

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Natural Resources (ODNR) Division of Wildlife

Regulation/Package Title: Shooting ranges

Rule Number(s): 1501:31-29-03

Date: January 8, 2016

Rule Type:

Amended

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 generally accepted standards for shooting ranges in Ohio. The rule will be amended by removing the reference to a specific edition of the NRA Range Source Book, since this book has undergone several iterations since it was created in 1999. The proposed change will reference “the most recently published edition of The NRA Range Source Book.”

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

1533.84

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?**

This rule is in place to establish generally accepted standards for shooting ranges. Private and public shooting ranges following the standards outlined in this rule are protected from civil action from noise generated at the range.

6. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?** No outputs/outcomes exists with this regulation. This rule is in place to provide guidance to shooting ranges for operational standards in accordance to the National Rifle Association.

Development of the Regulation

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

Buckeye Firearms Association- email

Ohio Farm Bureau- Letter

League of Ohio Sportsmen- Letter

Ohio Rifle and Pistol Association- Letter

Ohio Township Association- Letter

Ohio Municipal League- Letter

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

Buckeye Firearm Association indicated they approve of the amended language to the rule. No other input or comment was received.

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?

Regulation was developed in accordance with National Rifle Association guidelines with regard to;

Noise: Unacceptable: If the sound level exceeds ninety decibels dB(A) for one hour out of twenty-four hours or eighty-five decibels dB(A) for eight hours out of twenty-four hours and the sound measuring receiver is located at the boundaries of the range property.

Hours of operation: The hours of operation for shooting ranges shall be from seven a.m. to ten p.m. daily, except for indoor or archery ranges.

Safety: The safety plan should divide rules and regulations into the categories of gun handling rules, general range rules, specific range rules, and administrative rules and regulations.

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?

This rule was developed using the National Rifle Association guidelines. NRA is nationally recognized as the expert authority in range operation and development.

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

Yes, this regulation is performance based. Range operators must meet National Rifle Association standards for hours of operation, noise suppression and safety.

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 operation of shooting ranges. 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.**

No new or changed implementation plan is needed as the rule has been in place since 1998.

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;**

None

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

None

- c. Quantify the expected adverse impact from the regulation.**

None

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

There is no adverse impact to the business community, or the operation of shooting ranges by the proposed change in the rule. Compliance with the rule protects the affected business community from civil action.

Regulatory Flexibility

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

No. This rule establishes standards for all shooting ranges in Ohio.

- 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?**

No fines, penalties or criminal charges are associated with this regulation.

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

The NRA Range Source Book is available at all ODNR-Division of Wildlife District offices as well as online resources directly from the NRA. 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 in Sandusky or the headquarters. Information is also available on the internet and through email.