bureau	Larry Antosh
Ohio Farm Bureau	Leah Curtis
Ohio Farm Bureau	Roger High
Ohio Forum for Companion Animals	General email
Ohio Forum for Companion Animals	Leon Beachy
Ohio Haflinger Association	Lucy Workman

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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 State University	Adam Ward
Ohio Veterinarian Medical Association	Jack Advent
Ohio Welsh Pony Association	Paul Hurd
Paw Patch Veterinary Services	Hirt, Laurie
Petco	Mike Gonidakis
PONDVIEW VETERINARY CLINIC	Dougherty, Patrick
Premier Pups LLC	Michael Schoeff
SHELBY ANIMAL CLINIC	Knox, John W
Sugarcreek Veterinary Clinic	Sugarcreek Veterinary Clinic
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
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
USDA – APHIS	Dr. Leeza Bercaw
USDA – APHIS	Dr. Jamie Davis
WHEELERSBURG ANIMAL HOSPITAL INC.	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 urged OLCSB to update the rules to ensure they comply with the requirements of ORC 904.03. The Ohio Livestock Care Standards Board reviewed the comments submitted by the AWI and believe that no changes are warranted at this time. In addition, at the October 24, 2024, Livestock Care Standards Board meeting an expert from The Ohio State University presented information on the best management practices of humanly euthanizing animals to the Board members. After this presentation and the opportunity for discussion, the board voted to move this package along to the Common Sense Initiative Office.

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. The rules as they currently exist are well established in the agriculture community and achieve the statutory goal of protecting and promoting the welfare of all livestock in the state of Ohio. For those reasons, no regulatory alternatives were incorporated.

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 perform management practices in a humane manner.

- 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?**

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 is 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 industry and the Department works with all stakeholders in order to educate and inform them of the regulations.