

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: ODNR - Division of Wildlife

Regulation/Package Title: Fur dealer report

Rule Number(s): 1501:31-15-19

Date: May 20, 2016

Rule Type:

- New
 Amended

- 5-Year Review
 Rescinded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.

This rule requires all people dealing in green or dried furs, skins or parts of fur-bearing animals to keep accurate daily records of all species which are bought or sold. The records must be maintained at the place of business and be available for inspection for a period of two years. Fur dealers must submit a summary of their annual purchases to the Division of Wildlife.

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

Ohio Revised Code 1531.08 1533.23, 1533.24

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?

Not applicable.

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 (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

Information provided by the fur dealers gives wildlife managers harvest data (numbers of fur bearers captured in a particular time period). Data is used in addition to other science to manage furbearer populations.

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

The data is used to determine harvest trends which tracks overall success of recreational users in taking furbearers.

Development of the Regulation

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

In a letter mailed to Fur Dealers in March, 2016, the Division included information about the five-year review and that no changes are proposed. Stakeholders were encouraged to provide their comments. No comments were received.

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

There are no changes proposed for this rule and no comments have been received. Changes that have been discussed with this stakeholder group require a change in Revised Code and discussion will continue at a later date.

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?

No additional scientific data were used to develop the rule as no amendment is being proposed.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

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?

Not applicable (no changes proposed).

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

Not applicable (no changes proposed).

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

The ODNR Division of Wildlife is the sole agency with authority under the ORC to regulate the reporting of activity of persons dealing in green or dried furs, skins, or parts thereof taken from fur-bearing animals. The other laws and rules under the authority of the ODNR Division of Wildlife were reviewed to avoid conflict.

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.

Not applicable (no changes proposed).

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;

There are between 70-80 fur dealers in Ohio.

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

This rule requires all people dealing in green or dried furs, skins or parts of fur-bearing animals to keep accurate daily records of all species which are bought or sold. There will be no new adverse impacts as there are no amendments proposed for this rule.

c. Quantify the expected adverse impact from the regulation.

There is a nominal cost associated with record keeping. There will be no new adverse impacts as there are no amendments proposed for this rule.

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

The regulatory intent justifies the adverse impact to the regulated business community so that Ohio has a sustainable fur bearer population for future use.

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Regulatory Flexibility

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

There are no exemptions for the existing rules. No changes are proposed.

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?

Enforcement action by law enforcement is reserved for egregious violations and only after consultation with the prosecuting attorney. First time offenders of record keeping requirements will be provided guidance on proper record keeping requirements and warned of the violations.

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

Businesses may consult the ODNR Division of Wildlife for guidance by personal contact with the Wildlife Officer assigned to their county of operation, may personally visit or call any one of five district offices, the Lake Erie office or the headquarters. Information about fur dealer regulations is also available on the internet, in printed materials and through email.