



Occupational Licensing Review

Board Questionnaire

Board Name Ohio Department of Agriculture Auctioneer Program

Point of Contact Donna Potter

Describe the board's primary purpose, goals and objectives, and licenses issued.

The Department's Auctioneers Program ensures that all auctions are open to the public and free of bidding restrictions. Additionally, regulations prevent against fraud and abuses of power and ensures that the profession remains in good standing by ensuring that all auctioneers are experienced, educated, and bound to a code of ethics.

One of the Auctioneer program's main objectives is to reach the above mentioned goals through voluntary compliance with Chapter 4707 of the Ohio Revised Code. When compliance issues arise, the program will, depending on the severity of the violation(s), attempt to educate the licensee of the non-compliance issue and give them the opportunity to correct the problem before taking any future administrative action in the form of a civil penalty, suspension or revocation on future violations.

The State Auctioneer Commission serves to advise the Department on the auction profession, oversees the approval of auction schools and auction school curriculum, and oversees the auction education fund. The auction education fund was developed to provide for the education and promotion of the auction profession for the licensees and the auction going public.

The auctioneer program licenses auctioneers, auctioneer: corporations, LLC, partnerships and associations; one-time auctioneers; and the auction firm.

Describe the board's annual workload. How many staff are employed?

There are currently approximately twenty five hundred active licensees which include auctioneers; auctioneer: corporations, partnerships, LLC and associations; and auction firms. Auctioneer licenses renew on a biennial renewal schedule.

The auctioneer and auction firm manager exams are held monthly at the Ohio Department of Agriculture.

Should the Auctioneer program receive a complaint against one of its licensees an investigation may be initiated. Investigations are referred to the ODA Enforcement Division for investigation and returned to the Auctioneer Program for review upon completion.

The average number of investigations for the last 3 years is 22 investigations per year. However, we have received 28 complaints through July 2023 already. Due to COVID-19, the number of auctions were greatly reduced. The profession is returning to pre-COVID levels.

Once an investigation is complete, the auctioneer program works in conjunction with ODA legal counsel regarding potential disciplinary actions. It is the goal of the program to obtain voluntary compliance. Generally, if it a first time violation, a letter of instruction is sent to the licensee to give them an opportunity to correct the infraction. If the violation is of a more serious matter or a repeat offense, formal disciplinary action may be initiated. All licensees are given hearings via the 119 hearing process via an independent hearing officer.

The auctioneer commission meets quarterly. 5 Commissioners—four licensed auctioneers and a member of the public. Compensation is a \$150 per diem and mileage for the Commission meetings.

The Auctioneer program has one and a half full time employees who manages the program.

How many new licenses does the board issue annually? How many renewed licenses are issued annually? How much does a new license cost? How much does a renewal cost?

In 2022, there were 222 new licensees. Thus far in 2023 there are 137 new licensees. Approximately half of the licensees are renewing each year due to the biennial renewal cycle (A-J and X-Z renew in odd years and K-W renew in even years).

The auctioneer license initial license fee for a biennial license is \$200.00. If an individual applies half way through the biennium, the fee is prorated to \$100.00. The license exam fee is \$25.00.

The auction firm initial license fee for a biennial license is \$200.00. If an applicant applies half way through the biennium, the fee is prorated to \$100.00. The license exam fee is \$15.00.

The license renewal fee for all licenses is \$200.00 for the biennium.

In the past 5 years, has there been any consideration to lower the licensure cost?

The auctioneer licensing fee has remained at \$100 per year since 1991. The only change was a shift from an annual to a biennial license, but the fee amount per year did not increase. There has not been a need to increase the license fees. Last year, a one time transfer of \$300,000 from the auction education fund to the operating fund was granted by the legislature. This permitted the program to not increase the auctioneer license fee and to maintain current levels of service to the profession and public.

How much revenue is procured from the licensure fees? What does this revenue fund?

The Auctioneer program is a self-funded program whose only source of funding are licensing fees. Since 1991, the licensing fees have remained the same (\$100.00 per year). The auction recovery fund was created from the auctioneer program operating fund in 2003. No GRF monies are utilized. Any civil penalties that are collected are deposited into the auction education fund and the auction recovery fund in order to fund educational programs for the auctioneers and auction going public and to provide additional source of revenue for the recovery fund.

The auction recovery fund was created in 2003 from monies in the operating fund for the auctioneers. \$500,000 was transferred into a rotary account that acts as an indemnity fund for the public who has had actual and direct financial loss as a result of a licensee's violation of the Ohio Auction Law. In order to assist the public in recouping their losses, they have two avenues for making a claim 1. Via the judicial system and 2. Via the administrative process. Each licensee is covered for a maximum liability of \$50,000. There are mechanisms in place that if the fund would fall below \$500,000 for the assessment of a fee to the licensees to bring the fund balance back to \$500,000. The fund has been in place since 2003 and there has never been the need for an assessment. All payouts from the auction recovery fund must go before the controlling board for approval.

\$7.50 of every \$100 license fee paid is deposited into the auction education fund which is overseen by the Ohio Auctioneer Commission. Its statutory purpose is to underwrite education and research in the auction field for the benefit of those licensed under Chapter 4707 and the auctioneering public. Ohio is unusual in the fact that it provides an education fund for the benefit of the licensees and the auction going public; the auction education fund provides free educational seminars several times through out the year for licensees and the public. These courses are applicable to the continuing education requirements for the licensees.

Are there any federal regulations, or regulations required to be met outside of the existing licensure requirements that have to be complied with? Does federal law require the board to be renewed in some form?

Auctions are not regulated federally

Does the board issue an examination prior to licensure? Does the board issues continuing education courses? If so, how often is continuing education necessary? If the examination or continuing education requirements are done outside the board then what determines the selection of an outside organization to host it?

The Ohio Department of Agriculture offers the auctioneer and auction firm manager exam monthly at ODA.

Continuing education requirements are found in ORC 4707.101. The licensee must attest to the completion of the eight hours of CE every two years at renewal.

ORC 4707.101 requires a licensed auctioneer and an auction firm manager to complete the eight hours of continuing education as follows:

(a) Three of the hours shall include areas of instruction in any of the following areas: an overview of this chapter and rules adopted under it, including any recent amendments to that chapter or rules; contract law; the uniform commercial code; auction ethics; or trust or escrow accounts.

(b) Five of the hours shall include areas of instruction in any of the following areas: advertising and marketing; business math and accounting; insurance and liability; federal firearms law; business management; motor vehicle auctions; real estate auctions; or personal property auctions.

(2) If a licensed auctioneer has been issued a license with a period of validity of twelve months or less, the auctioneer shall complete four hours of continuing education as follows:

(a) One hour in the areas of instruction described in division (B)(1)(a) of this section;

(b) Three hours in the areas of instruction described in division (B)(1)(b) of this section.

(C) A licensed auctioneer or an auction firm manager of a licensed auction firm may complete an area of instruction for continuing education hours in another state if both of the following apply:

(1) The area of instruction has been approved by the appropriate state governing body in the other state.

(2) The Ohio auctioneers commission approves the completion of the area of instruction by the auctioneer or an auction firm manager in the other state.

The Ohio Auctioneer Commission approves the continuing education providers. To become an approved CE provider, the provider must make application to the Commission for approval. There is no fee to be an approved provider.

Additionally, the OAC oversees the auction education fund and these funds are used to provide educational seminars to licensees and to the public. These courses are available to all at no charge for the course.

How many other states regulate the occupation or occupations under the board's jurisdiction? Is a license required to engage in that occupation or those occupations in other states?

Currently, there are 24 states that require auctioneer licenses: AL, AR, FL, GA, IL, IN, KY, LA, ME, MS, NH, NC, ND, OH, PA, SC, SD, TN, TX, VT, VA, WA, WV, AND WI. Ohio has reciprocal agreements that waive the apprenticeship and testing requirements because the other states have similar licensing requirements with the following: AL, AR, FL, GA, IL, IN, KY, LA, MS, NC, PA, SC, TN, TX, VA, WI, AND WV.

Has the operation of the board inhibited economic growth, reduced efficiency, or increased the cost of government?

This program is a completely self-funded program and does not utilize GRF funds. We recently utilized a grant to bring the licensing software to the digital age and all licensees can now apply and renew online through the eLicense portal allowing for a more efficient process and timely issuance of licenses.

Are there any licenses that are no longer issued by the board?

The apprentice auctioneer and special auctioneer license was eliminated in statute last year with the passage of HB 321.

The special auctioneer license was a licensed that was eliminated in 1991 and those who were grandfathered in were no longer in business so it was eliminated in statute to avoid confusion.

Is there anything that the board would like to see changed or implemented in regards to occupational licensing within the scope of this legislative review?

There were many recent legislative changes to Chapter 4707 of the Ohio Revised Code and to OAC 901:8-2 and the elimination of OAC 901:8-3. ODA requests the opportunity to let these changes take effect and for us to examine and review to see where there are other opportunities to help promote, regulate, and help this profession grow. A possible exemption or waiver for CE due to medical issues would be helpful for licensees.

Has the board recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the board, if any, and have those recommendations and other policies been adopted and implemented?

The program worked to modernize the licensure requirements, to obtain parity with surrounding states requirements, to streamline and remove barriers to licensure. This update in the license enabled the time frame to enter the profession to go from 13 months to two months. The apprenticeship requirement was antiquated and was a barrier to entry for many minorities and women who wished to enter the profession. An individual had serve a minimum of twelve months as an apprentice and act as a bid caller in twelve auctions prior to applying for their auctioneer license. Based on feedback from individuals seeking to enter the profession, many were unable to find sponsors. Many auctioneers did not want to train what they saw was their competition. Prior to the removal of this requirement, many who entered the profession were often entering a family business. Additionally, the quality of sponsorship between auctioneer and apprentice auctioneers was inconsistent. Many would only allow the apprentice to sell one item and would not instruct the apprentice on the nuances of negotiating with the seller, auction set up, marketing plans, and contracts.

ODA based on investigations, noticed that the violations and harm that were effecting the auction public were being committed by licensees who had been licensed 5 years or more. It was not by the newly licensed. As a result of this trend, ODA pushed for continuing education requirements that focused on the areas of violations. As a result in HB 321, 8 hours of continuing education are now required for all licensees every two years. The Ohio Auctioneer Commission oversees the auction education fund and provides free educational seminars that are available to all licensees.

Is the preservation of the board and the board's licenses necessary to protect the public's health, safety, or welfare?

Auctioneering has grown from the traditional selling of household goods. They handle complete asset liquidation for individuals and companies, estate liquidations, real estate, and other high dollar assets. It has become for many the first choice in asset liquidation versus a choice born out of necessity. An auctioneer who breaks the auction law could cause severe financial harm or even financially devastate their client. The auction law establishes minimal licensure requirements and standards for licensed auctioneers to help protect Ohio's consumers.

For an example:

An auction company had fourteen complaints filed against it. The Department investigated the complaints and worked with the Butler County Prosecutor and the owners of the auction company pled guilty to thirteen felony charges and agreed to pay \$100,000 in restitution to the victims. One of the victims needed the money to pay for cancer treatments and another was going to use the money to pay for their children's college education. The auctioneer licenses of these individuals were revoked.

Another auctioneer stole over \$65,000 from clients, the Department worked with the Delaware County Prosecutor to get criminal conviction of the auctioneer and the restitution for the victims. This auctioneer's license was revoked and has a permanent injunction prohibiting him from acting as an auctioneer.

Additionally, another auctioneer failed to pay fifteen clients. The Department investigated the matter, revoked the license of the auctioneer, and processed the recovery fund claims amounting to \$18,498.95. The former licensee is currently in the process of repaying the auction recovery fund for the monies that were paid to his clients.

Could the public be protected or served in an alternate or less restrictive manner? If applicable, please identify any licenses or functions of the board that could be eliminated or consolidated.

With the recent passage of HB 321, minimum standards for the profession were implemented while not creating burdensome requirements to obtain a license. These minimal standards will insure that the licensees have obtained required necessary education but will also permit for the individual to succeed on his or her ability, business acumen, and based on market demands. Auctions, whether online or live, all need to be conducted fairly with the same minimum standards. ODA has shown its willingness to review the profession and make changes based on market demands while balancing the need to protect the public. HB 321 was only recently passed last fall and we continue to look for ways to not create an overly burden environment where the profession can thrive and the public can continue to enjoy the benefits of this method of sale. Additionally, the program worked to reduce the number of administrative rules in OAC 901:8-2 with the implementation of HB 321 and our five year rule review.

Any additional notes or comments the board believes the committee should be aware of?

The Ohio Auctioneer Program is working with the Ohio Auctioneer Commission to review areas regarding the newly implemented CE to aid ease of acquisition of classes, number of offerings that are free or of little expense for licensees, and for the ease of reporting.



Occupational Licensing Review

Board Questionnaire

Board Name ODA-Division of Livestock Environmental Permitting

Point of Contact Samuel Mullins, Division Chief

Describe the board's primary purpose, goals and objectives, and licenses issued.

Ohio Department of Agriculture's Division of Livestock Environmental Permitting ("ODA-DLEP") regulates the State of Ohio's largest livestock facilities, otherwise known as Concentrated Animal Feeding Facilities ("CAFF"). CAFFs are determined by the number of livestock, by species, they house at a farm or multiple farms within the same vicinity. To be considered a CAFF, the livestock facility must house at least 700 mature dairy cows, 1,000 beef cattle or heifers, 2,500 swine weighing more than 55 pounds, 82,000 laying hens, or 125,000 chickens other than laying hens. The authority to regulate CAFFs is within the Ohio Revised Code Chapter 903 and the regulations are in Ohio Administrative Code 901:10. Currently, there are 295 CAFFs across Ohio, with the majority being Poultry, Swine, and Dairy farms.

The primary mechanism to regulate CAFFs is through permitting. A Permit to Operate ("PTO") is required for all CAFFs and regulates these farm operations through required plans for manure and nutrient management, insect and rodent control, mortality management, emergency response, and CAFFs are also required to have an operating record. A separate permit called a Permit to Install ("PTI") is also required if any livestock facility is being proposed as a new CAFF or is planning to expand to the size of a CAFF. The PTI includes an analysis of the following: siting criteria (for example, ensuring manure storage ponds are at least 1,000 feet from any residence), a geological report (to evaluate subsurface conditions), manure storage sizing and design, and groundwater quality monitoring. PTIs and PTOs are reviewed by ODA-DLEP engineering and ODA-Legal staff. Once a permit is considered complete, it will be issued as a draft permit and is available for public review and comment. After the comment and review period of 30-days is over, ODA must respond to all comments pertaining to the permits and determine if the permit would be issued in accordance with the laws and regulations governing livestock operations in Ohio. If a permit is determined to be in compliance with the laws and regulations, a final permit will be issued.

The license subject to this review is called a Certified Livestock Manager ("CLM") certificate. Any individual in the State of Ohio that land applies, brokers, transports, or manages at least 4,500 dry tons of solid manure or 25 million gallons of liquid manure within a calendar year must obtain a CLM certificate. Additionally, livestock facilities that are considered major concentrated animal feeding facilities, or MCAFFs, are required to employ at least one CLM on staff. CLMs are inspected at least once annually for compliance with OAC 901:10. Finally, manure generated by a CAFF can only be applied or otherwise managed by Certified Livestock Managers or those individuals that have obtained an Agricultural Fertilizer Applicator Certificate (see ORC Chapter 903.40).

Describe the board's annual workload. How many staff are employed?

ODA-DLEP employs a staff of 9 people: 1 chief, 1 program administrator, 3 professional engineers, and 4 inspectors. ODA-DLEP engineering staff conduct reviews of all Division permit applications. On average, the engineering staff review just over 50 PTO Renewal applications and 15 Permit to Install/Permit to Operate applications per year. ODA-DLEP inspectors are assigned to CAFFs by region, and conduct well over 400 CAFF inspections per year, respond to over 50 complaints per year, and conduct between 30 and 40 CLM inspections per year.

Specific to this review, staff involved in the Certified Livestock Manager program include the division chief, the program administrator, and two inspectors. Staff engineers and the remaining two inspectors will assist in the annual CLM training event by helping setup/breakdown, as well as conducting presentations during the training. CLM training generally takes between 3 to 4 months of planning to procure presenters related to livestock farming, nutrient/manure management, water quality issues, mortality management, among other topics, and other logistics such as securing catering, advertising, reviewing registration forms, etc. After training is completed, ODA-DLEP will start accepting CLM and CLM renewal applications. It takes another 2 or 3 months to review and approve all applications and issue certificates.

How many new licenses does the board issue annually? How many renewed licenses are issued annually? How much does a new license cost? How much does a renewal cost?

On average, ODA-DLEP issues 14 new CLM certificates per year (2020-2022 avg.)*.

*Note that these numbers are much lower than typical (~35/year) due to the COVID-19 pandemic influence on the average.

On average, ODA-DLEP issues 39 renewal certificates for CLMs per year (2020-2022 avg.).

Both new CLM certificates and renewed CLM certificates cost \$50. CLMs must renew every three calendar years.

In the past 5 years, has there been any consideration to lower the licensure cost?

No.

How much revenue is procured from the licensure fees? What does this revenue fund?

Approximately \$4,000 per year (2016-2020 average). The money is deposited into the Livestock Management Fund (ORC Chapter 903.19) and used to administer the Division of Livestock Environmental Permitting.

Are there any federal regulations, or regulations required to be met outside of the existing licensure requirements that have to be complied with? Does federal law require the board to be renewed in some form?

No.

Does the board issue an examination prior to licensure? Does the board issues continuing education courses? If so, how often is continuing education necessary? If the examination or continuing education requirements are done outside the board then what determines the selection of an outside organization to host it?

ODA-DLEP has elected to include a variety of questions on the certified livestock manager application form to verify that an applicant has demonstrated the knowledge required to be a certified livestock manager. ODA-DLEP personnel review all certified livestock manager applications, and any approvals would also come from the division.

10 hours of approved continuing education units is needed before an application is submitted to ODA-DLEP. All CEUs are approved by ODA-DLEP. 10 hours of CEUs for new and renewing certified livestock managers. Since CLMs have to renew every 3 years, the 10 hours of training for current CLMs must be obtained within the three-year period. For new or prospective CLMs, the 10 hours of training is encouraged to be completed within the calendar year before the application is submitted, but ODA-DLEP has discretion.

If CEUs are completed and not pre-approved by ODA-DLEP, ODA-DLEP can retroactively approve CEUs if the training meets the criteria established in OAC 901:10-1-06.

Training requirements are outlined in Ohio Administrative Code 901:10-1-06 Certified Livestock Manager. All certified livestock managers must receive training in three core topics (Manure Storage and Handling, Nutrient Management, and Ohio Rules and Regulations specific to CLMs) and a minimum of three elective topics (including, but not limited to: Water Quality Issues, Soil Testing, Stockpiling of Manure, Emergency Action Plans, Agronomic Value of Manure Nutrients, Record Keeping, Biosecurity, Liability, Application of manure to growing crops, etc.).

ODA-DLEP holds a two-day, annual training for current and prospective certified livestock managers. The curriculum for this annual training will require the three core topics mentioned above and then fill in the remaining hours with at least three elective topics. The training will provide 10 hours of continuing education units minimum.

How many other states regulate the occupation or occupations under the board's jurisdiction? Is a license required to engage in that occupation or those occupations in other states?

The Division has limited interaction with states in our region. The State of Pennsylvania has a manure hauler certification program. The State of Indiana has a certification program for manure and commercial fertilizer applicators called a Category 14 license. Ohio recognizes the Category 14 for training and certification purposes. Those individuals with a Category 14 must obtain a Certified Livestock Manager certificate through ODA-DLEP if the work described above is to be completed in Ohio.

Has the operation of the board inhibited economic growth, reduced efficiency, or increased the cost of government?

No

Are there any licenses that are no longer issued by the board?

No.

Is there anything that the board would like to see changed or implemented in regards to occupational licensing within the scope of this legislative review?

Not at this time

Has the board recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the board, if any, and have those recommendations and other policies been adopted and implemented?

No

Is the preservation of the board and the board's licenses necessary to protect the public's health, safety, or welfare?

Yes - These regulations seek to prevent surface and groundwater pollution. Manure nutrients, particularly nitrogen and phosphorus, can become pollutants to Ohio's waterways if not managed properly. This certification program is needed to ensure that individuals handling these large quantities of manure demonstrate knowledge in manure and nutrient management, receive proper training, and respond appropriately to emergency situations (such as a manure discharge to surface waters of the state).

Could the public be protected or served in an alternate or less restrictive manner? If applicable, please identify any licenses or functions of the board that could be eliminated or consolidated.

No

Any additional notes or comments the board believes the committee should be aware of?

No



Occupational Licensing Review

Board Questionnaire

Board Name Ohio Dept. of Agriculture - Division of Plant Health

Point of Contact Dan Kenny, Chief

Describe the board's primary purpose, goals and objectives, and licenses issued.

The division's Pesticide Regulation Program regulates the use and distribution of pesticides in Ohio. This section issues licenses to pesticide applicators and serves as the registrar for pesticide companies. Through routine inspections, staff members enforce the state laws and rules that govern these activities. In addition to these responsibilities, staff members conduct inspections for the U.S. Environmental Protection Agency in accordance with a cooperative agreement to ensure compliance with the Federal Insecticide, Fungicide and Rodenticide Act. The section licenses over 25,000 pesticide applicators and more than 15,000 pesticide products. The goal of the program is to ensure the safe and responsible use of pesticide products in Ohio.

Describe the board's annual workload. How many staff are employed?

Pesticide/Fertilizer Regulation

13 Office Staff

12 Inspectors

License totals:

Commercial: 15,750

Private Applicator (Farmers): 12,000 / 4,000 annually

Business Licenses: 5,700

Pesticide Products & Specialty Fertilizers: 21,500

How many new licenses does the board issue annually? How many renewed licenses are issued annually? How much does a new license cost? How much does a renewal cost?

How many new licenses does the board issue annually? New applications - 2,800

How many renewed licenses are issued annually? 14,150

How much does a new license cost? \$35.00

How much does a renewal cost? \$35.00 / \$52.50 with penalty

In the past 5 years, has there been any consideration to lower the licensure cost?

No.

How much revenue is procured from the licensure fees? What does this revenue fund?

License fees: \$860,000 annually which help fund the Pesticide/Fertilizer Regulation section licensing and enforcement staff.

Are there any federal regulations, or regulations required to be met outside of the existing licensure requirements that have to be complied with? Does federal law require the board to be renewed in some form?

Ohio's regulations are in-line with Federal regulations.

Does the board issue an examination prior to licensure? Does the board issues continuing education courses? If so, how often is continuing education necessary? If the examination or continuing education requirements are done outside the board then what determines the selection of an outside organization to host it?

Does the board issue an examination prior to licensure? Yes, on the initial license only.

Does the board issues continuing education courses? If so, how often is continuing education necessary? Continuing education is required every 3 years.

If the examination or continuing education requirements are done outside the board then what determines the selection of an outside organization to host it? Continuing education sponsors apply for approved credits.

How many other states regulate the occupation or occupations under the board's jurisdiction? Is a license required to engage in that occupation or those occupations in other states?

All states regulate commercial applicators and licenses are required.

Has the operation of the board inhibited economic growth, reduced efficiency, or increased the cost of government?

No.

Are there any licenses that are no longer issued by the board?

No.

Is there anything that the board would like to see changed or implemented in regards to occupational licensing within the scope of this legislative review?

No

Has the board recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the board, if any, and have those recommendations and other policies been adopted and implemented?

The program has proposed changes over the years. Some have been adopted.

Is the preservation of the board and the board's licenses necessary to protect the public's health, safety, or welfare?

Yes.

Could the public be protected or served in an alternate or less restrictive manner? If applicable, please identify any licenses or functions of the board that could be eliminated or consolidated.

No. The program must meet or exceed federal requirements.

Any additional notes or comments the board believes the committee should be aware of?

New federal regulations and a severely outdated data system will require significant changes to the program over the next 4 years.

The US Environmental Protection Agency (USEPA) has finalized new federal standards for those who apply and handle restricted-use pesticides. Ohio is currently developing a new certification and training plan (C&T Plan) to meet the new rule requirements. ODA's existing C&T Plan remains in effect until USEPA approves the proposed plan modifications, or until those plans expire on November 4, 2023, whichever is earlier.



Occupational Licensing Review

Board Questionnaire

Board Name Ohio Dept of Ag/Division of Animal Health

Point of Contact Heidi Allen

Describe the board's primary purpose, goals and objectives, and licenses issued.

The Division of Animal Health assists Ohio individuals and businesses to comply with Ohio law and raise healthy dogs and puppies who ultimately enter the marketplace and find forever homes. Dog Brokers are occupational licenses issued pursuant to ORC 956.05 that are registered with the Animal Health Division within the Ohio Department of Agriculture .

Describe the board's annual workload. How many staff are employed?

Over the past five years, on average, the Ohio Department of Agriculture issues 600 Dog Brokers licenses annually. Each Dog Broker received an annual inspection and any follow up inspections as needed. The office staff send out license renewal packets, review renewals as they are returned to the office, follow up on any missing forms, and issue licenses. The Commercial Dog Breeding Program follows up on any complaints received on non-licensed individuals who may meet the qualifications as a Dog Broker. Each complaint receives outreach and follow up. Within the Commercial Dog Breeding Program the office staff is comprised of 2.5 full time employees, 1 field veterinarian, and 5 field inspectors. All of the employees within the Commercial Dog Breeding Program have other job functions in addition to the necessary work for the Dog Broker licensees.

How many new licenses does the board issue annually? How many renewed licenses are issued annually? How much does a new license cost? How much does a renewal cost?

Since license holders come in and drop off throughout the year, this is a difficult number to come up with. It is safe to say we usually have a 5-15% increase in the number of licenses/registrations issued annually. Approximately 90% of license holders will renew annually. The license cost for a Dog Broker is \$500 and the amount does not change for new or renewal of the license.

In the past 5 years, has there been any consideration to lower the licensure cost?

No

How much revenue is procured from the licensure fees? What does this revenue fund?

The revenue generated from the issuance of the Dog Broker license is estimated at \$300,000 per year. This amount will fluctuate with the exact number of licenses issued per year.

Are there any federal regulations, or regulations required to be met outside of the existing licensure requirements that have to be complied with? Does federal law require the board to be renewed in some form?

A Dog Broker must comply with paragraph (D) of rule 901:1-6-08 of the Administrative Code which requires the listing of a vendor number with any advertisement for the sale of a puppy. Therefore a Dog Broker would also need to be in compliance with county tax regulations.

Does the board issue an examination prior to licensure? Does the board issues continuing education courses? If so, how often is continuing education necessary? If the examination or continuing education requirements are done outside the board then what determines the selection of an outside organization to host it?

No

How many other states regulate the occupation or occupations under the board's jurisdiction? Is a license required to engage in that occupation or those occupations in other states?

The Commercial Dog Breeding program is aware of state level regulation in Missouri, Wisconsin, North Dakota, and South Dakota for Dog Brokers. The United States Department of Agriculture also regulates Dog Brokers.

Has the operation of the board inhibited economic growth, reduced efficiency, or increased the cost of government?

Due to the increased amount of time spent on licensing, inspections, and outreach there is an increased cost to the state for this program.

Are there any licenses that are no longer issued by the board?

No

Is there anything that the board would like to see changed or implemented in regards to occupational licensing within the scope of this legislative review?

No

Has the board recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the board, if any, and have those recommendations and other policies been adopted and implemented?

No

Is the preservation of the board and the board's licenses necessary to protect the public's health, safety, or welfare?

The regulation of dog brokers allow the public access to validate the source of puppies. The requirements placed on dog brokers allows the Ohio Department of Agriculture to have access to movement records in case of a disease outbreak. Canines can carry zoonotic diseases therefore the regulation of dog brokers assists with public health.

Could the public be protected or served in an alternate or less restrictive manner? If applicable, please identify any licenses or functions of the board that could be eliminated or consolidated.

No

Any additional notes or comments the board believes the committee should be aware of?

No



Occupational Licensing Review

Board Questionnaire

Board Name Ohio Dept. of Agriculture - Division of Plant Health

Point of Contact Dan Kenny, Chief

Describe the board's primary purpose, goals and objectives, and licenses issued.

The Ohio Commodity Handler Law requires all individuals who perform a quality test for the purpose of applying a premium or discount on commodities to be certified. New commodity testers must pass (80 percent) a written exam. Those currently certified must either fulfill continuing education requirements or pass the written exam once every three years to renew their Commodity Tester Certificate.

Describe the board's annual workload. How many staff are employed?

Currently there are 1885 commodity testers licensed in Ohio.

There are 2 staff who support this program as a portion of their duties.

How many new licenses does the board issue annually? How many renewed licenses are issued annually? How much does a new license cost? How much does a renewal cost?

How many new licenses does the board issue annually? Approximately 300 new applicants annually.

How many renewed licenses are issued annually? Approximately 300 licenses are renewed annually.

How much does a new license cost? \$25.00

How much does a renewal cost? \$25.00 every three years

In the past 5 years, has there been any consideration to lower the licensure cost?

No.

How much revenue is procured from the licensure fees? What does this revenue fund?

License fees: \$25.00 time approximately 600 licenses annually = \$15,000.00 annually which helps fund the administration of the program.

Are there any federal regulations, or regulations required to be met outside of the existing licensure requirements that have to be complied with? Does federal law require the board to be renewed in some form?

Are there any federal regulations, or regulations required to be met outside of the existing licensure requirements that have to be complied with? -- NO

Does federal law require the board to be renewed in some form? -- NO

Does the board issue an examination prior to licensure? Does the board issues continuing education courses? If so, how often is continuing education necessary? If the examination or continuing education requirements are done outside the board then what determines the selection of an outside organization to host it?

Does the board issue an examination prior to licensure? Yes.

Does the board issue continuing education courses? If so, how often is continuing education necessary? Training is offered annually.

If the examination or continuing education requirements are done outside the board then what determines the selection of an outside organization to host it?

Instructors are certified Ohio agricultural commodity testers holding a current certificate issued by the director of agriculture or a licensed federal grain grader holding a current license issued by the U.S. department of agriculturé.

How many other states regulate the occupation or occupations under the board's jurisdiction? Is a license required to engage in that occupation or those occupations in other states?

ODA's regulations model the USDA's certification standards. Many grain elevators across the nation utilize the SDA certification program to ensure quality in grain testing.

Has the operation of the board inhibited economic growth, reduced efficiency, or increased the cost of government?

No.

Are there any licenses that are no longer issued by the board?

No.

Is there anything that the board would like to see changed or implemented in regards to occupational licensing within the scope of this legislative review?

No.

Has the board recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the board, if any, and have those recommendations and other policies been adopted and implemented?

Yes, the program supported adding this training and testing requirement to protect the public. It was implemented in 2010.

Is the preservation of the board and the board's licenses necessary to protect the public's health, safety, or welfare?

Yes.

Could the public be protected or served in an alternate or less restrictive manner? If applicable, please identify any licenses or functions of the board that could be eliminated or consolidated.

No.

Any additional notes or comments the board believes the committee should be aware of?

N/A



Occupational Licensing Review

Board Questionnaire

Board Name ODA Dairy Division

Point of Contact Brian Wise

Describe the board's primary purpose, goals and objectives, and licenses issued.

The Dairy Division administers and enforces Chapter 917 of the Ohio Revised Code (ORC) and Chapters 901:11-1 thru 901:11-5 of the Ohio Administrative Code.

In addition to numerous other licenses, pursuant to ORC 917.09 (A)(5), the Division issues occupational licenses to individuals as Weigher, Sampler and Testers.

Describe the board's annual workload. How many staff are employed?

The Dairy Division has 1,155 individuals that hold a Weigher, Sampler and Testers license. At a minimum, someone with this license should be evaluated every two years. For calendar year 2022, the division evaluated 772 individuals. The division has 14 staff members that are able to conduct these evaluations. These 14 staff members all perform other divisional duties.

How many new licenses does the board issue annually? How many renewed licenses are issued annually? How much does a new license cost? How much does a renewal cost?

In 2022, 149 new licenses were issued. These licenses do not need renewed. A new license costs \$15.

In the past 5 years, has there been any consideration to lower the licensure cost?

No.

How much revenue is procured from the licensure fees? What does this revenue fund?

In 2022, \$2,235 was generated from the Weigher, Sampler and Testers licensure fee. The funds are deposited into the Divisions industry Inspection fund that helps the Division pay for administering the Dairy program in Ohio.

Are there any federal regulations, or regulations required to be met outside of the existing licensure requirements that have to be complied with? Does federal law require the board to be renewed in some form?

No.

Does the board issue an examination prior to licensure? Does the board issues continuing education courses? If so, how often is continuing education necessary? If the examination or continuing education requirements are done outside the board then what determines the selection of an outside organization to host it?

No, however, examinations are completed within 90 days of obtaining the initial license. Continuing education courses are not held.

How many other states regulate the occupation or occupations under the board's jurisdiction? Is a license required to engage in that occupation or those occupations in other states?

All states that adopt the Pasteurized Milk Ordinance (PMO) for Grade "A" milk have some type of license for samplers that are recognized by all other states. All states follow the PMO but may have enacted some variations. Yes, a license is required to be a Weigher, Sampler and Tester in the other states.

Has the operation of the board inhibited economic growth, reduced efficiency, or increased the cost of government?

A Weigher, Sampler and Tester license is needed to ensure the individuals holding a license are properly sampling milk. These samples determine what milk producers get paid, so if done incorrectly it actually inhibits economic growth. If done correctly as required by regulations, it promotes economic growth.

Are there any licenses that are no longer issued by the board?

No.

Is there anything that the board would like to see changed or implemented in regards to occupational licensing within the scope of this legislative review?

No.

Has the board recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the board, if any, and have those recommendations and other policies been adopted and implemented?

No.

Is the preservation of the board and the board's licenses necessary to protect the public's health, safety, or welfare?

Yes, the preservation of the Weigher, Sampler and Testers license is necessary to protect the public's health. Proper licensure ensures that appropriate representative samples of milk are collected. These samples represent the milk being offered for sale to the general public.

Could the public be protected or served in an alternate or less restrictive manner? If applicable, please identify any licenses or functions of the board that could be eliminated or consolidated.

No, proper sampling needs done as prescribed to ensure a representative sample of milk is collected that reflects the milk being offered for sale. The protocols required by the Pasteurized Milk Ordinance for this license are very prescriptive, and are not duplicated in any other documentation.

Any additional notes or comments the board believes the committee should be aware of?

No.



Occupational Licensing Review

Board Questionnaire

Board Name Ohio Dept of Agriculture (ODA) Weights and Measures

Point of Contact Daniel Walker

Describe the board's primary purpose, goals and objectives, and licenses issued.

ODA's Division of Weights and Measures ensures equity in the marketplace by regulating devices that measure commodities being sold. Examples of these devices include livestock scales, grocery store scales, vehicle scales, railroad scales, gasoline and diesel pumps (meters), fuel delivery truck meters (gasoline, diesel, home-heating fuel), and propane delivery truck meters. These devices must be tested for accuracy to ensure that the seller is fairly compensated for the amount of product sold, and the buyer receives the amount of product for which they paid. Implementation of uniform requirements for these devices also strengthens the marketplace by providing a level playing field among businesses which, in turn, promotes healthy competition among sellers of like products.

Pursuant to ORC 1327.61(D), there are only three entities that are allowed to approve, or "place into service", these commercial weighing and measuring devices: an ODA W&M Inspector, a County W&M Inspector, or a service person who is registered with our division. Pursuant to OAC 901-6-8-01, the division registers individual servicepersons who wish to service and install commercial weighing and measuring devices.

Describe the board's annual workload. How many staff are employed?

ODA's Division of Weights and Measures has a staff of 12 people, four of which are field inspectors. The field inspectors utilize the division's specialized test equipment to test approximately 6,000 weighing and measuring devices annually. This annual testing is performed in cooperation with each County Auditor's Offices' Weights and Measures Division. Pursuant to ORC 1327.52, ODA's Division of Weights and Measures is required to assist these county officials. The Division assists counties with testing of specific weighing and measuring devices: livestock scales, vehicle scales, fuel delivery truck meters (gasoline, diesel, home-heating fuel), and propane delivery truck meters. The specialized test equipment needed to test these specific devices requires extensive knowledge and significant capital investment. ODA invests in the specialized test equipment and then brings it to each county to perform device testing alongside the county official. There are many other devices in each county which are handled solely by the county officials. These include grocery store scales and retail gas / diesel pumps (meters).

How many new licenses does the board issue annually? How many renewed licenses are issued annually? How much does a new license cost? How much does a renewal cost?

Registrations are valid for two years from the date of issuance. There are currently 689 individual servicepersons registered under this program. This number has been stable for the past several years, with no significant increases or decreases in the number of individuals registered.

Initial registration and subsequent renewals are both identical processes. Each two-year cycle includes a fee of \$100.

In the past 5 years, has there been any consideration to lower the licensure cost?

No

How much revenue is procured from the licensure fees? What does this revenue fund?

2021 revenue totaled \$35,300.00.

2022 revenue totaled \$33,525.00.

This was used to cover the cost of running the division of Weights and Measures.

Are there any federal regulations, or regulations required to be met outside of the existing licensure requirements that have to be complied with? Does federal law require the board to be renewed in some form?

No

Does the board issue an examination prior to licensure? Does the board issues continuing education courses? If so, how often is continuing education necessary? If the examination or continuing education requirements are done outside the board then what determines the selection of an outside organization to host it?

Yes, an exam covering Ohio's Weights and Measures laws and rules is required to be successfully completed as part of the registration process.
No, continuing education courses are not issued.
The exam is administered in person at the division's office.

How many other states regulate the occupation or occupations under the board's jurisdiction? Is a license required to engage in that occupation or those occupations in other states?

44 other states have similar registration programs for persons who perform work on commercial weighing and measuring devices. Yes, registration is required in those states.

Has the operation of the board inhibited economic growth, reduced efficiency, or increased the cost of government?

No, the division's operations have the opposite effect. Accurate measurements of products being sold helps strengthen the economy by reducing loss or shrink.

Are there any licenses that are no longer issued by the board?

No

Is there anything that the board would like to see changed or implemented in regards to occupational licensing within the scope of this legislative review?

No

Has the board recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the board, if any, and have those recommendations and other policies been adopted and implemented?

No

Is the preservation of the board and the board's licenses necessary to protect the public's health, safety, or welfare?

Yes, the division's work affects more than 50 % of Ohio's gross domestic product (GDP). Many of these finished goods can be associated with health, safety, or welfare.

Could the public be protected or served in an alternate or less restrictive manner? If applicable, please identify any licenses or functions of the board that could be eliminated or consolidated.

No. This registration program has been molded to be as efficient and effective as possible while still maintaining financial protections for buyers and sellers of products sold by weight or measure. This is the only registration program that the division maintains.

Any additional notes or comments the board believes the committee should be aware of?

This registration program ensures that private servicepersons have the knowledge and equipment necessary to correctly install, test, service, and place into service commercial weighing and measuring devices. Significant financial loss would be realized by both businesses and consumers if these devices are not installed and calibrated correctly. This is also a business-friendly program which provides an avenue for a device to be placed into service outside of normal business hours when a state or county inspector is not available to approve the device.

