

## 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?** 7/10/2024
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?** ORC 5579.04
5. **What statute(s) does the rule implement or amplify?** 5579.05, 5579.08
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is being filed in accordance with the five year rule review process.
8. **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 (ODA) 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 rights-of-ways to ensure rider safety.

This rule has been reviewed as part of the five-year rule review process and ODA is proposing that no changes be made to this rule. Changes will be made to the statutes that grant the rule writing authority from 901.10 to 907.10(B)(2).

9. **Does the rule incorporate material by reference? No**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

11. **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**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable

13. **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.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

### **III. Common Sense Initiative (CSI) Questions**

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **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.
  - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

### **IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

**A. How many new regulatory restrictions do you propose adding to this rule?**

Not Applicable

**B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

**C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

**D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable