

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Department of Agriculture

Regulation/Package Title: Livestock Funds

Rule Number(s): 901-14-01

Date: June 18, 2018

**Rule Type:**

New

5-Year Review

Amended

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

## **Regulatory Intent**

**1. Please briefly describe the draft regulation in plain language.**

Pursuant to Ohio Revised Code 901.42, the Ohio Department of Agriculture shall adopt rules to establish procedures for the allocation of and distribution of financial assistance for livestock exhibitions at the Ohio exposition center. Ohio Administrative Code 901-14-01 sets forth these procedures. The rules are being proposed as not requiring amendment.

There have been no funds appropriated to the Department for these claims in several years. However, due to the continued existence of Revised Code section 901.42, the Department is required to maintain these administrative rules.

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

ORC 901.42

**3. 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?**

No.

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Not Applicable.

**5. What is the public purpose for this regulation?**

Pursuant to ORC 901.42, the Department shall adopt rules necessary to establish procedures for the allocation of and distribution of financial assistance for livestock exhibitions at the Ohio exposition center. When funded by the General Assembly, these funds assist nonprofit livestock associations in sponsoring a livestock exhibition.

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

When properly funded, the Agency measures success in the number of claims properly submitted and verified.

## **Development of the Regulation**

**7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

The Department reached out to the Ohio Expositions Center as the stakeholder for this rule.

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

Mr. Virgil Stricker, General Manager of the Ohio Expo Center and State Fair agreed that the rule should be maintained in its current form.

**9. 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 are administrative in nature and therefore, no scientific data was used to develop the rules.

**10. 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?**

The Department did not consider any other regulations due to the fact that the program is not currently funded however, ORC 901.42 requires the Department to maintain rules.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**

These rules are performance based as they outline the end result and not the process of achieving that end result.

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The Department is given the sole regulatory authority over to establish these rules in 901.42.

**13. 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.**

This program has not received funding since 2008. Should the Department receive funding again, the Department will ensure that all applicants are treated equally and fairly.

**Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community;**

Nonprofit livestock associations.

**b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

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Applicable associations must submit an application to the Director. Further, with the application associations must submit a copy of the rental agreement with costs to the Department and a complete listing of the awards and premiums to be awarded.

**c. Quantify the expected adverse impact from the regulation.**

The quantified adverse impact for submitting a claim is minimal.

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

The Department is required to adopt these rules pursuant to ORC 901.42. As the business impact is negligible, the impact is considered justified.

**Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

The law only applies to non-profit livestock associations.

**17. 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 possible under this chapter.

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

The Department has online resources and has field staff available to provide assistance.