

**MEMORANDUM**

TO: Howard Henry, Ohio Department of Agriculture
FROM: Mark Hamlin, Director of Regulatory Policy
DATE: November 21, 2012
RE: **CSI Review – Possession of Dangerous Wild Animals and Restricted Snakes (OAC 901:1-2-01 through 901:1-2-09)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of nine new draft rules being proposed by the Ohio Department of Agriculture dealing with the issue of dangerous wild animals and restricted snakes. Specifically, the rules are being proposed as required by recently-enacted Senate Bill 310, and relate specifically to the caging and fencing requirements for animals designated under statute as dangerous wild animals or restricted snakes. The rules were submitted to the CSI Office on October 31, 2012, and the comment period was open through November 21, 2012. No comments were received during the CSI comment period.

Senate Bill 310 required existing owners of designated animals and snakes, with some exceptions (such as sanctuaries, wildlife rehabilitation facilities, and other accredited/licensed entities), to register their animals with the Department of Agriculture and comply with other specified regulations. As described in the Department's BIA submitted with the rule package, the rules were developed in consultation with an ad hoc committee of zoo representatives and veterinary community members, and are based on standards developed by the Zoological Association of America.

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The rules will have an adverse impact on those Ohioans who own designated animals and snakes – some for business purposes – and who will have to expend resources to meet the caging and fencing standards outlined in the rules. At the time the Department submitted its BIA to the CSI Office, the registration period for owners of these animals had not ended. However, since that time, the registration period has ended and the Department indicated that it received 130 applications to register 483 animals.

The cost to comply will vary depending on the number and types of animals being housed, and the nature of the housing already in place for these animals. However, the Department acknowledges that in some cases, animal owners will likely be required to construct almost entirely new enclosures, which will presumably entail considerable expense. Ultimately, the Department is required by statute to adopt these rules, and through Senate Bill 310 the state has made the policy determination that the need for stringent regulation of those dangerous wild animals and restricted snakes already in Ohio justify the adverse impact to businesses and other animal owners. Moreover, no comments were received offering alternative ways to achieve the regulatory objectives with less impact. Consequently, the CSI Office has no recommendations regarding this rule package.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.