

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: ODNR Division of Wildlife

Regulation/Package Title: Rehabilitators permit.

Rule Number(s): 1501:31-25-03

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 Rescinded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 establishes regulations and record keeping requirements for the rehabilitation of orphaned and injured wild animals.

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

Ohio Revised Code 1531.06, 1531.08, 1531.10, 1533.08

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?**

N/A

4. **If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

N/A

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)?**

The rule clarifies procedures for the rehabilitation of wild animals. Wild animals cannot be held captive unless relevant permits are obtained. Per ORC. 1531.02 individual possession is prohibited, including for rehabilitation. Permits are issued in compliance with the Revised Code and are viewed as the best practice to ensure proper care and keeping.

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

The agency will accept comments and input from the rehabilitators in Ohio specifically through the Ohio Wildlife Rehabilitators Association.

Development of the Regulation

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

The Ohio Wildlife Rehabilitators Association.

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

Stakeholders were in favor of the rule governing the rehabilitation of wild animals. The ODNR Division of Wildlife works in cooperation with the Ohio Wildlife Rehabilitators Association to review and update this rule as needed.

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 new scientific data was used to develop the rule. This rule amplifies RC 1533.08.

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?

No alternatives were considered. Wildlife species are held in trust for the citizens of the State of Ohio by the ODNR, Division of Wildlife per RC 1531.02. Individual possession is prohibited, including for rehabilitation. Permits are issued in compliance with the Revised Code and are viewed as the best practice to ensure proper care and keeping.

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

No, performance-based regulation is not applicable to the agency.

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 rehabilitation of wild animals. The other laws and rules under the authority of the 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.

The agency notifies the community of the rule through its permitting process.

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 approximately 70 licensed wildlife rehabilitators.

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

This rule establishes regulations and record keeping requirements for the rehabilitation of orphaned and injured wild animals. Failure to comply with the rule may result in revocation of the permit. 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 impact 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 rehabilitation of wild animals is conducted in a controlled and uniform manner for the protection of all animals in Ohio.

There will be no new adverse impacts as there are no amendments proposed for this rule.

Regulatory Flexibility

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

There are no alternatives available.

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. Failure to comply with the rule may result in revocation of the permit.

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

Permit holders 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.