



# Common Sense Initiative

Mike DeWine, *Governor*  
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

## MEMORANDUM

**TO:** Renee Schmauch, Ohio Department of Agriculture

**FROM:** Jacob Ritzenthaler, Business Advocate

**DATE:** January 13, 2025

**RE:** CSI Review – Stationary Ammonia Systems (OAC 901:5-3-01, 901:5-3-02, 901:5-3-03, 901:5-3-04, 901:5-3-05, 901:5-3-06, 901:5-3-07, 901:5-3-08, 901:5-3-09, 901:5-3-10, 901:5-3-11, 901:5-3-12, 901:5-3-13, and 901:5-3-14)

On behalf of Lt. Governor Jon Husted, 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 Department as provided for in ORC 107.54.

### Analysis

This rule package consists of eight amended rules and six no-change rules proposed by the Ohio Department of Agriculture (Department) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on December 6, 2024, and the public comment period was held open through December 30, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on December 6, 2024.

Ohio Administrative Code (OAC) Chapter 901:5-3 establishes requirements for ammonia systems used for agriculture. OAC 901:5-3-01 lists definitions used throughout the chapter and is amended to update referenced materials and the entity for approving gas masks. OAC 901:5-3-02 concerns the approval of ammonia systems and is amended to require each applicant to submit a detailed plumbing diagram during the approval process and to remove requirements for each system to be designated a permanent registration number. OAC 901:5-3-03 establishes requirements for the new construction and original test of containers. The rule is amended to remove language concerning the edition of referenced materials. OAC 901:5-3-04, 901:5-3-05, and 901:5-3-06 set forth requirements for container markings, location, and appurtenances, and are proposed without changes. OAC 901:5-3-

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07 concerns piping, tubing, and fittings and is proposed without changes.

OAC 901:5-3-08 contains specifications for hoses and is amended to require that all hoses be replaced according to the manufacturer's recommendation or within five years after date of manufacture if there is no recommendation. OAC 901:5-3-09 sets forth requirements for safety relief devices, including discharge settings, tampering minimization, and standards for flow capacity and installation. The rule is proposed without changes. OAC 901:5-3-10 establishes safety requirements for handling ammonia and includes amendments that require gas masks have unexpired and factory sealed anhydrous ammonia refill canisters. OAC 901:5-3-11 sets forth standards for filling and transferring liquids to systems. The rule is proposed without changes. OAC 901:5-3-12, 901:5-3-13, and 901:5-3-14 establish requirements for mounted ammonia systems and include amendments that adjust the height of markings on containers and remove requirements for registration numbers, as that requirement has been removed from OAC 901:5-3-02.

During early stakeholder outreach, the Department sent the proposed rules to industry stakeholders for feedback, including AmericanHort, the Buckeye Quality Beef Association, Capitol Advocates, Ice Miller, the National Farmers Association, the Ohio Ag Council, Ohio Aggregates and Industrial Minerals, the Ohio Agribusiness Association, the Ohio Beef Council/Ohio Cattlemen's Association, the Ohio Christmas Tree Association, Ohio Corn and Wheat Growers Association, Ohio Dairy Producers, the Ohio Environmental Council, the Ohio Farm Bureau, the Ohio Farmers Union, the Ohio Forestry Association, the Ohio Green Industry Association, the Ohio Invasive Plants Council, the Ohio Lawn Care Association, Ohio P.L.A.N.T., the Ohio Pest Management Association, the Ohio Pork Producers Council, the Ohio Poultry Association, Ohio Produce Growers & Marketers, the Ohio Seed Improvement Association, the Ohio Soybean Association, the Ohio Soybean Council, the Ohio State Beekeepers Association, the Ohio State University, the Ohio Turfgrass Foundation, the Nature Conservancy, and the Invasive Plant Advisory Board. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rules includes all anhydrous ammonia storage facilities operating or selling into the state. The adverse impacts created by the rules include compliance with rule requirements for the construction, placement, and operation of ammonia systems, which includes standards for parts such as hoses and pipes, safety practices and equipment use, and operation standards. The Department states that the adverse impacts created by the rules are necessary to prevent accidental discharges of ammonia, which can be harmful to the public and environment.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

## **Conclusion**

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.