

**Rule Summary and Fiscal Analysis (Part A)****Department of Agriculture**

Agency Name

Division

**Julie Phillips**

Contact

**8995 E. Main Street Reynoldsburg OH 43068-0000 614-728-6712**

Agency Mailing Address (Plus Zip)

Phone

Fax

**julie.phillips@agri.ohio.gov**

Email

**901:5-58-04**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Regulated areas.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **927.52, 927.71**

5. Statute(s) the rule, as filed, amplifies or implements: **927.71**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The quarantine regulation allows Ohio to protect its valuable walnut resource from the pest (walnut twig beetle/thousand cankers disease) by not allowing infested or high risk materials into un-infested areas of the state. This protects a valuable timber species and preserves export markets for products that originate in un-infested areas. The rule is being amended to reflect recent detection in new areas.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The regulation is a revision of the quarantine aimed at preventing the spread of destructive pest of walnut trees to reflect recent detection in new areas.

Adding new locations:

To prevent the spread of the destructive pest walnut twig beetle and associated disease known as thousand cankers into the state of Ohio, the states of Arizona, California, Colorado, Idaho, Nevada, North Carolina, New Mexico, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Virginia and Washington are quarantined. As to North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia, those counties where the pest has been officially confirmed are only subject to the quarantine.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. 119.032 Rule Review Date: 9/7/2017

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

Not applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

It is estimated that the impact from the regulation will cause an increase in costs to shippers of logs from Butler County. Mitigation of the pest risk will need to be accomplished. This can require fumigation treatments of regulated articles that would cost an estimated \$30 per log to be exported out of Butler. This is based on the estimated cost of \$1200.00 for fumigation and rental of a container of 40 logs. This is based on figures from Fumigation Services, Inc. and M. Bohlke Veneer Corp.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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? **No**