

**MEMORANDUM**

TO: David Miran, Jr., Senior Staff Counsel, Ohio Department of Agriculture

FROM: Mark Hamlin, Director of Regulatory Policy

DATE: December 14, 2015

RE: **CSI Review – Strawberry Plant Certification (OAC 901:5-41-01)**

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 a single rule submitted by the Ohio Department of Agriculture (ODA), addressing the inspection and certification of strawberry plants. The rule has been reviewed pursuant to the five-year review requirement of Ohio statute, and the Department is proposing to amend the rule. The rule was submitted to the CSI Office on October 27, 2015 and the comment period expired on November 18, 2015. No comments were submitted during the CSI review period.

ORC 927.61 prohibits the sale of nursery stock without inspection and certification by ODA, and this rule establishes the specific requirements of the certification process for strawberry plants. The proposed amendments are organizational and clarifying in nature. The BIA submitted by the Department outlines the impacts to business from these regulations – including statutory license fees – and justifies them as necessary to assure purchasers that the plants are free from disease and pests and to assist Ohio growers in being able to sell in other states that have similar certification requirements. Prior to submitting the rule to CSI, the Department engaged a broad group of potential stakeholders, who made no recommendations for additional changes. The CSI Office believes that the rule is justified.

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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 Ohio Department of Agriculture should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.