



Implementing Legislation for the Livestock Care Standards Board Frequently Asked Questions

What is the status of the implementing legislation for State Issue 2?

To date, there has been legislation introduced in both the House (HB 414) and Senate (SB 233). On March 10, 2010, the House passed HB 414 (vote of 98-0). It will now be referred to the Senate for committee consideration. SB 233 has had a number of hearings in the Senate Agriculture committee. There are slight differences between the bills which will need to be resolved before a bill is sent to the Governor.

Where can I read the bill?

Information on HB 414 (current version of the bill, analyses, vote information, etc) can be found at: http://www.legislature.state.oh.us/bills.cfm?ID=128_HB_414.

Information on SB 233 can be found at:

http://www.legislature.state.oh.us/bills.cfm?ID=128_SB_233

What are the standards being implemented?

This legislation does not implement the standards. Instead, it provides structure and instructions for the Board. It answers questions like term length, specifies that Board members will serve without pay, provides funding for the Board to conduct its business. The current version of the legislation also specifies that enforcement of standards will be done on a complaint-driven process (as opposed to regular inspections, etc). These provisions are pretty uniform in both the Senate and House bills.

What amendments were added to HB 414 from the original?

The amendments added to HB 414 fall into 3 categories: technical changes, funding changes, and an organic standards amendment. *Technical changes* just address wording inconsistencies that needed to be clarified. There was also an *organic standards amendment* added to HB 414 to clarify that the Board can't impose any standard that would make it impossible for organic farmers to comply with federal organic standards. The biggest change in the bill was the *funding mechanism*. The initial version of the bill proposed a 15 cent increase in the commercial feed fee. That provision was removed. The bill now authorizes the Director of the Department of Agriculture to use existing money at ODA to fund the program, until such time as the General Assembly makes a permanent appropriation. Ohio Farm Bureau was supportive of these amendments.

How is SB 233 different from HB 414?

There are two primary differences between SB 233 and HB 414. SB 233 grants a specific appropriation of \$162,280 to the livestock care standards board operations from resources in another program. SB 233 also includes an opportunity for the Director of ODA to accept donations or grants to fund the work done by the OLCSB. There are also some differences in the Senate language as it relates to the right of entry provisions. These differences are outlined below.

Why does this legislation contain a “right of entry” proposal? Doesn’t that violate our constitutional rights?

HB 414 does include a right of entry provision, and some people have expressed a concern with that language. There is “right of entry” language in the bill, which would allow ODA to investigate suspected cases of non-compliance. This is common throughout the Ohio Revised Code. Similar language has been used throughout the code in state agencies farmers commonly deal with, including ODA, the Environmental Protection Agency, and the Department of Natural Resources since as early as 1973. Other instances where this is common include meat, dairy, seed and egg inspections.

Specific sections of the Ag law that currently include a right of entry include:

<http://codes.ohio.gov/orc/901.73> (901.73 - livestock exhibitions)

<http://codes.ohio.gov/orc/917.19> (917.19 - Milk/Dairy issues)

<http://codes.ohio.gov/orc/923.47> (923.47 - seed inspection)

<http://codes.ohio.gov/orc/925.07> (925.07 - Eggs)

<http://codes.ohio.gov/orc/943.12> (943.12 - Auction houses, etc)

SB 233 also includes a right of entry provision that is largely the same in function as the provisions in HB 414, but is explicitly written to include a requirement to gain owner/operator permission or a warrant and follow all on-farm biosecurity processes.

Is there a process to reduce frivolous complaints?

This would likely be handled by the rulemaking process. However, it is probable that most complaints will be fully reviewed and truly frivolous complaints handled just as they are in current law.

How will the Board work with existing resources and county humane agents?

It is important to note that the duties of the Board are not intended to infringe upon the role that county humane agents and local prosecutors play in addressing instances of animal cruelty or abuse. That is existing law, and the current versions of enabling legislation make it clear that the Livestock Care Standards Board neither adds to nor infringes upon the duties of a county humane agent. The language of Issue 2 clearly indicates that ODA, not local humane societies, will enforce standards created by the Board, and this is reflected by the enabling language. Moreover, both versions of enabling legislation further clarify this by making enforcement of Board standards a civil matter. County humane agents (and county prosecutors) will continue to have jurisdiction over animal cruelty matters, which are generally criminal charges.

Are there any protections for small producers, organic, or niche farming?

Any action taken would treat all farmers – regardless of production size or method, fairly. Thus, they will have the same access to testify regarding proposed standards and would have equal access to the appeals process. Moreover, Farm Bureau will continue to be engaged in the process and will continue to be an advocate for all of Ohio agriculture.

However, in response to concerns raised, there was an amendment added to HB 414 with respect to organic farming standards (see above).

How do I apply for an appointment?

Individuals interested in applying should work with the appointing entity. That includes one seat appointed by the Speaker of the House of Representatives, one seat appointed by the President of the Senate (who has already been appointed) and 10 seats appointed by the Governor.

Application for those seats can be made online at:

<http://www.governor.ohio.gov/Default.aspx?tabid=61>

Where can I go for more information?

<http://ofbf.org/news-and-events/livestockcareboard>