

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:5-37-01
Rule Type: Amendment
Rule Title/Tagline: Prohibited noxious weeds.
Agency Name: Department of Agriculture
Division: Plant Industry
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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 6/29/2018
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 901.10, 5579.04
5. **What statute(s) does the rule implement or amplify?** 5579.05, 5579.08
6. **What are the reasons for proposing the rule?**

The rule is up for five year rule review.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Ohio Administrative Code rule 901:5-37-01 establishes a list of prohibited noxious weed species. This list of noxious weeds established by the Ohio Department of Agriculture is used by the Ohio Department of Transportation, boards of county commissioners, township trustees, and street commissioners of a municipal corporation in order to control the growth of such species in their respective

jurisdictions. Typically these entities utilize this authority to prevent these species from encroaching onto roadways and right-of-ways to ensure rider safety.

The rule has been reviewed by interested stakeholders and is being amended to remove Wild Carrot, Oxeye daisy, and Wild mustard from the list of plant species. Additionally, the following species are proposed to be added to the list:

Yellow Groove Bamboo (*Phyllostachys aureasculata*), when the plant has spread from its original premise of planting and is not being maintained.

Field bindweed (*Convolvulus arvensis*).

Heart-podded hoary cress (*Lepidium draba sub. draba*).

Hairy whitetop or ballcress (*Lepidium appelianum*).

Perennial sowthistle (*Sonchus arvensis*).

Russian knapweed (*Acroptilon repens*).

Leafy spurge (*Euphorbia esula*).

Hedge bindweed (*Calystegia sepium*).

Serrated tussock (*Nassella trichotoma*).

Columbus grass (*Sorghum x almum*).

Musk thistle (*Carduus nutans*).

Forage Kochia (*Bassia prostrata*).

Water Hemp (*Amaranthus tuberculatus*).

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

There are no license fees, fines, or time for employer compliance with this rule. The rule establishes a list of prohibited noxious weed species which may be utilized by the Ohio Department of Transportation, boards of county commissioners, boards of township trustees, and street commissioners of Ohio municipal corporations to control the growth of these species. If utilized, landowners may be required to cut or destroy the plants on their property.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

If utilized, landowners may be required to cut or destroy the plants on their property.