## Rule Summary and Fiscal Analysis (Part A)

**Department of Agriculture**
Agency Name

**Animal Industry**
Division

**Howard Henry**
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**901:1-4-09**
Rule Number

**NEW**
TYPE of rule filing

Rule Title/Tag Line **Nonhuman primates.**

### *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? **Yes**

Bill Number: **SB310** General Assembly: **129** Sponsor: **Balderson, Jones**

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: **935.17**

5. Statute(s) the rule, as filed, amplifies or implements: **935.17**

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

This rule is being proposed to fulfill the statutory requirements of Revised Code chapter 935, specifically the standards for care and well-being required by R.C. 935.17(B).

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:

This rule sets standards for care and well-being that are specific to nonhuman primates. The rule includes species specific requirements for enclosure height, size, and features.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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

(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.

0.0

This rule have no impact on revenues or expenditures.

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:

This rule requires minimum enclosures sizes ranging from nine square feet to four hundred square feet, depending on the species of primate being housed. Enclosures for smaller primates require a minimum of eleven and half gauge chain link fencing, or equivalent material; however enclosures for larger primates require a minimum of six gauge chain link. Enclosure heights also vary depending on the size of the primate, ranging from eight feet for large species to a minimum of six feet for smaller species. The cost of compliance with this rule can vary greatly depending on the condition of an existing enclosure, the physical location of the enclosure, and the manner in which the enclosure is built.

If an existing enclosure already meets or exceeds the standards of this rule, an owner will likely incur little to no additional expense. Some enclosures may need to be expanded or modified, but the degree to which modification is needed will depend on how close the existing enclosure conforms to these standards. Some owners may be required to build new enclosures if they lack an existing enclosure or a current structure is incapable of being modified to conform to these rules. The cost of compliance will be highest for these owners.

Based on average retailer estimates, fifty linear feet of six gauge chain link fencing costs approximately $498 for an eight foot high section, nine gauge chain link is $272 for an eight foot high section, and eleven and half gauge chain link costs approximately $137 for a six foot high section. These estimates do not take into account fasteners, rails, posts or other miscellaneous equipment or labor costs, if applicable. However, these costs can be highly variable considering an owner's flexibility to choose material of equivalent strength to six or nine gauge chain link, and the other variables that may be unique to each animal owner.

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? **Yes**

Civil penalties may be imposed, as set by rule, if DWA owners do not comply.

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

DWA owners must comply with the minimum standards in this rule and the species specific rules found in this chapter. However expenditures may vary depending on the housing and care already being provided to the animals.